AN ACT

AMENDING SECTION 2, CHAPTER 213, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION, BY TRANSFERRING $315,500 GENERAL ACCOUNT MONEYS FROM THE CIRCUIT BREAKER TAX RELIEF AND AD VALOREM PROGRAMS TO THE TAX COLLECTION & AUDIT PROGRAM AND TRANSFERRING $47,600 GENERAL ACCOUNT MONEYS TO THE ADMINISTRATION & SUPPORT PROGRAM FROM THE AD VALOREM PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 213, Laws of 1978, be, and the same is hereby amended to read as follows:

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></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>$485,800</td>
<td>$117,200</td>
<td>$400</td>
<td>$555,800</td>
<td></td>
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<tr>
<td>Highway Account</td>
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<td>16,700</td>
<td>300</td>
<td>$59,700</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$538,600</td>
<td>$134,100</td>
<td>$400</td>
<td>$572,800</td>
<td></td>
</tr>
<tr>
<td>B. TAX COLLECTION &amp; AUDIT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,640,300</td>
<td>$1,276,500</td>
<td>$18,200</td>
<td>$3,935,000</td>
<td></td>
</tr>
<tr>
<td>Highway Account</td>
<td>129,900</td>
<td>45,600</td>
<td>200</td>
<td>175,700</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,770,200</td>
<td>$1,364,100</td>
<td>$20,400</td>
<td>$4,152,700</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>$404,000</td>
<td>$83,000</td>
<td>$1,400</td>
<td>$488,400</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$404,000</td>
<td>$83,500</td>
<td>$1,400</td>
<td>$488,900</td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND CAPITAL BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>D. MULTI-STATE TAX COMPACT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$ 42,000</td>
<td></td>
<td></td>
<td></td>
<td>$42</td>
</tr>
<tr>
<td>E. CIRCUIT BREAKER TAX RELIEF:</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>General Account</td>
<td>$1,770,800</td>
<td></td>
<td>$1,429,200</td>
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<td>$1,429</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$3,842,800</td>
<td>$1,623,700</td>
<td>$20,500</td>
<td>$1,770,800</td>
<td>$6,786</td>
</tr>
</tbody>
</table>

Approved February 12, 1979.
CHAPTER 2
(H.B. No. 15)

AN ACT
RELATING TO THE COUNTY DOG LICENSE TAX; AMENDING SECTION 25-2801, IDAHO CODE, TO GIVE THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY THE AUTHORITY TO SET THE LICENSE TAX ON DOGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-2801, Idaho Code, be, and the same is hereby amended to read as follows:

25-2801. COUNTY DOG LICENSE TAX. The board of county commissioners of any county, at any meeting in any year, shall make an order requiring all owners of dogs over six-(6)--months--old an age which is to be set at the discretion of the board, within certain areas to be designated by the board as requiring dog control and lying outside the corporate limits of municipalities which have enacted and are enforcing a dog license law, to pay an annual license of not more than two-dollars-($2.00) for each male dog, and each --female--that--has--been--spayed, and not more than three-dollars-($3.00) for each female dog that has not been spayed tax set by the board of county commissioners in each county, the said tax to be paid not later than sixty (60) days from date of said meeting at which the order is enacted; provided, that where an owner keeps dogs for breeding or commercial purposes, he shall be entitled to a kennel license covering fifteen (15) dogs for five-dollars-($5.00) which fee will also be set by the board of county commissioners in each county. Said order shall be in force and effect for one (1) year from its date and thereafter until rescinded by order of the board; and notice of such order shall be published in some newspaper of general circulation within the county in the two (2) successive issues of said paper immediately following the meeting at which such action is taken by the board of county commissioners.

SECTION 2. An emergency existing therefor, 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 21, 1979.
AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3013A, IDAHO CODE, WHICH DEFINES THE TERM "PART-YEAR RESIDENT" TO CORRECT A STATUTORY CROSS-REFERENCE.

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

SECTION 1. That Section 63-3013A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3013A. PART-YEAR RESIDENT. The term "part-year resident" means an individual who enters or leaves the state during the taxable year and has resided or was domiciled within the state for a period of less than twelve (12) months during the taxable year. The taxable income of such taxpayer shall be determined in the manner provided for nonresidents, as set forth in section 63-3027(t)A, Idaho Code.

Approved February 21, 1979.

CHAPTER 4
(H.B. No. 43)

AN ACT
RELATING TO RECORDS RETAINED BY THE STATE TAX COMMISSION; AMENDING SECTION 63-516, IDAHO CODE, TO REDUCE THE TIME THAT ORIGINAL TAX RETURNS SHALL BE RETAINED BY THE STATE TAX COMMISSION AFTER THEY HAVE BEEN MICROFILMED, AND TO STRIKE THE REQUIREMENT THAT DOCUMENTS MAY BE DESTROYED BY THE STATE TAX COMMISSION UPON THEIR CREATION.

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

SECTION 1. That Section 63-516, Idaho Code, be, and the same is hereby amended to read as follows:

63-516. PHOTOGRAPHED, MICROPHOTGRAPHED OR FILMED RECORDS -- DESTRUCTION OF ORIGINALS AUTHORIZED -- ADMISSIBILITY IN EVIDENCE -- PREVALENCE OVER PREVIOUS LAW. (1) The state tax commission is hereby authorized to photograph, microphotograph or film any document or record kept by it, or any tax return or report filed with it by any
taxpayer or other person, under any tax law administered or enforced by the state tax commission. Upon photographing, microphotographing or filming such return, report or record, the state tax commission in its discretion may cause the original records from which the photographs or microphotographs or film have been made, or any part thereof, to be disposed of or destroyed, provided, however, that original sales-tax and-withholding tax returns shall be retained for not less than one (1) year and all other original tax returns shall be retained for not less than three (3) years.

(2) Photographs or microphotographs or films of any record photographed or microphotographed or filmed, as herein provided, shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated copies of such photographs or microphotographs or films shall be admitted in evidence equally with the original photographs or microphotographs or films.

(3) This act shall supersede and prevail over any act previously existing prohibiting the destruction of any documents described in subsection (1) of this section and destruction of such returns, reports, documents, or records shall be authorized immediately upon their creation or filing with the state tax commission or at any time thereafter that the state tax commission may deem proper.

Approved February 21, 1979.

CHAPTER 5
(S.B. No. 1018)

AN ACT
RELATING TO SCHOOL DISTRICT WARRANTS; AMENDING SECTION 33-702, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICT WARRANTS NOT PAID UPON PRESENTATION SHALL BEAR INTEREST AT A RATE NOT TO EXCEED SEVEN PERCENT PER ANNUM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-702, Idaho Code, be, and the same is hereby amended to read as follows:

33-702. SCHOOL WARRANTS -- HOW DRAWN. Whenever the board of trustees has approved and ordered payment of salaries, wages, or other claim[ claims] 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 is insufficient 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 percent (6%) not to exceed seven percent (7%) per annum from date of the endorsement until ten (10) days after said warrant is called for payment.

Warrants issued by, or in behalf of, any school district shall be paid in the order of their issuance from funds accruing for the year in which they are issued. After all outstanding indebtedness for general school purposes for any one (1) year has been paid, any balance in the general school fund for that year shall be transferred to a warrant redemption fund for payment of any registered warrants. Where there is no outstanding indebtedness for general school purposes, nor any registered warrants, any such balance may be used for the payment of current expenses for the next fiscal year.

SECTION 2. An emergency existing therefor, 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, 1979.

CHAPTER 6
(S.B. No. 1061)

AN ACT
AMENDING SECTION 10, CHAPTER 213, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS, BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $5,900; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 10, Chapter 213, Laws of 1978, be, and the same is hereby amended to read as follows:

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.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$37,500</td>
</tr>
</tbody>
</table>

$28,300 33,500
$9,200 9,900
$37,500 43,400

SECTION 2. An emergency existing therefor, 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, 1979.

CHAPTER 7
(S.B. No. 1083)

AN ACT
AMENDING SECTION 1, CHAPTER 202, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE DISABILITY DETERMINATIONS UNIT, BY INCREASING THE APPROPRIATION FROM THE FEDERAL DISABILITY DETERMINATIONS ACCOUNT BY $71,400; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 202, Laws of 1978, be, and the same is hereby amended to read as follows:

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:
FOR:
Personnel Costs $548,000
Operating Expenditures $126,700 $192,700
Capital Outlay 5,200
Trustee and Benefit Payments -195,300 250,000
TOTAL $874,500
945,900
FROM:
Federal Disability Determination Account $874,500
945,900

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

Approved February 28, 1979.
construction--of-the diversion works and facilities and an estimate of
the cost of constructing such works and facilities, which plans
statement 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.

SECTION 2. That Section 42-4203, Idaho Code, be, and the same is
hereby amended to read as follows:

42-4203. FORMATION OF DISTRICT -- DECLARATION BY DIRECTOR. After
receipt of the petition, map and plans statement, 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.

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 1, 1979.

CHAPTER 9
(H.B. No. 93, As Amended)

AN ACT
RELATING TO TIME REQUIREMENTS FOR FILING MATTERS RELATED TO TAX REDUCTION CLAIMS; AMENDING SECTION 63-121, IDAHO CODE, TO CHANGE FILING DEADLINES FOR TAX REDUCTION CLAIMS, FOR NOTIFICATION BY THE COUNTY ASSESSOR OF MODIFICATIONS OR DISAPPROVALS AND FOR FINAL CLAIMS BEFORE THE BOARD OF EQUALIZATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-121, Idaho Code, be, and the same is hereby amended to read as follows:

63-121. TIME REQUIREMENTS FOR FILING CLAIM. (1) Any claim for tax reduction to be granted under the provisions of sections 63-117 through and including 63-125, Idaho Code, shall be filed in the office of the county assessor between January 1 and March 15 April 15 of each year. The county assessor shall approve, modify the reduction claimed to conform with statutory standards or amounts, or disapprove the claim in total at the time the application is received. Additionally, the county assessor shall notify the claimant in writing by April 1 if his claim has been modified or has been disapproved. The notice of modification or disapproval shall declare that the claimant may appeal the assessor's decision to the county board of equalization, and shall state the time and place that the county board
of equalization shall meet for such purposes.

(2) All claims filed with the county assessor shall be completed by him and forwarded to the board of county commissioners, which shall convene as a board of equalization, any other provision of law notwithstanding, on or before April 15 May 15, and shall approve all claims approved by the county assessor, and shall approve the action of the county assessor in modifying or disapproving all other claims unless an appeal has been filed with the board prior to April 15 May 15. In considering any appeal of the assessor's decision in modifying or disapproving a claim, the board of equalization may affirm the assessor's decision, may modify the assessor's decision, or may reject the assessor's decision and proceed to allow all or any part of the claim as submitted to the assessor originally. No informality on the part of the board of equalization shall invalidate any action of the board. The decision of the board of equalization shall be final, except that within thirty (30) days the claimant may appeal to the district court on matters of law, and may appeal the decision of the board when the board has acted arbitrarily. The claimant shall be notified immediately, in writing, of the board's action on his appeal to it.

(3) The board of equalization, or state tax commission, in acting on a claim shall determine the amount of tax relief based upon the previous year's levies, as provided in section 63-120(3), Idaho Code. In notifying the claimant, either the board or commission shall advise the claimant that actual relief will be adjusted based upon the current year's levies.

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

Approved March 1, 1979.
SECTION 1. That Section 33-1012, Idaho Code, be, and the same is hereby amended to read as follows:

33-1012. APPORTIONMENT OF COUNTY SCHOOL FUND. Not later than the fifteenth twenty-fifth day of January in each year, the county auditor shall compute the ratio which moneys in the county school fund bear to the total apportionments made from said funds for the preceding year; and he shall apportion not later than that date to each district that same ratio, but not to exceed sixty per cent (60%) of the apportionment received by any district for the preceding school year. Not later than the fifteenth day of February in each year, the state board of education shall certify to the county auditor of each county the amount to be apportioned from the county school fund to each district situate within the county or for which the county is the home county for the then current school year. Total apportionments for the school year shall take into account those made before the fifteenth day of February.

When the legislature appropriates moneys to be deposited to the county school fund, each county auditor shall, upon receipt of the moneys into the county school fund and within ten (10) days, order the distribution of such moneys to the school district or school districts as directed by the state board of education.

If for any school year the moneys in the county school fund are insufficient to make in full the apportionments certified by the state board of education, the apportionment to each district shall be that percentage of the amount available for apportionment as each would have been entitled to the whole had there been sufficient moneys in the fund; and any deficiency in apportionment thereby arising shall be carried forward as a balance due the several districts during the school year next following.

If for any school year the moneys in the county school fund are in excess of the requirements for full apportionments in this section required, such balance shall remain in the county school fund and be carried forward and be available for apportionment during the school year next following.

Balances, deficits, and apportionments from the county school fund for any school year shall be reported to the state board of education.

Any apportionments made to school districts from the county school fund which may be found within the ensuing three (3) year period to have been in error may be corrected after the manner provided in section 33-1009, Idaho Code.

Approved March 5, 1979.
AN ACT

RELATING TO THE MEMBERSHIP ON THE PROFESSIONAL STANDARDS COMMISSION;
AMENDING SECTION 33-1252, IDAHO CODE, TO PROVIDE MEMBERSHIP ON THE
COMMISSION FROM THE COLLEGES OF LETTERS AND SCIENCES OF THE
INSTITUTIONS OF HIGHER EDUCATION AND INCORPORATING PREVIOUS
LEGISLATIVE ACTION.

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

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

33-1252. PROFESSIONAL STANDARDS COMMISSION -- MEMBERS --
APPOINTMENT -- TERMS. A professional standards commission is hereby
created [in the department of education], consisting of seventeen (17)
members, one (1) of whom shall be a member of the staff of the state
department of education, and one (1) of whom shall be a member of the
staff of the department-division of vocational education, to be
appointed by the state board of education. The members shall be
representative of the teaching profession of the state of Idaho, and
not less than seven (7) members shall be certificated classroom
teachers in the public school system of the state and shall include at
least one (1) teacher of exceptional children and at least one (1)
teacher in pupil personnel services. Such expansion of membership on
the professional standards commission shall not require reaffirmation
of the codes and standards of ethics and rules of procedure used by
the professional standards commission.

Except for the member from the staff of the state department of
education, and the member from the staff of the department-division of
vocational education, three (3) nominees for each position on the
commission shall be submitted to the state superintendent of public
instruction, for the consideration of the state board of education.

Any state organization of teachers whose membership is open to all
certificated teachers in the state may submit nominees for positions
to be held by classroom teachers; the Idaho association of school
superintendents may submit nominees for one (1) position, the Idaho
association of secondary school principals may submit nominees for one
(1) position; the Idaho association of elementary school principals
may submit nominees for one (1) position; the Idaho association of
school trustees may submit nominees for one (1) position; the
education departments of the private colleges of the state may submit
nominees for one (1) position, and the junior colleges and the
education departments of the public institutions of higher education
may submit nominees for three-(3) two (2) positions, and the colleges
of letters and sciences of the institutions of higher education may submit nominees for one (1) positions.

The state board of education shall appoint or reappoint members of the commission for terms of three (3) years.

Approved March 5, 1979.
CHAPTER 12
(S.B. No. 1123)

AN ACT
AMENDING SECTION 1, CHAPTER 316, LAWS OF 1978, 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 $8,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 316, Laws of 1978, be, and the same is hereby amended to read as follows:

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</td>
<td>14,800</td>
<td>9,200</td>
<td>18,100</td>
<td>32,900</td>
</tr>
<tr>
<td>Cooperative Welfare</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</td>
<td>Income Account</td>
<td>182,600</td>
<td></td>
<td>182,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,143,300</td>
<td>$446,700</td>
<td>$94,400</td>
<td>$2,684,400</td>
</tr>
</tbody>
</table>

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

Approved March 5, 1979.
AN ACT

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

SECTION 1. There is hereby appropriated out of the funds made available to the department of employment of the state of Idaho, pursuant to section 903 of the social security act, as amended, the sum of three hundred thousand dollars ($300,000), or such lesser amount thereof as may become available as this state's share of funds allocated under the provisions of said section 903 of the social security act, as amended, to be used for the purpose of purchasing real estate and constructing office buildings to be used by the department of employment of the state of Idaho as authorized by and subject to the limitations of section 72-1346(e), Idaho Code, and section 72-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated shall be obligated after the expiration of the two (2) year period beginning with the first day of July, 1979.

Approved March 8, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 230, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $285,500 AND BY DECREASING THE APPROPRIATION FROM THE VOCATIONAL REHABILITATION ACCOUNT BY $285,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 230, Laws of 1978, 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 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>
<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>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$220,000</td>
<td>$220,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,168,600</td>
<td>$1,168,600</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></td>
<td>$3,376,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$1,500</td>
<td>$1,500</td>
<td></td>
<td></td>
<td>$287,000</td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donated Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Third Party</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$5,000</td>
<td>$5,000</td>
<td></td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,040,700</td>
<td>$457,400</td>
<td>$13,000</td>
<td></td>
<td>$3,376,900</td>
</tr>
</tbody>
</table>

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

Approved March 8, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 245, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE ON AGING BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $12,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 245, Laws of 1978, 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 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:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>TRUSTEE/BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICE ON AGING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td>$62,100</td>
<td>$33,300</td>
<td>$350,000</td>
<td>$445,400</td>
</tr>
<tr>
<td></td>
<td>$362,900</td>
<td></td>
<td></td>
<td>$458,300</td>
</tr>
<tr>
<td>Office on Aging</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic Opportunity Account</td>
<td>1,693,600</td>
<td></td>
<td></td>
<td>1,693,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$258,700</td>
<td>$281,600</td>
<td>$2,056,500</td>
<td>$2,596,800</td>
</tr>
</tbody>
</table>

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

Approved March 8, 1979.
CHAPTER 16
(S.B. No. 1126)

AN ACT
AMENDING SECTION 1, CHAPTER 198, LAWS OF 1978, 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 $30,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 198, Laws of 1978, be, and the same is hereby amended to read as follows:

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>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>$ 885,200</td>
<td>$122,400</td>
<td>$24,800</td>
<td>$1,032,400</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>61,000</td>
<td>56,300</td>
<td>10,100</td>
<td>127,400</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>392,300</td>
<td>120,800</td>
<td>6,000</td>
<td>519,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,338,500</td>
<td>$299,500</td>
<td>$40,900</td>
<td>$1,708,900</td>
</tr>
</tbody>
</table>

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

Approved March 8, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 214, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY DEVELOPMENTAL DISABILITIES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $212,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 214, Laws of 1978, be, and the same is hereby amended to read as follows:

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 COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct.</td>
<td>$2,557,000</td>
<td>$1,263,700</td>
<td>$22,200</td>
<td>$3,842,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>451,700</td>
<td>25,100</td>
<td>12,400</td>
<td>489,200</td>
</tr>
<tr>
<td></td>
<td>631,900</td>
<td>57,800</td>
<td></td>
<td>702,100</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>308,800</td>
<td>651,900</td>
<td></td>
<td>960,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,497,700</td>
<td>$1,973,400</td>
<td>$34,600</td>
<td>$5,505,700</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 8, 1979.
CHAPTER 18
(H.B. No. 166)

AN ACT
RELATING TO LIMITATIONS ON AD VALOREM TAXES; AMENDING INITIATIVE
PETITION NO. 1, AS ADOPTED BY THE ELECTORATE AT THE GENERAL
ELECTION OF NOVEMBER 7, 1978, TO PROVIDE A PROPER CODE REFERENCE,
TO PROVIDE FOR CLARIFICATION OF REFERENCES TO THE AMOUNT OF TAXES
THAT MAY BE COLLECTED DURING ANY ONE TAX YEAR, TO PROVIDE FOR
DUTIES OF COUNTY OFFICERS, TO PROVIDE THAT THE ONE PERCENT
LIMITATION SHALL NOT APPLY ON AD VALOREM TAXES USED TO PAY FOR
BONDED INDEBTEDNESS OR SPECIAL ASSESSMENTS, TO PROVIDE THAT MARKET
VALUE FOR AD VALOREM TAX PURPOSES BE DETERMINED ACCORDING TO LAW,
TO PROVIDE FOR REAPPRAISALS BY A TIME CERTAIN, TO PROVIDE FOR
PROPERTY PLACED ON THE ASSESSMENT ROLL FOR THE FIRST TIME AND FOR
REAPPRAISALS, TO PROVIDE FOR CLARIFICATION OF REFERENCES TO
INFLATIONARY RATES, TO STRIKE REFERENCES TO THE MAJORITY OF VOTES
NEEDED TO ENACT REVENUE RAISING ACTS, TO STRIKE REFERENCES TO
IMPOSITION OF SPECIAL TAXES BY CITIES, COUNTIES AND OTHER TAXING
DISTRICTS, TO STRIKE REFERENCE TO A TAX YEAR BEGINNING OCTOBER 1,
AND TO PROVIDE FOR SEQUENTIAL NUMBERING OF THE SECTIONS OF THE
INITIATIVE PETITION; AMENDING CHAPTER 22, TITLE 63, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 63-2220, IDAHO CODE, TO PROVIDE FOR
A LIMITATION ON BUDGET REQUESTS FOR FISCAL YEARS COMMENCING IN
1979 AND 1980, TO PROVIDE FOR A LIMITATION ON TAX CHARGES IN TAX
YEARS 1979 AND 1980, AND TO PROVIDE FOR EXEMPTION FROM SUCH
LIMITS; AMENDING SECTION 63-221, IDAHO CODE, TO PROVIDE THAT 1978
MARKET VALUE FOR ASSESSMENT PURPOSES BE USED FOR TAX YEAR 1980,
AND TO PROVIDE FOR PREPARATION AND IMPLEMENTATION OF PLANS TO
ACHIEVE 1978 MARKET VALUE FOR ASSESSMENT PURPOSES FOR TAX YEAR
1980; AMENDING SECTION 63-2219, IDAHO CODE, TO PROVIDE FOR
COMPLETION OF INDEXING, APPRAISAL OR REAPPRAISAL PROGRAMS BY THE
STATE TAX COMMISSION, AND TO PROVIDE AN APPROPRIATION FOR PAYMENT
OF SUCH PROGRAMS; AMENDING SECTION 63-202, IDAHO CODE, TO PROVIDE
FOR A MODIFIED DEFINITION OF MARKET VALUE; REPEALING SECTION
63-101B, IDAHO CODE; AMENDING SECTION 63-111, IDAHO CODE, TO
PROVIDE FOR CONSISTENT REFERENCE TO THE TERM MARKET VALUE;
DECLARING AN EMERGENCY FOR CERTAIN SECTIONS AND SUBSECTIONS OF
THIS ACT AND PROVIDING FOR RETROACTIVE APPLICATION OF CERTAIN
SECTIONS OR SUBSECTIONS OF THIS ACT, AND PROVIDING AN EFFECTIVE
DATE FOR A CERTAIN SUBSECTION OF THIS ACT AS HEREIN ENACTED.

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

SECTION 1. That Initiative Petition No. 1, as adopted by the
electorate at the general election of November 7, 1978, be, and the
same is hereby amended to read as follows:
63-923. LIMITATION ON AD VALOREM TAXES -- VALUE OF REAL AND PERSONAL PROPERTY -- SPECIAL TAX LEVIES.

Section 1:

(1) (a) During any one tax year, the maximum amount of any all ad valorem tax taxes from all sources on any property subject to appraisal, assessment, and taxation within the State of Idaho shall not exceed one percent (1%) of the actual market value for assessment purposes of such property. All ad valorem taxes shall be collected by the counties proper county officers as provided by law, and such taxes shall be apportioned according to law to the taxing districts within the counties.

(b) The limitation provided for in subdivision 1 paragraph (a) of this subsection shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective, nor shall the limitation provided for in paragraph (a) apply to ad valorem taxes to pay the interest and redemption charges on any indebtedness approved on or after November 7, 1978, as prescribed by the constitution of the state of Idaho, nor shall the limitation provided for in paragraph (a) apply to special assessments approved on or after November 7, 1978, as provided by law.

Section 2:

(2) (a) The actual market value for assessment purposes of real and personal property subject to appraisal by the county assessor shall be determined by the county assessor according to the rules and regulations prescribed by the state tax commission, as provided in section 63-202, Idaho Code, but where real property is concerned it shall be the actual and functional use of the real property. The actual market value means the county assessor's valuation of property subject to taxation as shown on the 1978 tax assessment under "market value", or thereafter, the appraised value of property subject to taxation when purchased, newly constructed, or a change in ownership has occurred after the 1978 assessment. All taxable property which has not already been assessed up to the appraised at 1978 market value levels may shall be reassessed reappraised or indexed to reflect that valuation for the tax year commencing January 1, 1980. All property placed on the assessment roll for the first time after 1978, and all property which is reappraised after 1978 shall be appraised or indexed to reflect 1978 market value levels.

(b) The actual 1978 market values for assessment purposes of real and personal property shall be adjusted base—may—reflect from year to year to reflect the inflationary rate but at a rate not to exceed two percent (2%) for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction.

Section 3:

From and after the effective date of this section—63-923
any changes in State taxes enacted for the purpose of increasing revenues—collected—pursuant—thereto—whether—by increased rates or changes in methods of computation must be imposed by an Act passed by not—less—than—two-thirds—of—all—members—elected—to—each—of—the—two houses of the Legislature; except that no new ad valorem taxes on such taxable property may be imposed.

Section 4:
Cities; Counties and taxing districts; by a two-thirds vote of the qualified electors of such districts; may impose special taxes on such cities; Counties and taxing districts.

Section 5:
This law shall take effect for the tax year beginning on October 1 following the passage of this statute; except Section 2 which shall become effective upon the passage of this law.

Section 6:
(3) If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect.

SECTION 2. That Chapter 22, 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 63-2220, Idaho Code, and to read as follows:

63-2220. LIMITATION ON BUDGET REQUESTS—LIMITATION ON TAX CHARGES—EXCEPTIONS. (1) (a) For its fiscal year commencing in 1979 and ending in 1980, no taxing district shall certify a budget request to finance the ad valorem portion of its operating budget that exceeds the dollar amount of ad valorem taxes certified for that same purpose in 1978.

(b) No board of county commissioners shall set a levy in 1979, nor shall the state tax commission approve a levy in 1979 which exceeds the limitation imposed by paragraph (a) of this subsection, unless authority to exceed such limitation has been approved by a two-thirds (2/3) majority of the taxing district's electors voting on the question at an election called for that purpose.

(2) (a) For its fiscal year commencing in 1980 and ending in 1981, no taxing district shall certify a budget request to finance the ad valorem portion of its operating budget that exceeds the lesser of:

(i) the dollar amount of ad valorem taxes certified for that same purpose in 1978; or

(ii) when combined with the budget requests from all other taxing districts imposing taxes on the same property, the limitation imposed by section 63-923 (1), Idaho Code.

(b) No board of county commissioners shall set a levy in 1980, nor shall the state tax commission approve a levy in 1980 which exceeds the limitation imposed by paragraph (a) of this subsection,
unless authority to exceed such limitation has been approved by a two-thirds (2/3) majority of the taxing district's electors voting on the question at an election called for that purpose.

SECTION 3. That Section 63-221, Idaho Code, be, and the same is hereby amended to read as follows:

63-221. COUNTY VALUATION PROGRAM TO BE CARRIED ON BY ASSESSOR. (1) It shall be the duty of the county assessor of each county in the state to conduct and carry out a continuing program of valuation of all properties under his jurisdiction pursuant to such rules and regulations as the state tax commission may prescribe, to the end that all parcels of property under the assessor's jurisdiction are appraised at least--every--five--(5)--years 1978 market value for assessment purposes for use during tax year 1980 and are maintained at such levels for tax years thereafter by being reappraised or indexed to reflect an inflationary rate, as provided in section 63-923, Idaho Code. The county assessor shall maintain in the respective offices sufficient records to show when each parcel or item of property was last appraised.

The state tax commission is hereby authorized, empowered, and directed to promulgate rules and regulations for the implementation of this program, and to provide any such county assessor with such supervision and technical assistance as may be necessary.

The board of county commissioners of each county shall furnish the assessor with such additional funds and personnel as may be required to carry out the program hereby provided, and for this purpose may levy annually an ad valorem tax of not to exceed two (2) mills on each dollar of assessed valuation of taxable property in the county to be collected and paid into the county treasury and appropriated to the ad valorem valuation fund which is hereby created.

(2) Within thirty (30) days after the approval of this act, the county assessor and the board of county commissioners of each county shall jointly submit to the state tax commission a comprehensive and detailed plan, in writing, establishing specific monthly goals and time tables designed to bring that county's indexing or reappraisal programs into compliance with the requirements of subsection (1) of this section. The tax commission shall, within sixty (60) days after the approval of this act, make such changes or modifications in such plans as it finds necessary in order to insure each county's compliance with the requirements of subsection (1) of this section. If complete compliance with the requirements of this section are not obtained, or if any county fails to meet the interim or final goals set in its plan, including changes made thereto by the state tax commission, the commission shall proceed as required by section 63-2219, Idaho Code.

SECTION 4. That Section 63-2219, Idaho Code, be, and the same is
hereby amended to read as follows:

63-2219. ADJUSTMENT OF ASSESSED VALUATION WITHIN A COUNTY BY THE STATE TAX COMMISSION UPON FAILURE OF COUNTY OFFICIALS TO PROPERLY ASSESS PROPERTY -- COMPLETION OF APPRAISAL PROGRAM BY TAX COMMISSION.

(1) Whenever the state tax commission, after a hearing, determines that any county assessor or board of county commissioners in assessing property in the county subject to taxation has failed to abide by, adhere to and conform with the laws of the state of Idaho and the rules and regulations of the state tax commission in determining full cash market value or has failed or neglected to assess the proper percentage of full cash market value then, and in that event, the state tax commission shall order the county assessor and board of county commissioners of such county to make the necessary changes or corrections in such assessments and if the county assessor and the board of county commissioners refuse or neglect to comply with such order, the state tax commission is authorized to and shall forthwith adjust or change the assessment roll in such county.

(2) In lieu of the hearings and actions permitted by subsection (1) of this section, the state tax commission shall monitor each county's implementation of the plans required by section 63-221(2), Idaho Code, and may require each county to file such reports of its progress at implementation of such plans as the commission may find necessary. In the event that the commission finds that any county is failing to meet its implementation plan, the commission may order that county's indexing or appraisal or reappraisal programs be conducted under the exclusive and complete control of the state tax commission and the results of such programs shall be binding upon the county officers of the county for which ordered. Payments for the actual cost of such programs shall be made from the sales tax account created by section 63-3638, Idaho Code, and the amount of such payments shall be withheld from the payments otherwise made under the provisions of section 63-3638(f), (g) and (h), Idaho Code, to the county for which indexing, appraisal, or reappraisal has been ordered, and this subsection shall constitute the necessary appropriation to accomplish such payments, any other provision of law notwithstanding.

SECTION 5. That Section 63-202, Idaho Code, be, and the same is hereby amended to read as follows:

63-202. RULES AND REGULATIONS PERTAINING TO MARKET VALUE -- DUTY OF ASSESSORS. It shall be the duty of the state tax commission to prepare and distribute to each county assessor and each board of county commissioners within the state of Idaho, rules and regulations prescribing and directing the manner in which market value for assessment purposes is to be determined for the purpose of taxation. The rules and regulations promulgated by the state tax commission shall require each assessor to find market value for assessment
purposes of all property within his county according to recognized appraisal methods and techniques as set forth by the state tax commission; provided, that the actual and functional use shall be a major consideration when determining market value for assessment purposes of commercial and agricultural properties. The state tax commission shall also prepare and distribute from time to time amendments and changes to the rules and regulations as shall be necessary in order to carry out the intent and purposes of this act. The rules and regulations shall be in the form as the commission shall direct, and shall be made available upon request to other public officers and the general public in reasonable quantities without charge. In ascertaining the market value for assessment purposes of any item of property, the assessor of each county shall, and hereby is required to, abide by, adhere to and conform with rules and regulations hereinabove required to be promulgated by the state tax commission.

SECTION 6. That Section 63-101B, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 63-111, Idaho Code, be, and the same is hereby amended to read as follows:

63-111. TERMS TO BE CONSTRUED AS MARKET VALUE. For purposes of appraisal, assessment and taxation of property in title 63, Idaho Code, the terms "value," "cash value," "full cash value," "true value," and "true cash value" shall mean "market value for assessment purposes", as defined by rules and regulations of the state tax commission.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, all sections and subsections of this act, except subsection (1) of section 63-923, Idaho Code, as herein enacted, and except Section 6 of this act, shall be in full force and effect on and after passage and approval, and retroactively to January 1, 1979. Section 6 of this act and subsection (1) (a) of section 63-923, Idaho Code, as herein enacted, shall be in full force and effect on and after January 1, 1980. An emergency existing therefor, which emergency is hereby declared to exist, subsection (1) (b) of section 63-923, Idaho Code, as herein enacted, shall be in full force and effect on and after its passage and approval, and retroactively to November 7, 1978.

Approved March 9, 1979.
CHAPTER 19
(H.B. No. 56)

AN ACT
RELATING TO CITY ORDINANCES; AMENDING SECTION 50-901, IDAHO CODE, TO PROVIDE FOR ALTERNATE EFFECTIVE DATES OF ORDINANCES AS MAY BE PROVIDED BY LAW, AND PROVIDING FOR MAILING RATHER THAN PUBLICATION OF THE ORDINANCE WHEN AUTHORIZED; AND BY ADDING A NEW SECTION 50-901A, IDAHO CODE, TO PERMIT THE SUMMARIZATION OF CITY ORDINANCES FOR PUBLICATION.

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

SECTION 1. That Section 50-901, Idaho Code, be, and the same is hereby amended to read as follows:

50-901. ORDINANCES -- STYLE -- PUBLICATION -- WHEN EFFECTIVE -- IMMEDIATE OPERATION IN EMERGENCIES. The style of all ordinances shall be: "Be it ordained by the mayor and council of the city of " and all ordinances of a general nature, unless otherwise required by law, shall, before they take effect and within one (1) month after they are passed, be published in at least one (1) issue of the official newspaper of the city, or mailed as provided in section 60-109A, Idaho Code; provided, however, that in cases of riot, infections or contagious disease, or other impending danger, requiring its immediate enforcement, such ordinances shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the city; provided further, that nationally recognized codes such as but not limited to those establishing rules and regulations for the construction, alteration or repair of buildings, the installation of plumbing, the installation of electric wiring, fire prevention, gas piping installations, sanitary regulations, health measures, and statutes of the state of Idaho such as but not limited to those relating to the operation of motor vehicles, equipment of motor vehicles, traffic control devices, motor vehicle laws, liquor and beer laws, housing, construction, health and sanitation, may be adopted by such city council without including more than a particular reference to such code, and without publication or posting thereof, if adoption of such code be made in a regularly adopted and published ordinance; provided further, that not less than three (3) copies of such supplemental code, duly certified by the city clerk shall have been filed for use and examination by the public in the office of the clerk of such city prior to the adoption of said ordinance by the city council and thereafter kept on file in such office.

SECTION 2. That Chapter 9, 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 50-901A, Idaho Code, and to read as follows:

50-901A. SUMMARIZATION OF ORDINANCES PERMITTED -- REQUIREMENTS.

(1) The city may publish a summary of the ordinance which summary shall be approved by the governing body and which shall include:
   (a) The name of the city;
   (b) The formal identification or citation number of the ordinance;
   (c) A descriptive title;
   (d) A summary of the principal provisions of the ordinance, including penalties provided and the effective date;
   (e) Any other information necessary to provide an accurate summary; and
   (f) A statement that the full text is available at the city hall.

(2) Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains legal descriptions, or contains provisions regarding taxation or penalties concerning real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering one or more street addresses, the street addresses of the corners of the area described shall meet this requirement. Maps may be substituted for written legal description of property provided they contain sufficient detail to clearly define the area with which the ordinance is concerned.

(3) Before submission of a summary to a newspaper for publication under this section, the legal advisor of the city shall sign a statement, which shall be filed with the ordinance, that the summary is true and complete and provides adequate notice to the public.

(4) The full text of any ordinance which is summarized by publication under this section shall be promptly provided to any citizen on personal request.

Approved March 9, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 197, LAWS OF 1978, RELATING TO THE APPROPRIATION TO
THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDIRECT SUPPORT SERVICES
PROGRAM BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS
ACCOUNT BY $20,700, AND BY REVISIONING THE EXPENDITURE CLASSIFICATIONS; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 197, Laws of 1978, be, and the same is
hereby amended to read as follows:

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 Account</td>
<td>$2,445,800</td>
<td>$4,500,300</td>
<td>$31,500</td>
<td>$3,977,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td>5,000</td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td></td>
<td>1,314,200</td>
<td>816,500</td>
<td>2,125,400</td>
</tr>
</tbody>
</table>

TOTAL                         $3,767,200          $2,330,000                 $31,500            $6,128,700

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

Approved March 9, 1979.
AN ACT

AMENDING SECTION 1, CHAPTER 318, LAWS OF 1978, 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 $23,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 318, Laws of 1978, be, and the same is hereby amended to read as follows:

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></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>$ 96,000</td>
<td>$ 7,300</td>
<td>$75,800</td>
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<td>$179,100</td>
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<tr>
<td>Miscellaneous Receipts Account</td>
<td>48,298</td>
<td>49,100</td>
<td>10,000</td>
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<td>99,398</td>
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<td></td>
<td>63,200</td>
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<td>122,300</td>
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<tr>
<td>Cooperative Welfare Account</td>
<td>212,200</td>
<td></td>
<td></td>
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<td>212,200</td>
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<tr>
<td>Idaho Veterans Home Income Account</td>
<td></td>
<td>114,500</td>
<td></td>
<td></td>
<td>114,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$348,488</td>
<td>$170,900</td>
<td>$10,000</td>
<td>$75,800</td>
<td>$605,100</td>
</tr>
<tr>
<td></td>
<td>371,400</td>
<td></td>
<td></td>
<td></td>
<td>628,100</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.

Approved March 9, 1979.
CHAPTER 22
(H.B. No. 50, As Amended in the Senate)

AN ACT
RELATING TO A FEASIBILITY STUDY FOR A WOMEN'S PRISON; PROVIDING THAT
THE DIVISION OF PUBLIC WORKS OF THE DEPARTMENT OF ADMINISTRATION
SHALL CONDUCT A FEASIBILITY STUDY OF LOCATING A WOMEN'S PRISON IN
OROFINO OR USING MODULAR BUILDINGS AT THE INSTITUTION SITE SOUTH
OF BOISE; AND DECLARING AN EMERGENCY.

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

SECTION 1. (1) Before any funds are appropriated to construct
buildings which will house women prisoners at the Idaho state
correctional institution site near Boise, a feasibility study of
locating a women's correctional institution at the facilities at state
hospital north in Orofino shall be conducted by the division of public
works of the department of administration. The feasibility study
shall include, but not be limited to, an architect's estimate of the
cost of conversion of buildings on the state hospital north campus in
Orofino for use as a women's correctional facility. Additionally the
study shall include consideration and comparison of use of modular
buildings which could be constructed at the institution site south of
Boise.

(2) The division of public works of the department of
administration shall use money available to it by transferring money
from the permanent building account in the dedicated fund to complete
the study required by this act.

(3) The report of the study shall be made to the legislature two
(2) weeks from the effective date of this act.

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

Approved March 12, 1979.

CHAPTER 23
(H.B. No. 81)

AN ACT
RELATING TO THE INVENTORY OF STATE PROPERTY; AMENDING SECTION 67-5746,
IDAHO CODE, BY CHANGING THE ANNUAL REVISION DATE FOR REVISION OF
INVENTORY LISTS TO THE 31ST DAY OF MARCH OF EACH CALENDAR YEAR.

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

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

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

Approved March 12, 1979.

CHAPTER 24
(H.B. No. 170)

AN ACT RELATING TO THE SALES TAX ACT; AMENDING SECTION 63-3612A, IDAHO CODE, TO FURTHER DEFINE THE TERM "OCCASIONAL SALE"; AND AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SALES TAXES FOR OCCASIONAL SALES BY 4-H OR FFA CLUBS.

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

SECTION 1. That Section 63-3612A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3612A. OCCASIONAL SALE. The term "occasional sale" means:
(a) A sale of property not held or used by a person in the course of an activity for which he is required to hold a seller's permit, provided such sale is not one of a series of sales sufficient in
number or of such a nature as to constitute the seller a "retailer" under section 63-3610(c), Idaho Code of this act.

(b) Any transfer of all or substantially all of the property held or used by a person in a business requiring a seller's permit, when, after such transfer, the real or ultimate ownership of such property is substantially similar to that which existed before such transfer. For the purpose of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having a "real or ultimate ownership" of the property of such corporation or other entity.

(c) The sale of substantially all of the operating assets of a business or of a separate division, branch, or identifiable segment to a buyer who continues operation of the business. For the purpose of this subsection, a "separate division, branch, or identifiable segment" shall be deemed to exist if, prior to its sale, the income and expense attributable to such "separate division, branch, or identifiable segment" could be separately ascertained from the books of account and records.

(d) Sales by persons who are not defined as "retailers" in section 63-3610.

(e) Sales of animals by any 4-H Club or FFA Club held in conjunction with a fair or the western Idaho spring lamb sale.

SECTION 2. 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 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 (h), (k), (l) and (p) of this section.

(e) The sale, use or purchase of tangible personal property, which property is pollution control equipment required in order to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards. This exemption does not include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(f) All sales of irrigation equipment and supplies, except hand tools as defined in subsection (d) of this section, to be used for agricultural production purposes, whether or not such equipment and supplies are to become a part of real estate and whether or not installed by the farmer, a contractor or subcontractor.

(g) The sale or purchase of containers in the following categories:
   1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
   2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.
   3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(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, including sales of animals by any 4-H Club or FFA Club held in conjunction with a fair or the western Idaho spring lamb sale; 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 point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

(w) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or
segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(x) The sale of tangible personal property relating to funeral services by a licensed funeral establishment.

(y) 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.

(z) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

Approved March 12, 1979.

CHAPTER 25
(H.B. No. 54)

AN ACT
RELATING TO STATE LAND LEASE RENEWALS; AMENDING SECTION 58-307, IDAHO CODE, TO CHANGE THE DATE BY WHICH LEASE RENEWAL APPLICATIONS MUST BE FILED WITH THE DEPARTMENT.

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

SECTION 1. That Section 58-307, Idaho Code, be, and the same is hereby amended to read as follows:
58-307. TERM OF LEASE -- APPLICATION FOR RENEWAL -- ALLOWANCE FOR IMPROVEMENTS. No lease of state lands, other than those valuable for stone, coal, oil, gas or other minerals, shall be for longer term than ten (10) years; provided, however, that state lands other than educational endowment lands may be leased for a period of up to twenty-five (25) years to federal agencies, state agencies, counties or cities when leased for public purposes. The annual rental therefor must be paid from January first of the year in which the lease is issued. All applications to lease or to renew a lease which expires December thirty-first of any year, shall be filed in the office of the director of the department of lands before the thirty-first day of August preceding the date of such expiration. Such applications will be considered by the state land board after January first following and be disposed of in the manner provided by law. Where conflicts appear such applications filed between said dates shall be considered as having been filed simultaneously. However, nothing herein shall be construed to prevent the state board of land commissioners from accepting and considering applications for new leases at any time: provided, in case improvements have been made on land while under lease which is expiring, and the former lessee is not the successful bidder, but the land is leased to another, the amount of such improvements shall be paid to the former lessee. The following shall be considered improvements: plowing done within one (1) year, provided no crop has been raised on the plowed land after such plowing, fencing, buildings, cisterns, wells, growing crops and any other asset which shall be considered an improvement by the director.

Approved March 12, 1979.

CHAPTER 26
(H.B. No. 94)

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; REPEALING SECTION 59-1319A, IDAHO CODE; AMENDING SECTION 59-1319, IDAHO CODE, BY STRIKING REFERENCE TO THE COST-OF-LIVING FACTOR AND SUBSTITUTING IN LIEU THEREOF A BRIDGING FACTOR AND CHANGING THE TIME PERIOD UPON WHICH THE FACTOR IS BASED; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1319A, IDAHO CODE, TO PROVIDE FOR COMPUTATION OF POST RETIREMENT ALLOWANCE ADJUSTMENTS; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 59-1319A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 59-1319, Idaho Code, be, and the same is hereby amended to read as follows:

59-1319. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES -- MINIMUM BENEFITS. (1) The annual amount of accrued retirement allowance for each month of credited service of a member not classified as a police officer or fireman shall equal one and two-thirds per cent (1 2/3%) of his average monthly salary. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

(a) his accrued retirement allowance; or
(b) five dollars ($5.00) multiplied by the number of months of credited service and by the cost-of-living bridging factor, as provided in section 59-1319A, Idaho Code, applicable during the year of the member’s final contribution as computed for those members having final contributions in 1974 between July 1, 1974 and the first of the month following the member’s final contribution.

(2) The annual amount of accrued retirement allowance for each month of credited service of a member classified as a police officer or fireman shall equal two per cent (2%) of his average monthly salary. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

(a) his accrued retirement allowance; or
(b) six dollars ($6.00) multiplied by the number of months of credited service and by the cost-of-living bridging factor, as provided in section 59-1319A, Idaho Code, applicable during the year of the member’s final contribution as computed for those members having final contributions in 1974 between July 1, 1974 and the first of the month following the member’s final contribution.

(3) Provisions of this section shall be applicable to members and contingent annuitants of the employee system and to members, annuitants and beneficiaries of the teachers and city systems. In any recomputation of an initial retirement allowance for a person not making a final contribution subsequent to 1974, the cost-of-living bridging factor referred to in subsections (1) and (2) shall be 1.000. Any recomputed retirement allowance shall be payable only prospectively from July 1, 1974.

(4) Benefits payable to a person who became a member prior to July 1, 1974, or to his beneficiaries shall never be less than they would have received under this act as in effect on June 30, 1974; provided, however, that the member shall have accrued the amount of...
accumulated contributions required thereby prior to payment of an initial retirement allowance.

SECTION 3. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1319A, Idaho Code, and to read as follows:

59-1319A. POST RETIREMENT ALLOWANCE ADJUSTMENTS. (1) Each retirement allowance payment shall equal the inflation factor for the calendar year of payment multiplied by the amount of the retirement allowance payment for January of the previous year. During any calendar year for which the ratio of the consumer price index for October of the previous year to the consumer price index for October of the second previous year is not more than one hundred one percent (101%), the inflation factor shall be such ratio or ninety-four percent (94%), whichever is greater. Otherwise the inflation factor during such year shall be one hundred one percent (101%), except that the board, at its sole discretion, may put into effect a greater factor which is no more than such ratio or one hundred six percent (106%), whichever is smaller, if it finds the value of the actuarial assets of the system to be no less than its actuarial liabilities, including those created by the increased factor.

(2) During a calendar year following one in which there was at least one (1) retirement allowance payment but none in January, each retirement allowance payment shall equal the partial factor multiplied by the amount of the monthly retirement allowance payment in the earlier year. The partial factor shall equal 1.000 plus one-twelfth (1/12) of the product of the number of months in the earlier year in which member contributions were not made and the excess, if any, of the inflation factor for the later year over 1.00.

(3) During a calendar year following one in which there was no retirement allowance payment, each retirement allowance payment shall equal the initial retirement allowance multiplied by the bridging factor between the first day of the month following the member's final contribution and the date of the first retirement allowance payment. The bridging factor between any two (2) dates shall be the ratio of the amounts of retirement allowance payable on the two (2) dates for any member who retired on the earlier date immediately following his final contribution.

(4) The consumer price index shall be that for all urban consumers published by the bureau of labor statistics, United States department of labor.

(5) The adjustments provided under this section shall in no event reduce a benefit payment below its initial amount.

SECTION 4. This act shall be in full force and effect on and after January 1, 1980.

Approved March 12, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 157, LAWS OF 1978, RELATING TO THE APPROPRIATION TO
THE OFFICE OF THE GOVERNOR FOR THE LIQUOR DIVISION BY DECREASING THE
APPROPRIATION FROM THE LIQUOR ACCOUNT BY $58,600; AND DECLARING AN
EMERGENCY.

Be it Enacted by the Legislature of the State of Idaho

SECTION 1. That Section 1, Chapter 157, Laws of 1978, 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 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</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTERING LIQUOR DISPENSARY:</td>
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<td>$402,500</td>
<td>43,900</td>
<td>4,221,600</td>
</tr>
</tbody>
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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 12, 1979.
CHAPTER 28
(H.B. No. 85)

AN ACT
RELATING TO SALARIES OF STATE ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE THAT THE LEGISLATIVE AUDITOR RATHER THAN THE STATE TREASURER SHALL AUDIT THE SALARY PAID TO THE STATE AUDITOR.

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 (EFFECTIVE-AFTER-JANUARY 1, 1979). 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, $40,000 per annum;
Lieutenant governor, $12,000 per annum;
Secretary of state, $28,000 per annum;
State auditor, $28,000 per annum; said salary to be audited by the legislative auditor;
Attorney general, $35,000 per annum;
State treasurer, $28,000 per annum; and
State superintendent of public instruction, $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.

Approved March 12, 1979.

CHAPTER 29
(H.B. No. 74)

AN ACT
RELATING TO STATE PURCHASING; AMENDING SECTION 67-5720, IDAHO CODE, TO ALLOW THE PURCHASE OF MINOR ITEMS IN THE OPEN MARKET IF SUCH ITEMS ARE NOT AVAILABLE THROUGH THE BUREAU OF SUPPLIES.

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

SECTION 1. That Section 67-5720, Idaho Code, be, and the same is hereby amended to read as follows:

67-5720. ACQUISITION OF MINOR ITEMS -- EMERGENCY PURCHASES. The administrator may allow, under rules and regulations prescribed, the purchase of minor items of property in the open market, if such items are not available from the maintenance of stocks authorized by section 67-5727, Idaho Code. When immediate delivery of property is required by the public exigencies and the administrator of the division of purchasing has declared that an emergency exists, the property required may be acquired by open purchase, but at all times such purchases shall be made under the direction of the administrator. The administrator may, in his discretion, declare an emergency when he finds that particular savings to the state may be had through the use of educational discounts, acquisition of federal surplus or excess property, when there is only one vendor for the property to be acquired, or under other circumstances approved by the director of the department of administration. Payment vouchers for emergency acquisitions must contain upon their faces the justification for such purchases.

Approved March 12, 1979.
CHAPTER 30  
(H.B. No. 34)

AN ACT
RELATING TO THE DUTIES OF THE CITY CLERK; AMENDING SECTION 50-207, IDAHO CODE, TO PROVIDE THAT CITY CLERKS MAY ADMINISTER OATHS.

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

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

50-207. DUTIES OF THE CLERK -- JOURNAL -- ADMINISTERING OATHS. The city clerk shall keep a correct journal of the proceedings of the council and shall have the custody of all laws and ordinances of the city. He may administer oaths to any person concerning any matter submitted to him or the city council. He shall also perform such other duties as may be required by ordinance.

Approved March 12, 1979.

CHAPTER 31  
(S.B. No. 1055)

AN ACT
RELATING TO APPLICATION OF THE SCHOOL FOUNDATION PROGRAM FOLLOWING INTRADISTRICT CONSOLIDATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1003C, IDAHO CODE, TO SPECIFY THE METHOD OF DETERMINING SPARSITY FACTORS FOLLOWING AN INTRADISTRICT CONSOLIDATION OR CONSTRUCTION OF NEW FACILITIES.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1003C, Idaho Code, and to read as follows:

33-1003C. INTRADISTRICT CONSOLIDATION -- FOUNDATION PROGRAM. The board of trustees of any Idaho school district that reduces the number of attendance areas serving the students of the district, as a result of intradistrict reorganization or as a result of construction of new facilities, may petition the state board of education for special
consideration in determining the sparsity factors for the foundation program of the district. Such petition shall be in form and content approved by the state board of education. The petition shall include a plan for annual adjustments to move from the sparsity factors which were allowed the individual schools of the district prior to the intradistrict reorganization or construction of new facilities to the sparsity factors authorized for the current attendance areas. Such plan must use sparsity factors that are authorized in the tables of section 33-1002, Idaho Code, and must be fully adjusted within a three (3) year period following the formation of the district.

Within sixty (60) days after the receipt of a petition for special consideration of sparsity factors the state board of education shall approve or disapprove the petition and notify the board of trustees of its decision. Districts which the state board of education approve for special consideration of sparsity factors in the foundation program shall be allowed to use the approved sparsity factors for computation of its weighted average daily attendance under the foundation program.

Approved March 12, 1979.

CHAPTER 32
(S.B. No. 1042)

AN ACT
RELATING TO APPLICATION OF THE FOUNDATION PROGRAM TO CONSOLIDATED DISTRICTS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1003B, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION MAY APPROVE A PHASE-IN PROGRAM FOR APPLICATION OF THE FOUNDATION PROGRAM WITHIN A NEW DISTRICT FORMED AS A RESULT OF CONSOLIDATION.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1003B, Idaho Code, and to read as follows:

33-1003B. FOUNDATION PROGRAM FOLLOWING DISTRICT CONSOLIDATION. The board of trustees of any Idaho school district, formed as a result of the consolidation of two (2) or more contiguous school districts, may petition the state board of education for special consideration in determining sparsity factors for the foundation program of the consolidated district. Such petition shall be in form and content
approved by the state board of education. The petition shall include a plan for annual adjustments to move from the sparsity factors which were allowed the individual districts prior to consolidation to the sparsity factors allowed the consolidated districts. Such plan must use sparsity factors that are authorized in the tables of section 33-1002, Idaho Code, and must be fully adjusted within a three (3) year period following the formation of the district.

Within sixty (60) days after the receipt of a petition for special consideration of sparsity factors the state board of education shall approve or disapprove the petition and notify the board of trustees of its decision. Districts which the state board of education approve for special consideration of sparsity factors in the foundation program shall be allowed to use the approved sparsity factors for computation of its weighted average daily attendance under the foundation program.

Approved March 12, 1979.

CHAPTER 33
(S.B. No. 1037)

AN ACT
RELATING TO REVENUES RECEIVED FROM THE CIGARETTE TAX; AMENDING CHAPTER 17, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-1702, IDAHO CODE, TO CREATE A CANCER CONTROL ACCOUNT IN THE DEDICATED FUND; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF MONEYS INTO THE CANCER CONTROL ACCOUNT.

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

SECTION 1. That Chapter 17, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-1702, Idaho Code, and to read as follows:

57-1702. CANCER CONTROL ACCOUNT. There shall be established in the dedicated fund in the state treasury the cancer control account, to which shall be credited the revenues derived from the tax distributed by subsection (b) of section 63-2520, Idaho Code. All moneys now or hereafter in the cancer control account, to the extent appropriated, are hereby dedicated for the purpose of contracting for and obtaining the services to promote cancer control for the citizens of Idaho, through research, education, screening and treatment. The
state board of health and welfare is charged with the administration of moneys appropriated from the account unless otherwise provided by law.

SECTION 2. 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 seventy thousand dollars ($70,000) per fiscal year, and at such time as seventy thousand dollars ($70,000) has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of seventy thousand dollars ($70,000) shall be made instead to the general account of the state of Idaho.
(4) 3.645% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;
(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general account on July 1 and the state auditor shall order such transfer.
(5) All remaining moneys shall be distributed to the general account of the state of Idaho.

Approved March 12, 1979.
CHAPTER 34  
(S.B. No. 1192)

AN ACT  
RELATING TO THE MAXIMUM RATE OF INTEREST THAT PARTIES MAY AGREE TO PAY; REPEALING SECTION 28-22-105, IDAHO CODE; AMENDING CHAPTER 22, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-22-105, IDAHO CODE, TO PROVIDE THAT THE MAXIMUM RATE OF INTEREST FOR CERTAIN LOANS SHALL BE THIRTEEN PERCENT; AMENDING SECTION 28-33-105, IDAHO CODE, BY AMENDING THE DEFINITION OF "LOAN PRIMARILY SECURED BY AN INTEREST IN LAND", BY ELIMINATING CERTAIN LOANS SECURED BY LIENS UPON REAL PROPERTY FROM THE PROVISIONS OF THE UNIFORM CONSUMER CREDIT CODE AND BY INCREASING THE MAXIMUM RATE OF INTEREST; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 28-22-105, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 22, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-22-105, Idaho Code, and to read as follows:

28-22-105. MAXIMUM RATE OF INTEREST. Parties may agree in writing for the payment of any rate of interest, but not exceeding thirteen percent (13%) per annum, on money due or to become due on any contract, or any extension, renewal or rewrite thereof; provided, however, that notwithstanding the foregoing, and except where the contract is secured by a security interest in real property which is used or expected to be used as the residence of the contract obligor, parties may agree in writing which clearly sets forth the rate of interest charged, to pay any rate of interest in excess of the maximum rate provided in this section on money due, or to become due, or on any extension or renewal thereof, if:

(a) The contract is not a consumer loan as defined by sections 28-33-104 and 28-33-105, Idaho Code, or a consumer related loan as defined by section 28-33-602, Idaho Code, or a consumer loan by agreement under section 28-33-601, Idaho Code; and

(b) The original indebtedness to be repaid is not less than twenty-five thousand dollars ($25,000), or on any series of advances of money pursuant to a single contract, the aggregate of the sums shall not be less than twenty-five thousand dollars ($25,000). On any obligation complying with the provisions of paragraphs (a) and (b) hereof, the claim or defense of usury by the obligor, the successors, guarantors or assigns of the obligor, or anyone on behalf of the
obliger is prohibited. The term "residence" as used in this section 28-22-105, Idaho Code, means the principal dwelling place of the contract obligor and shall include a multifamily dwelling place with accommodations not to exceed four (4) families ("fourplex") in which the contract obligor maintains his principal dwelling place.

SECTION 3. That Section 28-33-105, Idaho Code, be, and the same is hereby amended to read as follows:

28-33-105. DEFINITION -- "LOAN PRIMARILY SECURED BY AN INTEREST IN LAND." Unless the loan is made subject to this act by agreement (section 28-33-601, Idaho Code), and except as provided with respect to disclosure (section 28-33-301, Idaho Code) and debtors' remedies (section 28-33-201-283-35-201, Idaho Code), "consumer loan" does not include a "loan primarily secured by an interest in land," if--at--the time--the--loan--is--made the value of this collateral is substantial in relation to the amount of the loan; which is defined as a loan primarily secured by a lien upon real property and the loan finance charge does not exceed 40 thirteen per cent (13%) per year calculated according to the actuarial method on the unpaid balances of the principal on the assumption that the debt will be paid according to the agreed terms and will not be paid before the end of the agreed term.

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

Approved March 13, 1979.

CHAPTER 35
(S.B. No. 1030)

AN ACT
RELATING TO THE INVESTMENT OF IDLE MONEYS; AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE A DEFINITION OF THE TERM "TO INVEST"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210. INVESTMENT OF IDLE MONEYS. It shall be the duty of the
state treasurer to invest idle moneys in the state treasury, other than moneys in public endowment funds, in any of the following:

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

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

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

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

(e) Repurchase agreements covered by any legal investment for the state of Idaho.

(f) Tax anticipation notes and registered warrants of the state of Idaho.

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

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

The term "idle moneys" means the balance of cash and other evidences of indebtedness which are accepted by banks as cash in the ordinary course of business, in demand deposit accounts, after taking into consideration all deposits and withdrawals, on a daily basis.

The interest received on all such investments, unless otherwise specifically required by law, shall be paid into the general fund of the state of Idaho.

The term "to invest" means to use the idle moneys in the state treasury to buy, sell, including selling before maturity at either a gain or a loss, retain, or exchange any of the investments described in this section, considering the probable safety of the capital, the probable income to be derived, and the liquidity of the assets.

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

Approved March 16, 1979.

CHAPTER 36
(H.B. No. 129)

AN ACT
RELATING TO THE CLASSIFIED SERVICE AND VETERANS EMPLOYMENT PREFERENCE;
AMENDING SECTION 67-5309, IDAHO CODE, TO ALIGN THE VETERANS EMPLOYMENT PREFERENCE REQUIREMENTS WITH THOSE CONTAINED IN SECTION 65-506, IDAHO CODE.

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

SECTION 1. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE PERSONNEL COMMISSION. The commission shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for proper administration of this act. Such rules shall include:

(a) A rule requiring the personnel commission, after consulting with each department to develop, adopt, and make effective, a classification plan for positions covered by this act, based upon an analysis of the duties and responsibilities of the position. The classification plan will include an appropriate title for each class, and a description of duties and responsibilities of positions in the classes and requirements of minimum training, experience and other qualifications, suitable for the performance of duties of the position.

(b) A rule requiring the personnel commission, after consulting with each department to develop, and adopt a comprehensive compensation plan for all classes of positions covered under this act. The compensation plan shall include salary schedules with the salary of each position consistent with the responsibility and difficulty of the work as outlined in the job specifications.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation.

(d) A rule providing for not less than biennial review by the commission of the personnel system including classification and compensation plans, policies and procedures.
(e) A rule requiring fair and impartial selection of appointees to all positions other than those exempted in this act, on the basis of open competitive merit examinations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination was open; the application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time for any position for which the commission maintains a register or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any war veteran and the widow of any war veteran as long as she remains unmarried; provided however, that the five-(5)-point-preference-shall-not-be-granted-to-any-person-who-has served-in-the-armed-forces-for-a-period-of-more-than-twelve-(12)-years and-is-receiving,-or-is-eligible-to-receive,-retirement-pay--from--the United--States--solely-as--a-result-of-length-of-service-in-the-armed forces. Ten (10) points shall be added to the earned rating of any disabled war veteran, the widow of any disabled war veteran as long as she remains unmarried or the spouse of any disabled veteran who is physically unable to perform the work in the position to which the spouse seeks to apply the preference. Employment registers shall be established in order of final score except that the names of all five (5) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating, and the names of all ten (10) point preference eligibles shall be placed on at the top of the register in-order-of-their-augmented-rating above the names of all nonpreference eligibles. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the five (5) top ranking available eligibles plus the names of all individuals with scores identical to the fifth ranking eligible on the register; however, selective certification shall be permitted when justified by the hiring department, under rules to be made by the commission defining adequate justification based on the duties and requirements of the position. Such examinations need not be held until after the rules
have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(f) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified permanent employee of the agency in which the vacancy occurs. An inter-agency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(g) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made at least annually, and that a copy of the evaluation shall be filed with the commission.

(h) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, or other nonmerit factors, and providing for right of appeal.

(i) A rule for cooperation with other public personnel agencies whose merit or civil service systems operate in accordance with standards comparable with those provided in this act and the rules of the commission.

(j) A rule establishing a probation period not to exceed a stipulated period of time, and for the appointing authority to notify the commission and the employee in writing prior to the expiration of the probationary period concerning satisfactory or unsatisfactory performance. Employees who during the probationary period are performing in an unsatisfactory manner may be asked to resign and, upon failure to submit such resignation, may be discharged without the right of appeal. The appointing authority must notify the commission and the employee in writing in order for the probationer to become a permanent employee.

(k) A rule concerning provisional appointments.

(l) A rule concerning temporary appointments.

(m) A rule governing the employment of consultants and persons retained under independent contract.

(n) A rule for the discharge or reduction of rank or grade or disciplining of permanent employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the discharge, reduction of rank or grade, or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed upon him by the state constitution, state statutes, rules and regulations of his department, or rules and regulations of the
personnel commission.
2. Inefficiency, incompetency, or negligence in the performance of duties.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in his department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence which violates the principles of merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
10. Acceptance of gifts in exchange for influence or favors given in his official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
13. Unauthorized disclosure of confidential information from official records.
15. Misstatement or deception in his application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing his duties.
17. Prohibited participation in political activities.
   (o) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system.
   (p) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.
   (q) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.
   (r) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this act.
   (s) A rule concerning "project exempt" appointments.

Approved March 16, 1979.
CHAPTER 37
(S.B. No. 1059)

AN ACT
RELATING TO BORROWING AND INTERIM NOTES OF IRRIGATION DISTRICTS;
AMENDING CHAPTER 4, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 43-414, IDAHO CODE, PROVIDING FOR THE BORROWING OF MONEY
AND THE ISSUANCE OF INTERIM NOTES BY IRRIGATION DISTRICTS IN
ADVANCE OF PERMANENT FINANCING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, Title 43, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 43-414, Idaho Code, and to read as
follows:

43-414. 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. No election shall be required on the issuance of
interim notes. 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 this chapter. 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 be not 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 assessments to be levied and collected by the board
pursuant to the provisions of section 43-404, Idaho Code, representing
the amount of benefits which will accrue to each tract or legal
subdivision of land in the district based upon the allocation of the
cost of the project for which permanent financing has been authorized
to each such tract or legal subdivision of land, but only when there
shall have been held, in said district, an election on the right of the district to issue bonds for said project, which bonds shall have been approved at said election, and which election shall have been called, held and conducted in the manner now or hereafter provided in this chapter. Said interim notes and the interest thereon shall be payable solely from such assessments and from the proceeds to be derived from the sale of any bonds for permanent financing authorized to be issued pursuant to this chapter, provided, however, that none of the provisions of this title requiring the filing of a petition for confirmation of proceedings taken in connection with a bond issue of any district shall apply to interim notes of said district. 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.

SECTION 2. An emergency existing therefor, 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, 1979.
CHAPTER 38
(S.B. No. 1154)

AN ACT
AMENDING SECTION 4, CHAPTER 205, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE FOR THE IDAHO COMMISSION ON ARTS AND HUMANITIES BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $25,000; AMENDING SECTION 5, CHAPTER 205, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE FOR THE IDAHO CODE COMMISSION BY INCREASING THE APPROPRIATION FROM THE IDAHO CODE COMMISSION ACCOUNT BY $15,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4, Chapter 205, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 4. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Commission on Arts and Humanities the following amounts, to be expended for 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>
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<tbody>
<tr>
<td>ARTS AND HUMANITIES COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$57,600</td>
<td>$11,800</td>
<td>$1,400</td>
<td></td>
<td>$70,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$5,000</td>
<td>40,000</td>
<td>5,000</td>
<td></td>
<td>45,000</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>361,300</td>
<td>472,100</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 2. That Section 5, Chapter 205, Laws of 1978, be, and the same is hereby amended to read as follows:

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:

<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>IDAHO CODE COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$15,000</td>
<td></td>
<td></td>
<td></td>
<td>$15,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$149,400</td>
</tr>
</tbody>
</table>

$164,400
Total $164,400
FROM: Idaho Code Commission Account $149,400 164,400

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, 1979.
CHAPTER 39
(S.B. No. 1139)

AN ACT
AMENDING SECTION 3, CHAPTER 335, LAWS OF 1978, RELATING TO THE
APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF
REGENTS OF THE UNIVERSITY OF IDAHO FOR THE COOPERATIVE EXTENSION
SERVICE PROGRAM, BY INCREASING THE APPROPRIATION FROM THE
SMITH-LEVER ACT FEDERAL ACCOUNT BY $84,800; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 3, Chapter 335, Laws of 1978, be, and the
same is hereby amended to read as follows:

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>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,178,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>503,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>24,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,706,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,796,100</td>
</tr>
<tr>
<td>Federal Accounts:</td>
<td></td>
</tr>
<tr>
<td>Smith-Lever Act</td>
<td>$1,543,200</td>
</tr>
<tr>
<td>Expanded Nutrition</td>
<td>254,700</td>
</tr>
<tr>
<td>Indian Affairs</td>
<td>49,900</td>
</tr>
<tr>
<td>Farm Safety</td>
<td>20,000</td>
</tr>
<tr>
<td>Title V Rural Development</td>
<td>14,200</td>
</tr>
<tr>
<td>Agricultural Rural Development</td>
<td>9,600</td>
</tr>
<tr>
<td>Part-time Farmer</td>
<td>10,100</td>
</tr>
<tr>
<td>Local Smith-Lever Act Funds</td>
<td>8,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,706,000</strong></td>
</tr>
</tbody>
</table>

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

Approved March 17, 1979.
CHAPTER 40
(S.B. No. 1031)

AN ACT
RELATING TO COUNTY MUTUAL INSURERS; AMENDING CHAPTER 31, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3102A, IDAHO CODE, TO PROVIDE FOR THE CONVERSION OF COUNTY MUTUAL INSURERS INTO DOMESTIC MUTUAL INSURERS.

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

SECTION 1. That Chapter 31, 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 41-3102A, Idaho Code, and to read as follows:

41-3102A. CONVERSION INTO DOMESTIC MUTUAL. (1) A county mutual insurer upon affirmative vote of not less than two-thirds (2/3) of its members who vote on such conversion, pursuant to due notice, and the approval of the director of the terms therefor, may be converted to a domestic mutual insurer.

(2) Such resulting mutual insurer shall be subject to the same capital or surplus requirements and shall have the same rights as a like domestic insurer transacting like kinds of insurance.

(3) The director shall not approve any plan for such conversion which is inequitable to members.

Approved March 17, 1979.

CHAPTER 41
(S.B. No. 1008, As Amended)

AN ACT
RELATING TO BANKS AND BANKING; REPEALING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 AND 23, TITLE 26, IDAHO CODE; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION THERETO OF NEW CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 13, TITLE 26, IDAHO CODE, TO BE KNOWN AS THE IDAHO BANK ACT; PROVIDING FOR A TITLE AND SCOPE OF THE IDAHO BANK ACT; PROVIDING FOR THE ORGANIZATION AND CORPORATE POWERS OF BANKS; PROVIDING FOR BANK BRANCHES; PROVIDING FOR BANK SERVICE CORPORATIONS; PROVIDING FOR BANK HOLDING COMPANIES; PROVIDING FOR RESERVES, SURPLUS AND DIVIDENDS; PROVIDING FOR LIMITATIONS ON LOANS, INVESTMENTS AND
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 and 23, Title 26, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Title 26, Idaho Code, to be known and designated as the Idaho Bank Act and to read as follows:

CHAPTER 1
TITLE AND SCOPE OF ACT

26-101. TITLE. This act shall be known as the "Idaho Bank Act" and shall be applicable to all corporations, copartnerships, cooperative associations and persons engaged in the business of banking in the state of Idaho.

26-102. PURPOSE OF THE ACT. The purposes of this act are to provide for:
(1) Safe and prudent conduct of the banking business for the benefit of depositors and shareholders.
(2) Maintenance of public confidence in banks.
(3) An opportunity for banks to remain competitive with each other, with financial institutions existing under other laws of this state and to encourage the continuation, maintenance and preservation of the dual banking system.

26-103. CONSTRUCTION AGAINST IMPLICIT REPEAL. This act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

26-104. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

26-105. EFFECT OF ACT ON EXISTING BANKS. The powers, privileges,
duties and restrictions heretofore conferred and imposed upon any bank now existing and doing business under the laws of this state, are hereby abridged, enlarged or modified as each particular case may require to conform with the provisions of this chapter.

26-106. DEFINITIONS. As used in this act, unless the context or subject matter otherwise requires:

(1) "Bank" means any person engaged in soliciting, receiving or accepting money or its equivalent on deposit as a regular business whether or not such deposit, however evidenced, is made subject to check or draft or other order.

(2) "Banking business" means the soliciting, receiving or accepting of money or its equivalent on deposit as a regular business whether such deposit is made subject to check or draft or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing; provided, that nothing herein shall apply to or include money or its equivalent left in escrow or left with an agent pending investment in real estate or securities for or on account of his principal.

(3) "Banking facility" means a place of business of a bank which performs activities limited to:
   (a) taking applications for loans, accepting deposits, issuing receipts therefor, and transmitting such deposits to the bank maintaining such facility;
   (b) carrying and disbursing cash change, cashing checks, accepting checks;
   (c) issuing checks drawn on or certified by the bank operating the facility, renting safety deposit boxes, keeping necessary accounts of all transactions; and carrying out such other transactions as the director may allow by regulation.

(4) "Bank service corporation" means a corporation organized to perform bank services for two (2) or more banks, each of which owns part of the capital stock of such corporation, and which are subject to examination by either the department of finance of the state of Idaho or a federal bank supervisory agency.

For the purpose of this definition "bank services" means services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a bank.

(5) "Borrowing" means any nondeposit liability.

(6) "Branch" means any location except a bank facility or customer-bank communication terminal or bank service corporation at which a bank performs any or all functions of a bank.

(7) "Capital" means the amount of unimpaired paid-up common stock plus the amount of paid-up preferred stock issued and unimpaired.

(8) "Capital note" means a convertible or nonconvertible note of
a bank subordinated as to principal and interest to the depositors of
the bank and containing such conditions as the director may require.
(9) "Capital structure" means the total of the capital, surplus,
undivided profits and subordinated capital notes and contingency
reserves of the bank or such other account as determined by the
director of the department of finance.
(10) "Common stock" means the stock of a banking corporation
other than preferred stock.
(11) "Commercial paper" means a short term negotiable instrument
arising out of a commercial transaction; provided, however, that
commercial paper shall not be construed to be a deposit as defined in
this act.
(12) "Converting bank" means a bank converting from a state to a
national bank, or the reverse.
(13) "Demand deposit" means all deposits except time deposits.
(14) "Deposit" means the act of placing or lodging money in the
custody of a person, for safety or convenience whether
interest-bearing or not, to be withdrawn at the will of the depositor
or under rules, terms and regulations agreed upon by the depositor and
the depository. If the context requires, deposit may also mean the
money so deposited or the credit the depositor receives for it.
(15) "Depositor" means any person who deposits money.
(16) "Director" means the director of the department of finance.
(17) "Dissenting stockholder" means a stockholder dissenting and
voting his dissent as provided in this act.
(18) "Executive officer" means each officer of a bank, who by
virtue of his position, has both voice in the formulation of the
policy of the bank and responsibility for the implementation of such
policy.
(19) "Federal funds" means member bank deposits at federal
reserve banks.
(20) "Federal reserve act" means and includes the act of congress
of the United States approved December 23, 1913, as amended.
(21) "Federal reserve bank" means a federal reserve bank created
and organized under the authority of the Federal Reserve Act.
(22) "Federal reserve board" means the board of governors of the
Federal Reserve System created and described in the Federal Reserve
Act.
(23) "Federal bank supervisory agency" means the comptroller of
the currency, the board of governors of the Federal Reserve System, or
the board of directors of the Federal Deposit Insurance Corporation.
(24) "Fiduciary" means trustee, agent, executor, administrator,
personal representative, committee, guardian or conservator for a
minor or other incompetent person, receiver, trustee in bankruptcy,
assignee for creditors or any holder of a similar position of trust.
(25) "Member bank" means any national bank or state bank which
has become or which becomes a member of one (1) of the federal reserve
banks created by the Federal Reserve Act.
(26) "Merger" means the union of two (2) or more bank corporations by the transfer of property of all to one of them. As used in this act "merger" includes a consolidation.

(27) "Merging bank" means a party to a merger.

(28) "Mobile facility" means a banking facility which is moved from place to place and not permanently attached to real property.

(29) "National bank" means a bank organized under the laws of the United States and issued an organization certificate by the comptroller of the currency.

(30) "Net demand deposits" mean the total of the bank's demand deposits after subtracting from the deposit balance due to any bank the deposit balance due from the same bank (other than trust funds deposited by either bank) and any cash items in the process of collection due from or due to such banks shall be included in determining such net balance, except that balances of time deposits of any bank and any balances standing to the credit of private banks, of banks in foreign countries, of foreign branches of other American banks, and of American branches of foreign banks shall be reported gross without any such subtraction, and excluding any deposits received in any office of the bank for deposits in any other office of the bank. The amount of trust funds held in the bank's own trust department, which the bank keeps segregated and apart from its general assets and does not use in the conduct of its business, shall not be included as net deposits.

(31) "Net profits" mean profits remaining after the deduction of all expenses including depreciation, losses, or doubtful assets, as required by the director of the department of finance, interest, and taxes accrued or due.

(32) "Person" means a natural person, corporation, partnership, association, cooperative association, unincorporated association, trust, or any other legal or commercial entity.

(33) "Preferred stock" means a class of the stock of a banking corporation issued in accordance with section 26-206, Idaho Code, which is accorded a preference or priority over the common stock of the corporation.

(34) "Resulting bank" means the bank resulting from a merger or conversion.

(35) "Savings deposit" means a deposit:
(a) that consists of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit; or that consists of funds deposited to the credit of or in which the entire beneficial interest is held by the United States, any state of the United States, or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, America Samoa,
Guam, or political subdivision thereof; or that consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, association, or other organization not qualifying above to the extent such funds do not exceed one hundred fifty thousand dollars ($150,000) per such depositor at a bank; and

(b) with respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

(36) "State bank" means any bank chartered by the state of Idaho.

(37) "Temporary banking facility" means a banking facility which is operated for less than thirty (30) days and is established for the purpose of providing bank facility services for a specific occasion.

(38) "Time certificate of deposit" means a deposit evidenced by a negotiable on non-negotiable instrument which provides on its face that the amount of such deposit is payable to bearer or to any specified person or to his order:

(a) on a certain date, specified in the instrument, not less than thirty days (30) after the date of the deposit; or

(b) at the expiration of a certain specified time not less than thirty (30) days after date of the instrument; or

(c) upon notice in writing which is actually required to be given not less than thirty (30) days before the date of repayment; and

(d) in all cases only upon presentation and surrender of the instrument.

(39) "Time deposit" means time certificates of deposit, time deposits open account, and savings deposits.

(40) "Time deposit open account" means a deposit, other than a time certificate of deposit, with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than thirty (30) days after the date of the deposit, or prior to the expiration of the period of notice which must be given by the depositor in writing not less than thirty (30) days in advance of withdrawal.

(41) "Trust department" means the division of a bank which has been granted trust powers by the director of finance.

26-107. SECTIONS APPLICABLE TO NATIONAL BANKS. The provisions of sections 26-215, 26-301 through and including, 26-309, 26-716, 26-717, 26-718, 26-1203, 26-1206, 26-1207, 26-1208, and 26-1209, Idaho Code, also apply to national banks.
CHAPTER 2
ORGANIZATION AND CORPORATION POWERS OF BANKS

26-201. GENERAL CORPORATION LAWS APPLICABLE. Except as otherwise provided herein, the general business corporation laws of this state shall apply to all corporations organized and operating under the bank act.

26-202. AUTHORIZATION NECESSARY TO DO BUSINESS. It shall be unlawful for any person to engage in or transact any banking business in this state except by means of a corporation duly organized for that purpose and chartered under the bank act. Corporations organized to engage in and transact banking business shall be formed by five (5) or more natural persons under the general business corporation laws of this state and as provided in the bank act.

Except as specifically authorized by other laws of the state of Idaho, no person except a national bank shall engage in or transact any banking business except as is incidental or necessarily preliminary to its organization without the written approval of the director and without his written charter stating that it has complied with the provisions of the bank act and all of the requirements of law and that it is authorized to transact banking business within the state. To obtain a charter the incorporators shall file with the director the following information:

(a) five (5) copies of its articles of incorporation,
(b) satisfactory proof of compliance with section 26-204, Idaho Code,
(c) the names and addresses of its officers and directors,
(d) the names and addresses of all subscribers to its common stock and the amounts subscribed by each,
(e) the oath of each and every director as provided in section 26-213, Idaho Code,
(f) the affidavit of its directors to the effect that said corporation has complied with all the provisions of the bank act required to authorize it to commence business, and
(g) such other information as the director may require in the form required by the director.

Upon filing of the foregoing, it shall be the duty of the department to examine and investigate into the condition of the corporation, ascertaining whether or not the capital has been paid in and whether the corporation has complied with all the provisions of the law required to entitle it to engage in the business of banking. The department shall also ascertain from the best sources of information at its command whether the character and general fitness of the persons named as subscribers and officers and directors are such that the bank may be operated in a safe, prudent and profitable manner and as to command the confidence of the community in which such bank is proposed to be located. The department shall collect a fee on
demand from the corporation which fee shall not be less than one
hundred fifty dollars ($150) or more than two thousand dollars
($2,000) based upon the cost of such examination and investigation.
If upon such examination, and investigation, it appears that the
corporation is lawfully entitled to commence banking business, and the
directors and officers are competent to engage in banking business,
and its subscribers are such as to command the confidence of the
community, and if, in the opinion of the director the organization of
the bank is justified, the director shall forthwith issue to the
corporation a bank charter, under official seal.

If the director has reason to believe that the corporation has
been formed for any other business than the legitimate banking
business contemplated by the bank act or that the subscribers,
officers and directors will not operate the bank in a safe, prudent
and profitable manner, or that the bank will not have qualified
experienced management with experience commensurate with the area
where the bank is proposed to be located, he shall withhold such
charter, and he may withhold the issuance of such charter to a
corporation seeking to engage in banking business in an area which in
his judgment does not justify or warrant a new or additional bank or
could not support a profitable banking corporation.

No unit bank hereafter organized shall be permitted to be acquired
for the purpose of establishing a branch banking office or a branch
bank until it shall have been in operation as a unit bank for a period
of five (5) years.

26-203. ARTICLES OF INCORPORATION -- FORM. Proposed articles of
incorporation of a banking corporation shall be in a form acceptable
to the director, and must be submitted to the director for approval as
to form and content before the same are filed for record in the
offices of the secretary of state and county recorder; provided that
no bank shall be required to have the word "corporation" in its
corporate name.

26-204. ARTICLES OF INCORPORATION -- AMENDMENT. Any proposed
amendment to the articles of incorporation of a bank shall, before the
same is adopted, be submitted to the director for his approval as to
form and content. In addition to the articles of amendment to be filed
with the secretary of state under the provisions of the general
business corporation act, like articles and a copy of the articles of
incorporation as amended must be filed in the office of the director
and no amendment shall be operative nor effective until such articles
be filed in the office of the director and shall have been approved in
writing by the director.

26-205. INCORPORATION -- CAPITAL STRUCTURE REQUIRED. (1) Every
banking corporation hereafter organized must have common stock,
surplus and undivided profits paid up in unhypothecated cash of not
less than the following amounts:

(a) In cities, and communities the population of which does not exceed six thousand (6,000), a minimum of two hundred fifty thousand dollars ($250,000) in par value of common stock, fifty thousand dollars ($50,000) in surplus, and twenty-five thousand dollars ($25,000) in undivided profits.
(b) In cities, or communities the population of which exceeds six thousand (6,000), but does not exceed fifty thousand (50,000), a minimum of three hundred fifty thousand dollars ($350,000) in par value common stock, seventy thousand dollars ($70,000) in surplus, and thirty-five thousand dollars ($35,000) in undivided profits.
(c) In cities, or communities the population of which exceeds fifty thousand (50,000), a minimum of one million dollars ($1,000,000) in par value of common stock, two hundred thousand dollars ($200,000) in surplus, and one hundred thousand dollars ($100,000) in undivided profits.
(d) The par value of common stock, surplus and undivided profit amounts set out herein are minimum amounts only, and the director may in his discretion require larger amounts of par value of common stock, surplus and undivided profits.

(2) No original subscription to the stock of any bank hereafter organized under the laws of this state shall be valid or operative unless the subscriber also subscribes and actually pays in, in cash, at the time he pays such subscription an additional amount equal to twenty percent (20%) of his subscription, for the purpose of constituting surplus funds for such bank and an additional amount equal to ten percent (10%) of his subscription for the purpose of constituting undivided profits for such bank to be used, so far as necessary, in paying the costs of organization and for the general expenses of the bank. No bank shall issue any share of stock until the full par value thereof, plus twenty percent (20%) surplus and ten percent (10%) undivided profits, has been actually paid in, in cash, as above provided.

(3) The entire par value of the common stock, plus surplus and undivided profits of every banking corporation hereafter formed shall be paid in, in cash, and deposited in a bank in the state of Idaho before a corporation may be authorized to commence banking business. A subscription for which a subscriber gives the banking corporation his or her note in payment or part payment of the par value of common stock, plus surplus or undivided profits is void. Stock issued pursuant to this section may not be used as security for a loan to purchase stock.

(4) For the purpose of this section, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which any such bank is to be organized. If the principal place of business of any bank so organized is located outside of the corporate limits of any city or
village, then the population within a radius of five (5) miles of its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classification under the provisions of this section.

(5) A bank may not issue preferred stock to meet the capitalization requirements of this section.

26-206. PREFERRED STOCK. (1) Subject to the provisions of the bank act, and by and with the approval and consent of the director, any bank now or hereafter incorporated under the laws of this state, may issue such part of its capital as is approved by the director, as preferred stock having such special rights, preferences, privileges, immunities, qualifications and restrictions as to voting, dividends, redemption, retirement, participation in corporate assets, not common to other stock, as provided in its articles of incorporation as hereafter adopted or amended, and as are not inconsistent with the provisions of the bank act and the provisions of its articles of incorporation or amendments thereto.

(2) Dividends on preferred stock may be declared and paid only from net profits as defined by section 26-503, Idaho Code, but such net profits may be current profits or those accumulated as surplus. No dividend shall be declared nor paid, any retirement or redemption of such stock be made, nor any other distribution or payment of corporate assets made thereon or therefor at any time when the total common stock and surplus is below or will be thereby reduced below the minimum common stock required by law plus a surplus fund equal to ten percent (10%) of such minimum common stock or the amount of common stock required by the director at the time the bank's charter was issued plus a surplus fund equal to ten percent (10%) of such required common stock.

(3) Preferred stock under the provisions of this act must be subscribed and paid for at not less than par value.

(4) Except as otherwise provided in the bank's articles of incorporation or by the bank act, preferred stock authorized by this act is capital and shall be considered as such in computing the capital structure of the bank within the meaning of all provisions of the bank act.

26-207. BYLAWS. Every banking corporation formed under the bank act must, within thirty (30) days after the issuance of its certificate of incorporation, adopt a code of bylaws as provided in the Idaho Business Corporations Act. A copy of all bylaws and of any subsequent amendments thereto and a copy of the bylaws as amended must be mailed by certified mail return receipt requested to the department within twenty (20) days after the adoption thereof, and no such bylaw or amendment shall be effective until so mailed.
26-208. PLACE OF MEETINGS. All meetings of stockholders of a bank shall be held in the community of its principal place of business within this state. When so provided in the articles of incorporation or bylaws, or by resolution of the board of directors, regular or special meetings of the board of directors or the executive committee may be held for the transaction of any business of the bank at any other place within the state of Idaho provided that the director may approve meetings of the board of directors outside of the state of Idaho.

26-209. TIME OF ANNUAL MEETING. The annual meeting of stockholders of a bank shall be held each year in the month of January, February, March or April. Every bank shall, by bylaw, fix the day in such month for its annual meeting.

26-210. STOCKBOOK. A book shall be provided and kept by every bank in which shall be entered the names and residences of the stockholders thereof, the number of shares held by each, the time when such person became a stockholder, and also all transfers of stock, stating the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said books shall be prima facie evidence of the facts therein stated.

The president, cashier or corporate secretary of every bank shall cause to be kept at all times in the principal place of business of the bank a full and correct list of the names and residences of all the shareholders. Such list shall be subject to the inspection of any stockholder of the bank and a stockholder may obtain a copy of such list upon paying the cost of the reproduction of the list.

26-211. STOCK-TRANSFERS. (1) The shares of stock of a bank shall be deemed personal property and shall be transferred on the books of the bank in such manner as the bylaws thereof shall direct.

(2) All transfer of seven percent (7%) or more of the outstanding stock of a bank by sale, gift or otherwise shall be reported to the director thirty (30) days prior to such transfer. The director may disapprove a transfer of stock if he finds that the transferee has been removed from a position as a director, officer or employee of a bank or other financial institution pursuant to an order of a state or federal agency or has been convicted of a felony. If the director fails to disapprove a transfer of stock within thirty (30) days following receipt of the notification of transfer, the transfer shall be deemed approved. The provisions of this subsection shall not apply to a voting trust existing prior to July 1, 1978.

(3) All transfers of stock shall be certified by the president of the bank or secretary of the board of directors to the department within twenty (20) days after such transfer.

26-212. RIGHT OF EXAMINATION BY STOCKHOLDER. No stockholder of
any bank who is not a director shall have the right to inspect the books and records of such bank showing its transactions with any of its customers but any such stockholder shall have the right to inspect, during business hours, the daily statement showing the general assets and liabilities of such bank.

26-213. BOARD OF DIRECTORS -- ELECTION, MEETINGS, DUTIES, LIABILITIES, OATH -- OFFICERS -- ELECTION AND BOND. The affairs, business and property of a bank shall be managed and controlled by a board of not less than five (5) directors, who shall be elected by the stockholders at their regular stated annual meetings. A majority of said directors shall be residents of the state of Idaho.

No person shall be eligible to serve as a director of any bank organized or existing under the laws of this state, unless he shall be the owner in his own right of unhypothecated common stock of the bank in the amount of at least five hundred dollars ($500) par value.

Any vacancy in the board of directors shall be filled by the board, and any directors so appointed shall hold office until the next annual meeting of stockholders. The board of directors shall immediately following each annual meeting of stockholders organize and elect a president, vice-president and cashier, who may also be the secretary and treasurer of the bank, and such other officers as shall be provided for in the bylaws, and shall fix the salary of all officers and employees or delegate such authority to its managing officer or officers. Directors of every bank shall hold at least ten (10) meetings per year; provided, no more than sixty-five (65) days may elapse between board of directors meetings, and complete records of such meetings shall be entered in the minute book and signed by both the chairman and the secretary.

Whenever a vote is taken upon any matter, a record shall be kept and entered in the minutes of those voting in the affirmative and those voting in the negative. At every meeting it shall be the duty of the directors to familiarize themselves with loans and investments made since the previous regular meeting and any director may request a listing of all loans made since the previous regular meeting. It shall be the duty of the president and cashier to furnish such information to the directors. The directors shall familiarize themselves with the existing liabilities to the bank of every officer and director of their bank at least once during each calendar year. The minutes of the meeting shall record the approval or disapproval of loans, investments and liabilities of officers. Each officer and director who borrows money from the bank shall submit his personal financial statement to the chief executive officer of the bank at least once during each calendar year and such financial statements shall be made available to federal or state regulatory agencies upon request by the agency.

Any director, officer or person who shall participate in any violation of the laws of this state relative to banks or banking, shall be liable for all damages which said bank, its stockholders,
depositors, or creditors shall sustain in consequence of such violation. It shall be the duty of every director of a bank personally to attend all meetings of the board of directors unless unavoidably detained therefrom. Any director who shall habitually absent himself from such meeting shall be deemed to have participated in any violation of law that may have occurred in his absence, and he shall not be permitted to set up such absence as a defense thereto.

Every director shall take and subscribe an oath that he will diligently and honestly perform his duty in such office and will not knowingly violate or permit a violation of any provisions of the bank act, and such oath of office shall be transmitted to and filed with the department of finance.

Every active officer and employee of any bank in this state shall furnish a surety bond in the penal sum of fifty thousand dollars ($50,000) to the bank by which he is employed for the faithful performance of his duties, executed by a surety company authorized to do business in the state of Idaho as a surety. In lieu of the individual surety bonds required by this section, a bank may provide a bankers blanket bond in a minimum amount of two hundred fifty thousand dollars ($250,000). The conditions of such bond, whether the instrument so describes the conditions or not, shall be that the principal shall protect the obligee against any loss or liability that the obligee may suffer or incur by reason of the acts of dishonesty of the principal.

Every bank shall provide adequate insurance protection or indemnity against robbery and burglary and other similar insurable losses.

All surety bonds shall be approved by and filed with the directors. The directors or the director may require an increase of the amount of any such bond whenever either the directors or the director deem necessary for the better protection of the bank.

26-214. POWER OF BANKS TO GRANT OPTIONS TO PURCHASE OR SELL SHARES OF ITS STOCK TO ITS EMPLOYEES. (1) Any bank may grant options to purchase, sell or enter into agreements to sell, shares of its stock to its employees whether or not such transactions qualify for special tax treatment under the Internal Revenue Code of 1954 as defined in section 63-3004, Idaho Code, and regulations promulgated thereunder, provided that the following conditions are met:

(a) Application for approval shall be made to the director of the department of finance in the form of a letter accompanied by the following information:

1. Description of all material provisions of the plan.
2. Proposed notice of stockholders' meeting, proxy and proxy statement.
3. The number of shares of authorized but unissued stock to be allocated to the plan.
4. Proposed amendments, if any, to articles of incorporation
creating authorized but unissued stock and eliminating preemptive rights as to the shares reserved under the plan.

(b) The plan is administered by a committee, none of whose members may participate in the plan;

(c) The number of shares allocable to any person under the plan is reasonable in relation to the purpose of the plan and the needs of the bank; and

(d) In the case of a stock option plan, the number of shares subject to the plan is not unreasonable in relation to the bank's capital structure and anticipated growth.

26-215. FEDERAL RESERVE -- MEMBERSHIP. Any bank shall have the power to subscribe to the capital stock and become a member of a federal reserve bank.

Any bank incorporated under the laws of this state which is or which becomes a member of a federal reserve bank is, by the bank act, vested with all powers conferred upon member banks of the federal reserve banks by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described herein. All such powers shall be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Federal Reserve Board, made pursuant thereto. The right of the legislature to revoke or to amend the powers herein converted is, however, expressly reserved.

Compliance on the part of any such bank with the reserve requirements of the Federal Reserve Act shall be held to be in full compliance with those provisions of the laws of this state which require banks to maintain cash balances in their vaults or with other banks, and no such bank shall be required to carry or maintain reserve other than such as is required under the terms of the Federal Reserve Act. Any such bank shall continue to be subject to the supervision and examinations required by the laws of this state, except that the Federal Reserve Board shall have the right, if it deems necessary, to make examinations; and the authorities of this state having supervision over such bank may disclose to the Federal Reserve Board or to examiners duly appointed by it, all information in reference to
the affairs of any bank which has become or desires to become a member of a federal reserve bank.

26-216. CUSTODIAL ACCOUNTS. Any bank, not having trust powers, may act as custodian, and may receive reasonable compensation for so acting, of any custodial account created or organized in the United States and forming part of a stock bonus, pension, or profit sharing plan which qualifies or qualified for specific tax treatment under section 401(d), section 403(b) or section 408(a) of the Internal Revenue Code of 1954 as defined in section 63-3004, Idaho Code, if the funds of such trust are invested only in savings accounts or deposits in such bank or in obligations or securities issued by such bank. All funds held in such custodial capacity by any such bank may be commingled for appropriate purposes of investment, but individual records shall be kept by the custodian for each participant and shall show in proper detail all transactions engaged in under the authority of this section.

26-217. BANKS EMPOWERED TO COMPLY WITH REQUIREMENTS FOR FEDERAL DEPOSIT INSURANCE. Any banking institution now or hereafter organized under the laws of this state is hereby empowered, on the authority of its board of directors, or a majority thereof, to enter into such contracts, incur such obligations and generally to do and perform any and all such acts and things whatsoever as may be necessary or appropriate in order to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights, or privileges, which may at any time be available or enure to banking institutions or to their depositors, creditors, stockholders, conservators, receivers or liquidators, by virtue of those provisions of section 8 of the federal "banking act of 1933" (sec. 12B of the Federal Reserve Act, as amended), which establish the Federal Deposit Insurance Corporation and provide for the insurance of deposits, or of any other provisions of that or of any other act or resolution of congress to aid, regulate or safeguard banking institutions and their depositors, including any amendments of the same or any substitutions therefor; also, to subscribe for and acquire any stock, debentures, bonds or other types of securities of the Federal Deposit Insurance Corporation and to comply with the lawful regulations and requirements from time to time issued or made by such corporation.

CHAPTER 3
BANK BRANCHES

26-301. BRANCH BANKS -- REQUIREMENTS. No bank shall maintain any branch bank except as hereinafter provided. Any bank organized under the laws of Idaho may, upon written application to and with the approval of the director, establish and operate branch banks for the transaction of its business at any location within this state:
provided, that such bank shall have a paid-in common stock of not less than two hundred fifty thousand dollars ($250,000) and a surplus equal to not less than twenty percent (20%) of its common stock.

26-302. ESTABLISHMENT OF BANK FACILITIES AUTHORIZED. Any bank may, with the prior approval of the director, establish and maintain a bank facility at any point in the state of Idaho.

A bank facility when so established shall have the power to:
(a) take applications for loans, accept deposits, issue receipts therefor, and transmit such deposits to the bank maintaining such facility;
(b) carry and disburse cash change, cash checks, accept checks;
(c) issue checks drawn on or certified by the bank operating the facility, rent safe deposit boxes, transfer funds between existing bank accounts, accept loan payments, disburse cash on prearranged credit plans; and carry out such other transactions as the director may allow by regulation.

The director of the department of finance shall not approve or permit the establishment of a facility when in his judgment the establishment of such facility would tend to restrict competition.

26-303. SECTION CONCERNING BRANCH BANKS UNAFFECTED -- BANK FACILITY CONSTRUED. The sections of this chapter relating to bank facilities shall not be construed to modify or repeal section 26-301, Idaho Code, and the term bank facility as used in the bank act shall not be construed to mean branch bank.

26-304. POWERS LIMITED. Bank facilities operating under the bank act shall not exercise any powers not herein expressly granted to such facilities by this chapter or by regulations of the director.

26-305. RESPONSIBILITIES OF BANK. Any bank establishing a bank facility shall be responsible for all transactions of the facility, and for keeping accounts and books covering all business transactions of the facility at its nearest branch bank or as the director shall, by regulation, require.

26-306. MOBILE OR TEMPORARY FACILITY. Mobile facilities or temporary facilities may be established with the approval of the director and under such conditions as the director may establish by regulation. Mobile facilities may be operated only in communities in which no bank, branch bank or bank facility exists.

26-307. ADDITION TO CAPITAL STRUCTURE OF BANK. The director shall not approve an application for a branch bank, bank facility or mobile facility until the bank making the application has added to its paid-in common stock.
(a) Thirty-five thousand dollars ($35,000) for each branch bank
to be established,
(b) Twenty-five thousand dollars ($25,000) for each facility to be established, and
(c) Twenty thousand dollars ($20,000) for each mobile facility to be established.

If the paid-in common stock of the bank applying for the facility amounts to at least the statutorily required minimum for charter and thirty-five thousand dollars ($35,000) for each branch, twenty-five thousand dollars ($25,000) for each facility and twenty thousand dollars ($20,000) for each mobile facility including the branch, facility or mobile facility applied for, the bank shall not be required to add additional capital for the branch, facility or mobile facility for which the application was made.

26-308. BANK FACILITY TO HAVE PRIORITY. If a bank is operating a bank facility or mobile facility in a community for which a branch bank is requested by another bank, the director shall not approve the bank branch application until he has allowed a reasonable opportunity to the bank operating the bank facility to convert the facility or mobile facility to a branch bank.

26-309. CUSTOMER-BANK COMMUNICATION TERMINAL. A bank may make available for use by its customers one or more electronic devices or machines through which the customer may communicate to the bank a request to withdraw money either from his account or from a previously authorized line of credit, or an instruction to receive or transfer funds for the customer's benefit. The device may receive or dispense cash in accordance with such a request or instruction, subject to verification on line or off line by the bank. Any transactions initiated through such a device shall be subject to verification by the bank either by direct wire transmission or otherwise. Such facilities may be unmanned or manned.

A person may perform as would a device so long as the person does not perform any functions not specifically authorized by this section. These devices shall be designated as a customer-bank communication terminal (CBCT). The use of a CBCT at locations other than the main office or a branch office of the bank does not constitute branch banking. A bank shall provide insurance protection under its bonding program for transactions involving such devices.

(1) The establishment and use of a CBCT is subject to the following limitations:
(a) Written notice must be given to the director's office no less than thirty (30) days before any CBCT is put into operation. Any bank presently utilizing a CBCT shall comply with the notice requirements within thirty (30) days. Such notice shall describe with regard to the communication system:
   1. the location;
   2. a general description of the area where located and the
manner of installation;
3. the manner of operation;
4. the kinds of functions which will be performed;
5. whether the CBCT will be shared, and, if so, under what
terms and with what other institutions and their location;
6. the manufacturer and, if owned, the purchase price or, if
leased, a copy of the lease;
7. the distance from the nearest banking office and from the
nearest similar CBCT of the reporting bank; and
8. the distance from the nearest banking office and nearest
CBCT of another commercial bank, which will share the
facility, and the name of such other bank or banks.

(b) The functions of the CBCT shall be limited to:
1. the receiving of deposits;
2. the cashing of checks;
3. the dispensing of cash;
4. payment of loan proceeds on a prearranged line of credit;
5. the communication of other such information directly
related to the customer's account; and
6. receiving loan payments.

(c) Arrangements may be made at the CBCT for the placing or
installation of a receptacle in which a customer may place
packaged communication intended for the bank.

(d) The CBCT shall be a communication service available only to
customers of the bank or other financial institution which the
management of the bank may approve.

(e) The CBCT shall not be advertised as full service banking or
as performing anything other than activities set out in subsection
(1)(b) of this section.

(2) To the extent consistent with the anti-trust laws, banks are
required to share unmanned CBCTs at a reasonable fee with one or more
other financial institutions if requested by the other financial
institutions.

(3) The director may issue a cease and desist order upon a
finding that a bank utilizing a CBCT is doing so in a manner not
specifically authorized by this section.

(4) The provisions of section 26-716, Idaho Code, which prohibit
a bank from transacting business on Saturdays and legal holidays shall
not apply to customer-bank communication terminals operated under the
provisions of this section.

(5) After banking hours, Saturdays and holidays, CBCT customers
shall not have access to lobby areas (as defined by the director by
regulation) used primarily for a bank, branch or facility.

(6) This section and regulations adopted pursuant to it shall be
deemed to apply to national banks operating customer-bank
communication terminals and for the purpose of the bank act a
financial institution shall mean any state or federally chartered
commercial bank, savings and loan association or credit union
authorized by the department of finance or a comparable federal agency to do business in the state of Idaho.

26-310. INVESTIGATION FEE. Any banking corporation, applying to the director for authority to establish a branch banking office or bank facility or mobile facility, shall pay to the department of finance a fee based upon the cost of the investigation of said application; provided, that such fee shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

CHAPTER 4
BANK SERVICE CORPORATIONS

26-401. DEFINITIONS. As used in this section:
"Invest" includes any advance of funds to a bank service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment;
"Applying bank" means a bank applying to a bank service corporation for bank services; and
"Stockholding bank" means a bank which owns stock of a bank service corporation.

26-402. INVESTMENT IN SERVICE CORPORATION. No limitation or prohibition otherwise imposed by any provision of the laws of the state of Idaho exclusively relating to banks shall prevent or prohibit any two (2) or more banks from investing not more than ten percent (10%) of the paid-in and unimpaired capital and unimpaired surplus of each of them in a bank service corporation.

26-403. BANKS JOINTLY HOLDING STOCK -- EFFECT OF WITHDRAWAL BY ONE BANK. If stock in a bank service corporation has been held by two (2) banks, and one (1) of such banks ceases to utilize the services of the corporation and ceases to hold stock in it, and leaves the other as the sole stockholding bank, the corporation may nevertheless continue to function as such and the other bank may continue to hold stock in it.

26-404. DUTY OF BANK SERVICE CORPORATION NOT TO DISCRIMINATE -- BURDEN OF PROOF. Whenever a bank, referred to in this section as an "applying bank," subject to examination by either the department of finance of the state of Idaho, or a federal bank supervisory agency, applies for a type of bank service for itself from a bank service corporation which supplies the same type of bank services to another bank, and the applying bank is competitive with any bank, referred to in this section as a "stockholding bank," which holds stock in such corporation, the corporation must offer to supply such services by either:
(a) issuing stock to the applying bank and furnishing bank services to it on the same basis as to the other banks holding stock in the corporation, or
(b) furnishing bank services to the applying bank at rates no higher than necessary to fairly reflect the cost of such services, including the reasonable cost of the capital provided to the corporation by its stockholders, at the corporation's option, unless comparable services at competitive overall cost are available to the applying bank from another source, or unless the furnishing of the services sought by the applying bank would be beyond the practical capacity of the corporation. In any action or proceeding to enforce the duty imposed by this section, or for damages for the breach thereof, the burden shall be upon the bank service corporation to show such availability.

26-405. PROHIBITED ACTIVITIES. No bank service corporation may engage in any revenue producing activity other than the performance of bank services for banks and, to an extent not exceeding one-half (1/2) of its total activity, the performance of similar services for persons or organizations other than banks.

CHAPTER 5
BANK HOLDING COMPANIES

26-501. DEFINITIONS. As used in this chapter, unless the context otherwise requires:
(1) "Bank" shall mean any bank chartered under this act.
(2) "Company" shall mean any corporation, business trust, association, or similar organization but shall not include:
(a) an individual; or
(b) any corporation the majority of shares of which are owned by the United States or any state;
(3) "Business trust" shall mean a business organization wherein a business or other property is conveyed to trustees who manage the business or other property for the benefit of the certificate or shareholders of the trust. Business trust shall not include a voting trust.
(4) "Bank holding company" shall mean any company:
(a) Which directly or indirectly owns or controls twenty-four per cent (24%) or more of the voting shares of a bank;
(b) Which controls in any manner the election of the majority of the directors of a bank; or
(c) For the benefit of whose shareholders or members twenty-four per cent (24%) or more of the voting shares of a bank is held by trustees;

For the purposes of any proceeding under subsection (4) (b) of this section, there is a presumption that any company which directly or indirectly owns, controls or has power to vote less than five per
cent (5%) of the voting shares of a bank does not have control over that bank; and

(5) Notwithstanding the foregoing;
(a) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a bank holding company by virtue of its ownership or control of shares of stock of a bank unless such trust is a business trust or a voting trust which by its terms or by law does not expire within ten (10) years from the effective date of the voting trust;
(b) No company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and
(c) No company shall be a bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith and which are held only for such period of time as will permit the sale thereof on a reasonable basis.

26-502. APPROVAL OF BANK HOLDING COMPANY. Every bank holding company hereafter formed shall register with the department of finance and receive the approval of the director to become a bank holding company. The director shall approve an application to form a bank holding company if he finds that the persons who are officers, directors or stockholders are of such character and fitness that a bank or banks acquired by the bank holding company will be operated in a safe, prudent and profitable manner. The application shall include such information with respect to the financial condition and operations, management, and intercompany relationships of the bank holding company and its subsidiaries and related matters, as the director may deem necessary or appropriate. The director may, in his discretion, accept copies of federal registration in lieu of state requirements.

26-503. APPROVAL TO ACQUIRE A BANK. A bank holding company shall apply to the department of finance and receive the approval of the department of finance prior to acquiring a bank. The application shall include such information with respect to the financial condition and operations, management and intercompany relationships of the bank to be acquired and the holding company as the director may deem necessary or appropriate. In considering an application to acquire a bank, the director shall consider at least:

(1) The financial condition of the bank holding company and any banks already owned by the holding company;
(2) The probable effect of the acquisition on the holding company, any banks already owned by the holding company and the bank which is to be acquired; and
(3) The effect of the acquisition on competition in the providing of banking services.

26-504. EXISTING BANK HOLDING COMPANY. Each existing bank holding company shall register within one hundred eighty (180) days after July 1, 1979, and shall include such information with respect to the financial condition and operations, management, and intercompany relationships of the bank holding company and its subsidiaries, and related matters, as the director may deem necessary or appropriate. The director may, in his discretion, extend the time within which a bank holding company shall register, and accept copies of federal registration in lieu of state requirements.

26-505. DIRECTOR OF FINANCE -- REPORTS -- REQUIREMENTS. The director may require reports made under oath to be filed in the department of finance to keep it informed as to the operation of any bank holding company. The director may make examinations of each bank holding company and each subsidiary thereof under the provisions of section 26-1102, Idaho Code, the actual cost of which shall be assessed against and paid by such holding company. The director may accept reports of examination made by the Federal Reserve Board, the Comptroller of the Currency, or the Federal Deposit Insurance Corporation in lieu of making an examination by the department.

26-506. CHANGE IN CONTROL. All transfers of a major portion of the outstanding stock or trust certificates of a bank holding company by sale, gift, or otherwise shall be approved by the director prior to such transfer. For the purposes of this section, a major portion of the outstanding stock or trust certificates of a bank holding company is any number of any class of shares of a bank holding company the acquisition of which will result in a person acquiring the shares having voting control of the bank holding company. The director shall not approve a transfer of stock if he finds that the transferee has been removed from a position as a director, officer or employee of a bank holding company, a bank or other financial institution pursuant to an order of a state or federal agency. The director may disapprove a transfer of stock if in his opinion the transferee does not meet the requirements of a stockholder, director, or officer as set out in section 26-502, Idaho Code.

26-507. VIOLATION -- PENALTY. Any person who willfully violates any provision of this chapter shall be guilty of a felony.

26-508. REMOVAL OF DIRECTORS, OFFICERS, OR EMPLOYEES. Any director, officer or employee of any bank holding company found by the director to be negligent, dishonest, reckless or incompetent, in his official duties shall be removed from office by the board of directors of such bank holding company on the written order of the director, and
if the directors neglect or refuse to remove such director, officer, or employee, in the event any losses accrue to such bank holding company thereafter by reason of the negligence, dishonesty, recklessness or incompetency of such director, officer or employee, the written order of the director shall be deemed to be conclusive evidence of the negligence of the directors failing to act upon the same in any action brought against them, or any of them, for recovery of such losses. The directors, officer or employee affected by order of the director may petition the district court in the judicial district in which the bank is located to set aside the order of the director. Upon the filing of such petition the court shall have the jurisdiction to affirm, set aside, or modify the order of the director. If the directors fail to neglect to remove such director, officer or employee, and the director of the department of finance has reasonable cause to believe that the continued participation in the affairs of the bank holding company by the director, officer or employee will place the bank holding company in an unsafe or unsound condition, the director of the department of finance may apply to the district court for a temporary restraining order and injunction preventing the participation of the director, officer or employee in the affairs of the bank holding company. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive that the bank holding company director, officer or employee who is the subject of an order for removal by the director is or has been negligent, dishonest, reckless or incompetent in the performance of his duties.

26-509. ENGAGING IN UNSAFE OR UNSOUND PRACTICES -- CEASE AND DESIST ORDERS -- INJUNCTION. (1) If, in the opinion of the director, any bank holding company is engaging or has engaged, or the director has reasonable cause to believe that the bank holding company is about to engage in an unsafe or unsound practice in conducting the business of such bank holding company or a bank owned or controlled by the bank holding company or is violating or has violated, or the director has reasonable cause to believe that the bank holding company is about to violate a law, rule, or any condition imposed in writing by the director in connection with the granting of any application or other request by the bank holding company or any written agreement entered into with the director, the director may issue and serve upon the bank holding company a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank holding company. Such hearing shall be fixed for a date not earlier than twenty (20) days nor later than sixty (60) days after service of such notice unless an earlier or a later date is set by the department of finance at the request of the
bank holding company. Unless the bank holding company shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at the hearing, the director shall find that any violation or unsafe or unsound practice has occurred or will occur, the director may issue and serve upon the bank holding company an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank holding company and its directors, officers, employees, and agents to cease and desist from the same and further to take affirmative action to correct the conditions resulting from any such violation or practice.

(2) A cease and desist order shall become effective at the time specified therein and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the director or a reviewing court.

(3) Whenever the director shall determine that the violation or threatened violation or the unsafe unsound practice or practices, specified in the notice of charges served upon the bank holding company pursuant to paragraph (1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of a bank owned or controlled by the bank holding company or is likely to otherwise seriously prejudice the interests of such bank's depositors, the director may issue a temporary order requiring the bank holding company to cease and desist from any such violation or practice. Such order shall become effective upon service upon the bank holding company and, unless set aside, limited, or suspended by a court in proceedings, authorized by paragraph (2) of this section, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the director shall dismiss the charges specified in such notice, or if a cease and desist order is issued against the bank, until the effective date of any such order.

(4) Within ten (10) days after the bank holding company concerned has been served with a temporary cease and desist order, the bank holding company may apply to the district court for the judicial district in which the home office of the bank holding company is located, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the bank holding company under paragraph (1) of this section, and such court shall have jurisdiction to issue such injunction.

(5) In the case of violation or threatened violation of, or failure to obey, a temporary cease and desist order issued pursuant to paragraph (3) of this section, the director may apply to the district court within the jurisdiction of which the home office of the bank
holding company is located, for an injunction to enforce such order, and if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue an injunction.

CHAPTER 6
RESERVES, SURPLUS AND DIVIDENDS

26-601. RESERVE. Every bank, not a member of the Federal Reserve System, shall have on hand each day as a reserve, an amount equal to at least ten per cent (10%) of its net demand deposits and four per cent (4%) of its savings and time deposits. Said reserve shall be in cash in its vaults or held on deposit subject to check with any other bank or banks which shall have been approved by the director as reserve depositories and shall be computed biweekly in the following manner: on the basis of average daily net deposit balances and average daily cash in its vaults or held on deposit in reserve depositories subject to check during the prior biweekly period. Biweekly periods shall end at the close of business on days to be fixed by the director.

Any bank which is or becomes a member of the Federal Reserve System, shall comply with the reserve requirements of the Federal Reserve Act.

26-602. DIMINUTION OF RESERVE. (1) When the reserve of any bank falls below the amount required by section 26-601, Idaho Code, for a biweekly period, the bank shall immediately restore its reserve to the amount required by section 26-601, Idaho Code, and in addition:
(a) If a bank is deficient in reserve for two (2) nonconsecutive biweekly periods in a calendar year, the bank shall pay to the department of finance at the end of second biweekly period a fine of three hundred dollars ($300).
(b) If a bank is deficient in reserves for three (3) nonconsecutive biweekly periods in a calendar year, the bank shall pay to the department of finance at the end of the third biweekly period a fine equal to five per cent (5%) of the dollar amount by which it was deficient in reserves for the third biweekly period or five hundred dollars ($500), whichever is greater.
(c) If a bank is deficient in reserves for more than three (3) nonconsecutive biweekly or for two (2) or more consecutive periods in a calendar year, the director shall proceed as provided in section 26-1115, Idaho Code. The bank shall not increase its loans or discounts until its reserve is fully restored and the director may by order set a minimum level of cash reserves which the bank must maintain until such time as the director has reason to believe that the bank will comply with the reserve requirements of section 26-601, Idaho Code.
(2) The penalties set out in subsection (1) of this section are
not exclusive. The director may in proper cases proceed in his discretion as provided in section 26-1115, Idaho Code, or chapter 10, title 26, Idaho Code.

26-603. DIRECTOR OF THE DEPARTMENT OF FINANCE -- RESERVE. In order to promote equality of competition between banks which are members of the Federal Reserve System and banks which are not members of the Federal Reserve System, the director may by regulation authorize state banks, until ninety (90) days after the close of the next regular session of the legislature, to comply with any reserve requirements which a bank which is a member of the Federal Reserve System may be required by federal rule, regulation, or law to comply with as a reserve requirement.

26-604. DIVIDENDS -- SURPLUS. No dividend shall be declared or paid by any bank until a surplus equal to twenty per cent (20%) of the paid-in capital stock of such bank has been built up. Thereafter, the board of directors of any bank may declare a dividend of so much of its net profits as it shall deem expedient; but before any such dividend is declared or paid, not less than one-fifth (1/5) of the net profits of the bank for such period as is covered by the dividend shall be carried to the surplus fund until such surplus fund shall amount to fifty per cent (50%) of the paid-in common stock. Any loss sustained by any bank in excess of its undivided profits may be charged to its surplus account, provided that its surplus funds shall thereafter be reimbursed from its earnings in the manner above provided. If such surplus fund is reduced below an amount equal to twenty per cent (20%) of the common stock, no further dividend shall be declared or paid until such surplus is restored to that amount, and thereafter dividends shall only be declared and paid in the amount and in the manner above provided until such surplus shall be restored to an amount equal to fifty per cent (50%) of the common stock.

The directors knowingly voting for any dividend in violation of any of the provisions of this section shall be jointly and severally liable, civilly, for any and all dividends so declared, and in addition thereto, shall be guilty of a misdemeanor.

CHAPTER 7
LIMITATIONS ON LOANS, INVESTMENTS, AND PRACTICES

26-701. INVESTMENT OF FUNDS -- CERTAIN LOANS PROHIBITED. No bank shall employ its moneys, directly or indirectly, in trade or commerce, by buying and selling goods, chattels, wares and merchandise. A bank may hold and sell all kinds of property which may come into its possession as collateral security for loans, or any ordinary collection of debts, as prescribed by law. Any goods, chattels, wares or merchandise coming into the possession of any bank as collateral security or as a result of collection of debts shall be disposed of as
soon as possible and shall not be considered as a part of the bank's assets after the expiration of two (2) years from the date of acquirement. The words "goods and chattels" as used in this section shall not be construed to include bonds and securities.

26-702. BANK STOCK. No bank shall accept as collateral, nor make any loans or discounts on the security of nor purchase any shares of its own capital stock. No bank shall purchase the shares of any other bank wherever organized, or situated, except stock of federal reserve banks. A bank may acquire a security interest in or purchase its own stock if the acquisition is necessary to prevent loss upon a debt previously contracted in good faith and the stock so purchased or acquired shall within six (6) months from the date of acquirement be sold or disposed of at public or private sale. After the expiration of six (6) months any such stock shall not be considered as a part of the assets of such bank.

26-703. REAL ESTATE LOANS. Any bank may make real estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument which shall constitute a lien upon real estate, and any bank may purchase any obligation so secured when the entire amount of such obligation is sold to the bank. The amount of any such loan hereafter made shall not exceed ninety per cent (90%) of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than thirty (30) years. The foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to:
(a) real estate loans which are insured under the provisions of the National Housing Act, act of congress of June 27, 1934, and
(b) amendatory and supplemental legislation relating to loans insured by the federal housing administration.

No such bank shall hold on its books real estate loans in an aggregate sum in excess of the amount of the capital and capital notes of such bank, plus the amount of its unimpaired surplus fund, or in excess of sixty per cent (60%) of the amount of its savings and time deposits, whichever is the greater except with the consent of the director.

26-704. MORTGAGE INSURANCE. When a bank makes a loan in substantial reliance upon private company mortgage insurance or guaranty previously approved in writing by the director of the department of finance, the insured or guaranteed portion of the loan does not constitute a real estate loan within the meaning of this chapter to the extent of the guaranty.
26-705. GOVERNMENT GUARANTEED LOANS. Loans secured by mortgages under the provisions of section 1709 of title 12, United States code annotated, as amended by an act of congress June 30, 1961, and legislation amendatory and supplemental thereto shall not be taken into account in determining the amount of real estate loans which a bank may make in relation to its capital and surplus or its time and savings deposits. Loans guaranteed under the provisions of title III of the act of congress of June 22, 1944, cited as "Servicemen's Readjustment Act of 1944," as amended December 28, 1945, and legislation amendatory and supplemental thereto, may be made or purchased by any bank, and any loan, at least twenty per cent (20%) of which is guaranteed under said title III of the "Servicemen's Readjustment Act of 1944," as amended, may be made or purchased by any bank without regard to the limitations and restrictions of this chapter with respect to:

(a) the ratio of the amount of the loan to the value of the property;
(b) requirements as to duration or maturity of loan;
(c) requirements for mortgage or other security;
(d) requirements as to priority or dignity of lien; and
(e) any limitation as to percentage of assets which may be invested in real estate loans.

26-706. COMMERCIAL LOANS. Loans made to established industrial or commercial businesses:

(a) which are in whole or in part discounted or purchased or loaned against as security by a federal reserve bank under the provisions of an act of congress of June 19, 1934, as amended;
(b) for any part of which a commitment shall have been made by a federal reserve bank under the provisions of said act of congress;
(c) in the making of which a federal reserve bank participates under the provisions of said act of congress and loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the "Small Business Act;"

shall not be subject to the restrictions or limitations of this chapter imposed upon loans secured by real estate.

Any bank may make a loan secured by a second lien in an amount which when added to the amount unpaid on prior mortgages, liens and encumbrances, if any, does not exceed the percentage of appraised value provided in section 26-703, Idaho Code.

The provisions of the chapter shall not prevent any bank from taking another and immediate subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a junior lien on real estate to secure the repayment of a debt previously contracted in good faith or for facilitating the sale of property owned by it; nor shall it prevent subsequent liens of any kind from being taken where such are
supplemental to, and in addition to, other adequate security; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt contracted previously in good faith, when in the judgment of the directors of said bank such subsequent liens are necessary further to secure the payment of any debts and save such bank from losses.

26-707. CONSTRUCTION LOANS. Loans made to finance the construction of residences and having maturities not to exceed eighteen (18) months and loans to finance the construction of commercial buildings and having maturities not to exceed three (3) years, whether or not secured by a mortgage or similar lien on the real estate upon which the building is being constructed, shall not be considered as loans secured by real estate within the meaning of this chapter, but shall be classed as commercial loans, provided that no bank shall invest in, or be liable on, any such loans in an aggregate amount in excess of seventy per cent (70%) of its capital, surplus and capital notes.

26-708. DETERMINATION OF LIMITS OF LOANS AND INVESTMENTS OF BANKS. For the purpose of determining limitations on loans and investments the following items are to be disregarded:

(a) the sale of excess reserve funds by one bank to another bank;
(b) the purchase of securities by a bank, under an agreement to resell at the end of a stated period; and
(c) the purchase of mortgage loans by a bank, under agreement to resell at the end of a stated period.

The director may, upon application by a bank, approve loans and investments in excess of the limitations provided in this chapter.

26-709. LOANS TO ONE PERSON. The total liabilities to any bank of any person for money borrowed, shall at no time exceed twenty per cent (20%) of the aggregate paid-in capital, surplus and capital notes of such bank.

The discount of bills of exchange drawn in good faith against actual existing values, the discount of bankers acceptances of other banks, the discount of commercial or business paper actually owned by the person negotiating the same, and the obligations of the United States or general obligations of any state or of any political subdivision thereof, or obligation issued under authority of the Federal Farm Loan Act, shall not be considered as money borrowed, nor shall the foregoing limitations apply to loans made on warehouse receipts and bills of lading, when such warehouse receipts and bills of lading cover nonperishable commodities of the marketable value of a least one hundred twenty per cent (120%) of the amount loaned thereon.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that such loans or obligations are secured or covered by guaranties, or by
commitments or agreements to take over or to purchase, made by any federal reserve bank or by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

The combined liabilities of the several members of any firm, copartnership or unincorporated association to the loaning bank shall be included in the liabilities of such firm, copartnership or unincorporated association and shall be included in the liabilities of any member thereof in determining the foregoing limitations.

When in the judgment of the director the liabilities of any corporation or the combined liabilities of any corporation and one or more of its stockholders to any bank are excessive, he shall require the reduction thereof to such limits and within such time as he shall prescribe.

Provided, further, that the director may compel the reduction of any loan which shall in his judgment appear excessive or dangerous.

26-710. LOANS TO OFFICERS. (1) Except as authorized under this section, no bank may extend credit in any manner to any of its own executive officers. Any extension of credit under this section must be approved by the board of directors of the bank, and may be made only if:

(a) the bank would be authorized to make it to borrowers other than its executive officers;
(b) it is on terms not more favorable than those afforded other borrowers;
(c) the executive officer has submitted a detailed current financial statement; and
(d) it is on condition that it shall become due and payable on demand of the bank at any time when the executive officer is indebted to any other bank or banks on account of extensions of credit of any one of three (3) categories respectively referred to in subsections (2), (3) and (4) of this section in an aggregate amount greater than the amount of credit of the same category that could be extended to him by the bank of which he is an officer.

(2) A bank may make a loan not exceeding the loan limit of the bank under section 26-703, Idaho Code, to any executive officer of the bank if, at the time the loan is made:

(a) it is secured by a first lien on a dwelling which is after the making of the loan, expected to be owned by the officer and used by him as his residence; and
(b) no other loan by the bank to the officer under authority of this subsection is outstanding.

(3) A bank may make extensions of credit to any executive officer of the bank, not exceeding the aggregate amount of thirty thousand dollars ($30,000) outstanding at any one time to finance the education of the children of the officer.
(4) A bank may make extensions of credit for purposes not otherwise set out in this section to any executive officer of the bank, not exceeding the aggregate amount of fifteen thousand dollars ($15,000) outstanding at any one time.

(5) Except to the extent permitted under subsection (4) of this section, a bank may not extend credit to a partnership in which one or more of its executive officers are partners having either individually or together a majority interest. For the purposes of subsection (4), the full amount of any credit so extended shall be considered to have been extended to each officer of the bank who is a member of the partnership.

(6) Whenever an executive officer of a bank becomes indebted to any bank or banks (other than the one of which he is an officer) on account of extensions of credit of any one of the three (3) categories respectively referred to in subsections (2), (3) and (4) of this section in an aggregate amount greater than the aggregate amount of credit of same category that could lawfully be extended to him by the bank, he shall make a written report to the board of directors of the bank stating the date and amount of each such extension of credit, the security therefor, and the purposes for which the proceeds have been or are to be used.

26-711. REAL ESTATE HOLDINGS. A bank may purchase, acquire, hold and convey real estate for the following purposes only:

(1) Such as shall be necessary for the convenient transaction of its business, including at the same location as its banking offices other property to rent as a source of income; provided, however, that no bank shall invest in buildings and lots and furniture, fixtures and equipment in an amount greater than fifty per cent (50%) of the capital, surplus and capital notes of such bank.

(2) Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of business.

(3) Such as it shall purchase at sale on judgments, decrees, mortgage foreclosure or trustees sale for debts previously contracted, but a bank shall not bid at such sale a larger amount than is necessary to satisfy all debts and costs necessary to obtain clear title. Such real estate shall be carried on the books of the bank at the lower of cost or market value.

(4) No real estate acquired after the effective date of this act under subsections (2) and (3) of this section shall be held for a longer time than five (5) years, unless an extension is granted by the director, provided that within the five (5) year period the bank must make good faith efforts to sell such property and, notwithstanding the director's approval, the bank must dispose of such property within seven (7) years. Nothing in this section shall be construed to prevent a bank from making loans secured by real estate as provided in this act, or a trust department holding and conveying real estate in trust.
(5) A bank may, with the approval of the director and the board of governors of the Federal Reserve System or the Federal Deposit Insurance Corporation invest in bank premises or in the stock, bonds, debentures, or other obligations of any corporation holding the banking buildings, lots and furniture, fixtures and equipment of such bank in an amount not to exceed the capital and surplus of the bank.

26-712. VALUATION OF ASSETS. No bank shall enter or at any time carry on its books any of its assets at a valuation exceeding their actual cost to the bank; nor shall the value of any of its assets be increased on the books of the bank without the written consent of the director. Additional charges, delinquency charges and other similar charges on consumer credit transactions permitted by and made in compliance with the Uniform Consumer Credit Code and added to the principal balance of the loan, shall not come within the prohibition of this section.

26-713. STATUTORY BAD DEBT. Every bank carrying any bad debt, or a debt of doubtful value, as an asset shall, upon the request or demand of the director, collect the same or put it in good bankable condition or charge it out of its books. Any debt on which interest is past due and unpaid for a period of six (6) months, unless the same is well secured and in process of collection, shall be considered a bad debt within the meaning of this section.

26-714. OWNERSHIP AND LEASING OF PROPERTY FOR CUSTOMERS. A bank may become the owner and lessor of personal property acquired upon the specific request and for the use of a customer and may incur such additional obligations as may be incident to becoming an owner and lessor of such property.

26-715. LENDING OF CREDIT -- SURETYSHIP AND GUARANTYSHIP. A bank may lend its credit, bind itself as a surety to indemnify another, or otherwise become a guarantor, only if it has a substantial interest in the performance of the transaction involved or has a segregated deposit sufficient in amount to cover the bank's total potential liability.

26-716. TRANSACTIONS ON HOLIDAYS AND SATURDAYS. Nothing in any law of this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification or acceptance of a check or other negotiable instrument, or any other transaction by a bank in this state, because done or performed during any time other than regular banking hours or on a legal holiday or Saturday. No bank in this state shall keep open for transaction of banking business, or perform any of the acts or transaction of a commercial bank on any Saturday or on any legal holiday. Any act appointed by law or contract, or in any other way, to be performed on
26-717. ADVERSE CLAIM TO BANK DEPOSIT. Notice to any bank of an adverse claim to a deposit standing on its books to the credit of any person shall not require the bank to recognize the adverse claim unless the adverse claimant shall:
(a) procure a restraining order, injunction or other appropriate process against the bank from a court of competent jurisdiction wherein the person to whose credit the deposit stands is made a party and served with summons, or
(b) execute to said bank, in a form and with sureties acceptable to the bank, a bond indemnifying the bank from any and all liability, loss, damage, costs and expenses for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of the bank.
This section shall not apply in any instance where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship and the facts showing reasonable cause for belief on the part of the claimant that the fiduciary is about to misappropriate the deposit, are made to appear by the affidavit of the claimant.

26-718. ACCOUNT OF PERSON UNDER DISABILITY. Whenever any minor or any person under disability shall become a depositor, as defined in section 26-106, Idaho Code, in any bank in his or her name, such bank may pay such money on the check, order or endorsement of such depositor the same as in cases of depositors not under disability, and such payment shall be in all respects valid in law.

26-719. BRANCH OR OFFICE AT WHICH INSTRUMENTS ARE TO BE PRESENTED MUST BE INDICATED. All checks, drafts, bills of exchange or other orders for the payment of money drawn against any bank operating branch banks shall indicate the particular bank and branch at which the same are to be presented for payment or acceptance.

CHAPTER 8
LIMITATIONS ON BORROWING MONEY
AND PLEDGING ASSETS

26-801. BORROWING MONEY -- LIMITATIONS. At no time shall the total borrowings of any bank exceed in the aggregate an amount equal to the capital and surplus of the bank, except with the consent of the director.
For the purpose of computing total borrowings the following items
shall not be included:

(a) Federal funds purchased.
(b) The sale of securities by a bank, under an agreement to repurchase at the end of a stated period.
(c) Borrowings from the Federal Reserve System.
(d) The sale of mortgage loans by a bank, under agreement to repurchase at the end of a stated period.
(e) Money borrowed to meet seasonal requirements.
(f) Money borrowed to meet unexpected withdrawals.
(g) Capital notes issued in accordance with section 26-802, Idaho Code.

The total of all borrowings by a bank including those items excluded from the computation of total borrowings may not exceed in the aggregate an amount equal to two and one-half (2 1/2) times the capital and surplus of the bank, except with the consent of the director.

Whenever it shall appear to the director that a bank is borrowing money in excess of the above limitation, or for purposes other than as specified above, he may require it to reduce such borrowings within a time to be fixed by him.

26-802. ISSUANCE OF CONVERTIBLE OR NONCONVERTIBLE CAPITAL DEBENTURES AND NOTES. The issuance of convertible or nonconvertible capital debentures and notes by banks in accordance with normal business considerations is permissible.

With the consent of the director, every bank is, however, authorized to issue and sell its capital notes or debentures, for all capital purposes, in an amount not to exceed one hundred per cent (100%) of its unimpaired, paid-in capital stock, plus fifty per cent (50%) of its unimpaired surplus fund.

A bank may, with the approval of stockholders owning two-thirds (2/3) of the stock of the bank, entitled to vote, or without such approval if authorized by its articles of incorporation, issue convertible or nonconvertible capital debentures and notes in such amounts and under such terms and conditions as shall be approved by the director.

26-803. BORROWING FROM FEDERAL AGENCIES. With the consent of the director, a bank may borrow from any agency of the United States. The limitations imposed on borrowing by this chapter shall not apply to borrowings under this section.

26-804. BORROWING MONEY -- ACCOUNTING. No officer or employee of any bank shall issue the note of such corporation for money borrowed or rediscount any of its paper, or pledge or hypothecate any of its assets, except when authorized by resolution of its board of directors, or by an authorized committee thereof.

All borrowings shall be carried on the books of the bank, and in
all reports of such bank under liabilities.

All rediscounted paper containing the endorsement of or guarantee of the bank discounting the same, except when endorsed without recourse, shall be carried on the books of the bank and in all reports of such bank under liabilities as "rediscounts," until the same are actually paid by the makers, other than by renewal, or the rediscounting bank itself takes up the paper.

26-805. EXTENT ASSETS MAY BE PLEDGED. No bank, banker or bank officer shall, except as otherwise authorized by law, pledge or hypothecate as collateral security for money borrowed, its assets in a ratio exceeding one and one-half (1 1/2) times the amount borrowed (except as otherwise authorized by the director).

26-806. GIVING SECURITY FOR DEPOSIT PROHIBITED. It shall be unlawful for any bank to pledge, mortgage or hypothecate to any depositor any of its real or personal property as security for any deposit except money of the United States, and deposits for which security is required by any law of the United States, or required or permitted by any other statute of this state. Any pledge, mortgage or hypothecation made in violation hereof shall be unenforceable and void and any person, firm or corporations, holding or receiving any security or securities mortgaged or hypothecated, pledged or attempted to be pledged, shall, upon demand of any officer, director or stockholder of the bank or the director, be required forthwith to make return thereof, and the repayment of any deposit shall not be prerequisite to the recovery of any property so unlawfully pledged, hypothecated or mortgaged.

CHAPTER 9
CONSOLIDATION, SALE AND REORGANIZATION

26-901. RESULTING NATIONAL BANK. (1) Nothing in the law of this state shall restrict the right of a state bank to merge with or convert into a resulting national bank. The action to be taken by such merging or converting state bank and its rights and liabilities and those of its stockholders shall be the same as those prescribed for national banks at the time of the action by the law of the United States and not by the law of this state, except that a vote of the holders of two-thirds (2/3) of each class of voting stock of a state bank, at a meeting called in conformity with the provisions of section 26-904, Idaho Code, shall be required for the merger or conversion, and that on conversion by a state into a national bank the rights of dissenting stockholders shall be those specified in section 26-909, Idaho Code.

(2) Upon the completion of the merger or conversion, the franchise of any merging or converting state bank shall automatically terminate.
26-902. RESULTING STATE BANK. Upon approval by the director, banks may be merged to result in a state bank or a national bank may convert into a state bank as hereafter prescribed, except that the action by a national bank shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law of the United States which shall also govern the rights of its dissenting stockholders.

26-903. MERGER PROCEDURE -- RESULTING STATE BANK. (1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:
(a) A statement or recital that the agreement is subject to approval by the director and by the stockholders of each merging bank.
(b) The name of each merging bank and location of each office.
(c) With respect to the resulting bank:
1. the name and location of the principal and the other offices;
2. the name and residence of each director to serve until the next annual meeting of the stockholders;
3. the name and residence of each officer;
4. the amount of capital, the number of shares and the par value of each share;
5. the amount, terms, and preferences if preferred stock is to be issued; and
6. the amendments to its charter and bylaws.
(d) Provisions governing:
1. the manner of converting the shares of the merging banks into shares of the resulting state bank or into shares of a bank holding company; and
2. the manner of disposing of the shares of the resulting state bank or of the bank holding company not taken by the dissenting stockholders of each merging bank.
(e) Such other provisions as the director may require to enable him to discharge his duties with respect to the merger.
(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the director for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board of each merging state bank and evidence of proper action by the board of directors of any merging national bank.
(3) After receipt by the director of the papers specified in subsection (a), the director shall approve or disapprove the merger agreement. The director shall approve the agreement if it finds that:
(a) The resulting state bank meets the requirements as to the formation of a new state bank.
(b) The agreement provides an adequate capital structure
including surplus in relation to the deposit liabilities of the
resulting state bank and its other activities which are to
continue or are to be undertaken.
(c) The agreement is fair.
(d) The merger is not contrary to the public interest.
(4) If the director disapproves an agreement, the objections
shall be stated in writing and the merging banks shall be given an
opportunity to amend the merger agreement to obviate such objections.

26-904. MERGER -- APPROVAL BY STOCKHOLDERS OF STATE BANKS. (1) To
be effective, a merger which is to result in a state bank must be
approved by the stockholders of each merging state bank by a vote of
two-thirds (2/3) of the outstanding voting stock of each class at a
meeting called to consider such action, which vote shall constitute
the adoption of the charter and bylaws of the resulting state bank,
including the amendments in the merger agreement.
(2) Notice of the meeting of stockholders of each state bank
shall be given by publication in a newspaper of general circulation in
the place where its principal office is located at least once a week
for four (4) successive weeks, and by mail at least fifteen (15) days
before the date of the meeting, to each stockholder of record of each
merging bank at his address on the books of his bank; no notice by
publication need be given if written waivers are received from the
holders of two-thirds (2/3) of the outstanding shares of each class of
stock. The notice shall be accompanied by a copy of section 26-909,
Idaho Code, and shall state that the section sets forth the exclusive
rights and remedies of dissenting stockholders.

26-905. EFFECTIVE DATE OF MERGER -- FILING OF APPROVED AGREEMENT
-- CERTIFICATE OF MERGER AS EVIDENCE. (1) A merger or sale which is to
result in a state bank shall, unless a later date is specified in the
agreement, become effective upon the filing with the director of the
executed agreement together with copies of the resolutions of the
stockholders of each merging purchasing and selling bank approving it
and a list of the owners of the shares voted against the merger or
purchase, certified by the bank's president or a vice-president and a
secretary or cashier. The charters of the merging banks, other than
the resulting bank, shall thereupon automatically terminate.
(2) The director shall promptly issue to the resulting bank a
certificate of merger specifying the name of each merging bank and the
name of the resulting state bank. Such certificate shall be conclusive
evidence of the merger and of the correctness of all proceedings
therefor in all courts and places, and may be recorded in the office
of the county recorder of any county wherein property of the merging
banks is held, to evidence the new name in which the property of the
merging banks is held.
26-906. CONVERSION OF NATIONAL INTO STATE BANK. (1) A national bank located in this state which follows the procedure prescribed by the laws of the United States to convert into a state bank, shall be granted a charter by the director unless he finds that the bank does not meet the standards as to location of offices, capital structure, and business experience and character of officers and directors for the incorporation of a state bank.

(2) The national bank may apply for such charter by filing with the director a certificate signed by its president and cashier and by a majority of the entire board of directors, setting forth the corporate action taken in compliance with the provisions of the laws of the United States governing the conversion of the national to a state bank, and the articles of incorporation, approved by the stockholders, for the government of the bank as a state bank.

26-907. CONTINUATION OF CORPORATE ENTITY -- USE OF OLD NAME. (1) A resulting state or national bank shall be the same business and corporate entity as each merging bank or as the converting bank with all the property, rights, powers, and duties of each merging bank or the converting bank, except as affected by the law of this state in the case of a resulting state bank or the laws of the United States in the case of a resulting national bank, and by the charter and bylaws of the resulting bank.

(2) A resulting bank shall have the right to use the name of any merging bank or of the converting bank whenever it can do any act under such name more conveniently.

(3) Any reference to a merging or converting bank in any writing, whether executed or taking effect before or after the merger or conversion, shall be deemed a reference to the resulting bank if not inconsistent with the other provisions of such writing, except when the resulting bank is not authorized to or has not qualified to exercise the powers conferred or required by the writing.

26-908. SALE OF ASSETS OF BANK OR DEPARTMENT. (1) Any state bank may sell to any other bank:
(a) all or substantially all of the selling bank assets and business; or
(b) all or substantially all of the assets and business of any department of the selling bank.

(2) Any state bank may, upon assuming the liabilities relating thereto, purchase:
(a) all or substantially all of the assets and business of another bank; or
(b) all or substantially all of the assets and business of any department of another bank.

(3) The agreement of purchase and sale shall be authorized, approved by the director, approved by the vote of a majority of the stockholders of the purchasing and selling bank at a meeting called
for the purpose in like manner as meetings to approve mergers are
called and filed with the director accompanied by evidence of such
stockholders' approval in like manner as agreements of mergers are
filed. After such approval is given by the stockholders a notice of
such sale shall be published once a week for three (3) successive
weeks in a newspaper of large general circulation in the county in
which the selling bank has its principal office, and proof of such
publication shall be filed with the director.

(4) Notwithstanding any term of the agreement, or of his contract
of deposit, any depositor whose business is thus sold has the right to
withdraw his deposit in full on demand after such sale unless by
dealing with purchasing bank with knowledge of the purchase he
ratifies the transfer.

(5) The agreement of sale may provide for the transfer to the
purchasing bank of all fiduciary positions held by the selling bank
subject to the right of the court, on petition of any interested
party, to appoint another or succeeding fiduciary to the positions so
transferred. Until the court appoints another or succeeding fiduciary
the purchasing bank shall, if qualified to do so, exercise any
fiduciary function vested in the selling bank.

(6) No right against or obligation of the selling bank in respect
of assets or business sold shall be released or impaired by the sale
until one (1) year from the last date of publication of the notice
pursuant to subsection (3) of this section, but after the expiration
of such year, no action can be brought against the selling bank on
account of any deposit, obligation, trust, or asset transferred to or
liability assumed by the purchasing bank.

(7) A bank may, with the prior approval of the director, purchase
assets and the charter of and assume deposit liabilities of a branch
office of another bank or sell assets and the charter of a branch and
permit the assumption of deposit liabilities by the purchasing bank.
The sale or acquisition of a branch office and deposit liabilities
shall comply with all capital requirements and other statutory
requirements and restrictions relating to the maintenance of branch
offices as required by this law. Banks which desire to sell, purchase
or exchange branches shall apply to the director and shall provide all
information required by the director to properly evaluate the impact
upon public need and convenience and the impact upon depositors,
stockholders and creditors of both the selling and acquiring banks.
The director may in his discretion require a public hearing for the
purpose of obtaining public impact and evaluating public need and
convenience issues. The department shall make an investigation of the
proposed sale, purchase or exchange of branches. The actual cost of
an investigation, administrative procedure or hearing, shall be shared
equally by the selling and acquiring banks. All fees shall be paid to
the department of finance by the applicant banks following the
approval or denial by the director. A bank selling a branch shall
publish notice of the sale once a week for three (3) successive weeks.
in a newspaper of general circulation in the county in which the branch is located.

26-909. DISSENTING STOCKHOLDERS. (1) A dissenting stockholder of a state bank shall be entitled to receive the value in cash of only those shares which were voted against a merger to result in a state bank, against the conversion of a state bank into a national bank or against a sale of all or substantially all of the state bank's assets, and only if written demand thereupon is made to the resulting state or national bank at any time within thirty (30) days after the effective date of the merger or conversion accompanied by the surrender of the stock certificates. The value of such shares will be determined, as of the date of the stockholders' meeting approving the merger or conversion, by three (3) appraisers, one (1) to be selected by the vote of the owners of two-thirds (2/3) of the shares involved at a meeting called by the director on ten (10) days' notice, one (1) by the board of directors of the resulting state or national bank, and the third by the two (2) so chosen. The valuation agreed upon by any two (2) appraisers shall govern. If any necessary appraiser is not appointed within sixty (60) days after the effective date of the merger or conversion, the director shall make the necessary appointment, or if the appraisal is not completed within ninety (90) days after the merger or conversion becomes effective, the director shall cause an appraisal to be made.

(2) The merger agreement may fix an amount which the merging banks consider to be the fair market value of the shares of a merging or a converting bank at the time of the stockholders' meeting approving the merger or conversion, which the resulting bank will pay dissenting stockholders of that bank entitled to payment in cash. The amount due under such accepted offer or under the appraisal shall constitute a debt of the resulting state or national bank.

(3) The expenses of appraisal shall be paid by the resulting state bank except when the value fixed by the appraiser does not exceed the value fixed by the merger agreement in which case one-half (1/2) of the expenses shall be paid by the resulting bank and one-half (1/2) by the dissenting stockholders requesting the appraisal in proportion to their respective holdings.

26-910. NONCONFORMING ASSETS OF BUSINESS. If a merging, converting or selling bank has assets which do not conform to the requirements of state law for the resulting or purchasing state bank or carries on business activities which are not authorized or permitted for the resulting or purchasing state bank, the director may permit a reasonable time to conform with the law of this state, and, in the case of a resulting or purchasing state bank that is not to exercise trust powers, shall require that prompt application be made to a court of competent jurisdiction for the appointment of successor trustees.
26-911. BOOK VALUE OF ASSETS. Without approval by the director no asset shall be carried on the books of the resulting or purchasing bank at a valuation higher than that on the books of the merging or converting bank at the time of its last examination by a state or national bank examiner before the effective date of the merger or conversion.

CHAPTER 10
CLOSING AND LIQUIDATION OF BANKS

26-1001. GROUNDS FOR CLOSING BANK. Whenever it shall appear to the department of finance that:
(1) Any bank has violated its charter or any law of this state; or
(2) Has violated any general rule or regulation of the director, made in accordance with law, or any special lawful order, direction or requirement of the director, directed to any particular bank; or
(3) That the capital of any bank is impaired or for any reason is below the amount required by law and has not been made good after fifteen (15) days' notice, as provided by law, or without such notice, in the event a majority of the board of directors of such bank notify the director in writing that the same cannot be made good within fifteen (15) days; or
(4) That such bank cannot meet or has failed to meet any of its liabilities as they become due in the regular course of business; or
(5) That its reserve has fallen below the amount required by law and it has failed to make good such reserve within fifteen (15) days after being requested to do so by the director, or, without such notice, if a majority of the directors, in writing, notify the director that such reserve cannot be made good within fifteen (15) days, or if it is continually allowing its reserve to fall below the required amount; or
(6) That it is conducting business in an unsafe and unauthorized manner, or is in an unsafe or unsound condition; or
(7) It has refused to submit its papers, books and records to the inspection of the director or his authorized agent or representative; or
(8) That any director or officer of such bank has refused to be examined on oath touching the affairs or business of any bank insofar as such relate to the solvency of the bank or matters having to do with the supervision of the director.

The director himself, or his duly authorized agent upon express authority from the director, may in his discretion, close said bank and take possession of all the books, records, assets and business of every description of such bank, and hold the same and retain
possession thereof until such bank shall be authorized by him to resume business, or its operations or liquidation be turned over to the Federal Deposit Insurance Corporation as provided in this chapter, or its affairs be liquidated as herein provided, and he shall do so in cases where a bank comes into his hands voluntarily.

The powers and authority conferred on the director by this section, except in cases of voluntary surrender, shall be considered as discretionary and not as mandatory, and so long as the director acts in good faith in the matter, neither he nor his deputies shall be held liable civilly or criminally or upon their official bonds in any action taken thereunder or for any failure to act thereunder.

26-1002. PENALTY FOR CLOSING BANK WITH CRIMINAL INTENT. If the director of the department of finance or official in the department of finance, shall, as a result of malice or for personal gain, declare any bank insolvent, he shall, upon conviction thereof, be subject to punishment by fine not exceeding one thousand dollars ($1,000), or imprisonment in the county jail not exceeding one (1) year, or both, within the discretion of the court.

26-1003. RECEIVING DEPOSITS WHEN INSOLVENT. The owners or officers of any bank or trust company who shall receive any deposits, knowing that such bank or trust company is insolvent, shall be guilty of a felony and punished, upon conviction thereof, by a fine not exceeding one thousand dollars ($1,000), or imprisonment in the state penitentiary not exceeding two (2) years, or both such fine and imprisonment, at the discretion of the court.

26-1004. BANK MAY BE PLACED IN DIRECTOR'S POSSESSION. Any bank may place its affairs and assets under the control and in the possession of the director after oral or written notice to the director by posting a notice on the front door of such bank, indicating that said bank is in his hands, which notice shall be signed, in their own handwriting, by a majority of the directors.

26-1005. EFFECT OF POSTING NOTICE. The posting of such notice by the directors of any bank, or of a like notice signed by the director, shall be sufficient to place all assets and property of such bank, of whatever nature and wherever situate, in possession of the director, and shall operate as a bar to any attachment or any other legal proceedings against such bank or its assets, and no valid lien or claim can be acquired or created, or transfer or assignment made in any manner, binding or affecting any of the assets of such bank after the posting of such notice or after taking possession of any bank by the director.

26-1006. TAKING POSSESSION OF BANK -- NOTICE. On taking possession of the assets and business of the bank, the director shall,
in addition to posting notice thereof, on the front door of such bank, as aforesaid, also notify personally or by telephone or mail or by public announcement through the news media, all correspondent banks, and any and all persons or corporations known to him to be holding or in possession of, any of the estate of such bank.

26-1007. RESUMPTION AFTER CLOSING. After the director has taken possession of any bank, he may permit such bank to resume business upon such conditions as may be approved by him.

26-1008. POWERS OF DIRECTOR ON CLOSING BANK. Upon taking the assets and business of any bank into his possession, the director is authorized to collect all moneys due to such bank, assess the stock of such bank, and to do such other acts as are necessary to conserve its assets and business, and he shall proceed to liquidate the affairs thereof. He shall have general and inclusive power and authority, except as otherwise limited by the terms of this act, to do any and all acts, to take any and all steps necessary, or, in his discretion, desirable for the protection of the property and assets of such bank and the speedy and economical liquidation of the assets and affairs of such bank and the payment of its creditors, or for the reopening and resumption of business by said bank, where that is in his discretion practicable or desirable.

The director may institute, in his own name as director, or in the name of the bank, such suits and actions and other legal proceedings as he deems expedient for such purposes, and by making application to the district court of the county in which such bank is located, or to the judge thereof, in chambers, may procure an order to sell, compromise or compound any bad or doubtful debt or claim, and to sell and dispose of any or all the assets, which sale may be made to stockholders, officers, directors, or others interested in such bank, on consent of the court. On such court proceedings the bank shall be made a party by notice issued on order of the court or judge, in lieu of summons, but served in like manner, and the hearing of any such application or petition by the director may be had at any time, either in term or vacation in court, or in chambers, as the court may order, after said bank has had five (5) days' notice of such application.

26-1009. RECOUROE OF AGGRIEVED BANK. Any bank deeming itself aggrieved by the action of the director in taking possession of its assets or closing its doors may, within ten (10) days after such possession shall have been taken, apply to the district court of the county in which its principal place of business is located, or to the judge thereof in chambers, to enjoin further proceedings by the director, and the court or the judge thereof in chambers, after notifying the director to appear at a specified time and place to show cause why further proceedings should not be enjoined, and after hearing the allegations and proofs of the parties, and determining
facts, may, on the merits, dismiss such application, or enjoin the director from further proceeding and direct him to surrender the business and assets of said bank. Such application for injunction may be heard at any time after five (5) days' notice from the time of service on said director in the discretion of the court, or the judge thereof, or at any time prior thereto by the consent of the director. Application therefor shall be made on the verified complaint of the bank, in the ordinary form used in civil actions in district court, and a copy of such complaint shall be served on the director with the order to show cause. The director shall, at least two (2) days before the time set for hearing, file in the cause, and serve upon counsel for plaintiff an answer to the complaint, also in the ordinary form used in civil actions in the district court. Demurrers and motions directed to pleadings are not permissible in proceedings had under this section, but any questions raised by demurrer or motion in other actions may be raised in the answer. On the issues thus made on the complaint and answer, the court, or the judge thereof at chambers, at the time fixed for showing cause, or at such other time to which he, in his discretion, may continue the same, shall try the matter on the merits by hearing the allegations and proofs of the parties in the same manner as on the trial of ordinary civil actions in the district court, and the rules governing the trial of ordinary civil actions and for the production and taking of evidence and hearing the examinations of witnesses and the entry of findings and judgments therein, shall prevail. In the event the director makes no appearance in the time limited, the court shall enter his default and proceed to hear the proofs of the plaintiff in like manner as in civil actions under similar circumstances, and enter judgment accordingly. The judgment entered either after hearing on the merits or by default, shall be final judgment from which either party shall have the right, by notice filed within twenty (20) days after entry, to appeal to the supreme court, in the same manner as from final judgment in a civil action.

26-1010. DIRECTOR MAY APPOINT AGENTS. The director may, under his hand and seal, appoint and authorize an agent to assist him or act for him in the performance of any powers or duties hereunder, the certificate of appointment to be filed in the office of said director, and a certified copy thereof delivered to such agent. Such agent and other employees hereinafter mentioned, shall receive a salary, to be fixed as hereinafter provided, for the time he is actually engaged in the performance of such duties. The director may also employ such attorneys and procure such expert accountants and other experts, assistants and employees as may be necessary in the liquidation and distribution of the assets of any such bank, and the performance of his duties hereunder, and may retain such of the officers or employees of such bank as he may deem necessary. He shall require from the agent appointed by him and from such of the assistants as will have charge of any of the assets of the bank such security for the faithful
discharge of their duties as he may deem proper.

The director may also designate any one of the examiners of the
department of finance as a general liquidating agent, with his office
in the department of finance, for the purpose of liquidating any one
or all state banks in the process of liquidation, and for the purpose
of conducting such liquidation under the direction of said director;
and may authorize the said liquidating agent to employ such clerical
help as may be necessary.

Liquidating agents and experts and clerical assistants shall
receive a salary to be fixed by the director and necessary traveling
and hotel expenses incurred in the performance of official duties. The
salary of the liquidating agent and experts and necessary clerical
assistance and other expenses incurred by the said liquidating agent
shall be borne equally and ratably by the bank or banks in process of
liquidation under such agent's charge in proportion to the total
amount of resources of each of such banks. The funds for such expenses
shall be raised by assessing each bank in ratio herein set forth and
paying such expenses directly to the persons entitled thereto, without
depositing any of such funds in the state treasury.

The compensation of the agents appointed by the director and of
attorneys, expert accountants and other assistants, and all expenses
of liquidation and distribution of a bank whose assets and business
shall be taken possession of by the director, shall be fixed by the
director, but subject to be approved by the judge of the district
court of the county in which the bank is located, on notice to such
bank. Except in cases of emergency, the compensation to be paid to
attorneys and expert accountants shall be fixed and approved before
services are rendered. When the compensation shall have been so fixed
and approved and the services rendered, the same shall be paid out of
the funds of such bank in the hands of the director, and shall be a
proper charge and lien on the assets of such bank as herein provided.

26-1011. FEDERAL DEPOSIT INSURANCE CORPORATION -- RIGHT TO ACT AS
RECEIVER OR LIQUIDATOR. The Federal Deposit Insurance Corporation
created by section 8 of the federal "Banking Act of 1933" (section 12B
of the Federal Reserve Act, as amended) is hereby authorized and
empowered to be and act without bond as receiver or liquidator of any
banking institution, the deposits in which are to any extent insured
by said corporation, and which shall have been closed on account of
inability to meet the demands of its depositors, in lieu of the
director of finance, but only if and when requested so to do by said
director.

The director of the department of finance may, in his discretion,
in the event of such closing tender to said corporation the
appointment as receiver or liquidator of such banking institution, in
his stead, and if the corporation accepts said appointment, the
corporation shall have and possess all, the rights, powers and
privileges provided by the laws of this state with respect to the
director of the department of finance acting as receiver or liquidator of a banking institution, and be subject to all the duties of such receiver or liquidator, except insofar as such rights, powers, privileges or duties are in conflict with the provisions of subsection (1) of section 12B of the Federal Reserve Act, as amended (section 8 of the "Banking Act of 1933").

The corporation shall not, however, without the consent of the director of the department of finance, continue to act as receiver or liquidator of any banking institution after the amount of the insured deposit liability of such banking institution, paid or assumed by the corporation, and the costs of liquidation paid or assumed by it have been repaid it, or after funds are available therefor.

26-1012. CLOSED BANK -- FEDERAL DEPOSIT INSURANCE CORPORATION FURNISHING FUNDS FOR PAYMENT OF INSURED DEPOSIT LIABILITIES -- SUBROGATION. Whenever any banking institution shall have been closed as aforesaid, and said Federal Deposit Insurance Corporation shall pay or make available for payment the insured deposit liabilities of such closed institution, the corporation, whether or not it shall have become receiver or liquidator of such closed banking institution, as herein provided, shall be subrogated to all rights against such closed banking institution, of the owners of such deposits, in the same manner and to the same extent as subrogation of the corporation is provided for in subsection (1) of section 12B of said Federal Reserve Act, as amended (being section 8 of said "Banking Act of 1933") in the case of the closing of a national bank, provided, that the rights of depositors and other creditors of such closed institution shall be determined in accordance with the applicable provisions of the laws of this state.

26-1013. CLOSED BANKS -- PLEDGE OR SALE OF ASSETS BY DIRECTOR OR LIQUIDATOR TO FEDERAL DEPOSIT INSURANCE CORPORATION -- COURT ORDER. With respect to any banking institution, which is now or may hereafter be closed on account of inability to meet the demands of its depositors or by action of the director of the department of finance or of a court or by action of its directors or in the event of its insolvency or suspension, the director of the department of finance and/or the receiver or liquidator of such institution with the permission of said director of finance may borrow from said corporation and furnish any part or all of the assets of said institution to said corporation as security for a loan from same, provided, that where said corporation is acting as such receiver or liquidator, the order of a court of record of competent jurisdiction shall be first obtained approving such loan. Said director upon the order of a court of record of competent jurisdiction, and upon a like order and with the permission of said director, the receiver or liquidator of any such institution may sell to said corporation any part or all of the assets of such institution.
The provisions of this section shall not be construed to limit the power of any banking institution, the director of the department of finance or receivers or liquidators to pledge or sell assets in accordance with any existing law.

26-1014. FEDERAL DEPOSIT INSURANCE CORPORATION ACTING AS LIQUIDATOR -- POSSESSION AND CONTROL OF ASSETS AND BUSINESS OF BANK. Upon the acceptance of the appointment of receiver or liquidator aforesaid by said corporation, and during its continuance as such receiver or liquidator, the possession and control of all the assets, business and property of such banking institution of every kind and nature shall pass to and vest in said corporation and without the execution of any instruments of conveyance, assignment, transfer or endorsement, with the same force and effect and to the same extent as in the director of the department of finance under like circumstances.

26-1015. ENFORCEMENT OF INDIVIDUAL LIABILITY OF DIRECTORS OF CLOSED BANK. Among its other powers, said corporation, in the performance of its powers and duties as such receiver or liquidator, when acting as such in lieu of the director of the department of finance, shall have the right and power upon the order of the court of record of competent jurisdiction to enforce any individual liability of the directors of any such banking institution.

26-1016. NOTICE TO CREDITORS OF INSOLVENT BANK. The director shall cause notice to be given by advertisement in a newspaper of general circulation in the town or city in which said bank is situated, if there be one, and if not, then in such other newspaper published in the state of Idaho, as the director shall designate, once a week for six (6) consecutive weeks, calling on all persons who have claims against said bank to present the same to the director or his duly authorized agent at a place to be specified in said notice, and to make sworn proof thereof, in form to be fixed by him, within the time specified in said notice, not less than thirty (30) days from the date of the last publication thereof. A copy of such notice shall be mailed to all persons whose names appear as creditors upon the books of the bank.

26-1017. CLAIMS -- ALLOWANCE AND REJECTION. The director shall reject or allow all claims in the whole or in part, and on each claim allowed shall designate the order of its priority. If a claim is rejected or an order of priority allowed lower than that claimed, notice shall be given the claimant personally or by certified mail with a return receipt requested and an affidavit of the service of such notice, which shall be prima facie evidence thereof, filed in the office of the director. The action of the director shall be final unless an action be brought by the claimant against the bank in the proper court of the county where the bank is located within ninety
(90) days after such service to fix the amount of the claim and its order of priority or either. An appeal from the director's allowance, either as to priority or amount, may also be taken to the district court of such county by any party in interest by serving on the director notice thereof, stating the grounds of objection and filing the same in said court within thirty (30) days after allowance. Within five (5) days after such notice, the director shall file in the court, and serve on the appellant, a copy of the claim and his reasons for allowance. The court or judge shall, after five (5) days' notice of time and place of hearing on the issues thus made, hear the proof of the parties and enter judgment reversing, affirming or modifying the director's action.

26-1018. PAYMENT OF CLAIMS. Claims presented to the director prior to the expiration of the time fixed in the notice to creditors therefor, and allowed by him, shall be paid in the order of priority hereinafter fixed. Those filed after such expiration and prior to one (1) year thereafter shall be entitled, after they have been allowed by the director, to share in the distribution of the assets of the bank only to the extent of the assets undistributed in the hands of the director and available for the payment of claims of their order of priority at the time such claims are filed, but as against other claims of their same order of priority, on which dividends have been paid, they shall be entitled to payment in a proportionate amount before further payments are made on such other claims. All claims filed after the expiration of one (1) year following the date fixed in the notice to creditors as the time for presentation of claims are not entitled to be allowed or paid unless all other creditors' claims of any kind or character, except claims of shareholders, based on stock or assessments paid on stock, shall have been fully paid and discharged, and a surplus remains in the hands of the director, and then only from such surplus.

26-1019. CLAIMS ORDER OF PAYMENT -- PRIORITIES. The order of payment of the debts of a bank liquidated by the director shall be as follows:

(1) The expense of liquidation, including compensation of agents, employees and attorneys.
(2) All funds held by bank in trust.
(3) Debts due depositors, holders of cashier's checks, certified checks, drafts on correspondent banks, including protest fees, paid by them on valid checks or drafts presented after closing of the bank, pro rata. All deposit balances of other banks or trust companies and all deposits of public funds of every kind and character (except those actually placed on special deposit under the statutes providing therefor) including those of the United States, the state of Idaho, and every county, district, municipality, political subdivision or public corporation of this state, whether secured or unsecured, or
whether deposited in violation of law or otherwise, are included within the terms of this subdivision and take the same priority as debts due any other depositor, anything in the statutes of the state of Idaho to the contrary notwithstanding.

(4) All other contractual liabilities pro rata.

(5) Interest on all foregoing classes of claims without regard to the priority of the principal computed as follows:

Savings accounts at the same rate they bore at the time of the closing of the bank; time certificates of deposit at the rate fixed in the certificate; all other contractual obligations bearing interest at the rate they bore at the time of closing until due by their terms; no interest to be compounded.

(6) Unliquidated claims for damages and the like.

Provided, however, that the director may, in his discretion, without regard to the priorities herein fixed in subdivisions 3, 4, 5 and 6 of this section, or in preference to the payment of any claims of creditors within these subdivisions, pay off and discharge any lien, claim or charge against the assets or property of the bank in his hands and pay out and expend such sums as he deems necessary for the preservation, maintenance, conservation and protection of any such assets and property, and likewise property on which the bank has liens by mortgage or otherwise; and he may also, in his discretion, create a fund or retain in his hands in preference to the claim of any creditors in the subdivisions above-mentioned moneys for the aforesaid purposes.

Collateral which shall have been put up or pledged as security for the payment of bills payable by any bank, or any loans or discounts which shall have been outstanding as rediscounts of any bank prior to the closing thereof, shall not be available to the other creditors of such bank in whole or in part until such bills payable or rediscounts shall have been retired.

Deposits of any person, firm or corporation in a bank which is in the possession of the director, may be offset against any indebtedness, (subject to the conditions of the preceding paragraph of this section) due to such bank from such person, firm or corporation. All dividends when declared in favor of any creditor of the bank may be applied, in the discretion of the director, in satisfaction of the indebtedness, if any, due the bank from such creditor.

26-1020. PARTIAL PAYMENT OF CLAIMS -- CALCULATION OF DIVIDENDS -- ASSIGNMENT OF CLAIMS -- CHECKS AGAINST CLOSED BANK. The director need not await the expiration of the time allowed for filing claims, as fixed in the notice to the creditors, for the payment of dividends, but he may, in his discretion, and if under the circumstances of the particular case he deems it expedient and safe, at any time after taking possession of said bank and prior to the expiration of such period fixed for filing of claims, if he has on hand in cash sufficient funds over and above the expenses of liquidation, make pro
rata distribution to any class of creditors next entitled thereto, in the order of priority heretofore fixed, making such payment to said creditors as they appear on the books and records of the bank and determining the priority and basing his apportionment on the amount shown to be due by such books and records. At any time after the expiration of the date fixed for the presentation of claims against said bank and from time to time thereafter, when, in his discretion there are sufficient funds available therefor, the director shall, after making proper provision for the payment of expenses of liquidation, declare and pay dividends to all creditors of such bank pro rata in the order of their priority. If, after the time fixed for presentation of claims against the bank has expired, it appears that any person, prior to the expiration of said period, or at any other time, has been paid more than the pro rata amount due him as compared with the amounts then paid other creditors, nothing more shall be paid said creditor until such time as the payment made other creditors shall place them on equal footing. In calculating dividends, all disputed claims and deposits shall be taken into account and the amount of dividends upon such disputed claims or deposits shall be held by the director until the justice and validity of such claims or deposits shall have been finally determined. Claims against any bank in process of liquidation may be assigned as a whole, but partial assignments of such claims shall not be valid against the director of the department of finance or his agents in charge of such bank, nor recognized by them. Assignments of claims shall be binding upon the director only after the same have been filed and allowed by the director but not before, and only then subject to the payment of the assignor's liabilities to the bank. Such assignment shall be made by filing written notice, signed by the original claimant, with the director or person in charge of said bank. No assigned claim may be offset against obligations due the bank. A check or draft drawn against any bank closed or taken possession of by the director, whether issued before or after closing thereof, shall not be recognized as a claim against said bank, or as an assignment of any amount, whether protested or not protested.

26-1021. STATEMENT OF CONDITION. The director of the department of finance shall, within sixty (60) days after taking possession of any bank or trust company under the provisions of this chapter and at intervals of every six (6) months thereafter during the liquidation thereof and until depositors' claims against said bank or trust company have been fully paid or the assets available for such claims exhausted, make public a statement of the condition of such bank or trust company.

26-1022. DEPOSIT OF FUNDS IN DIRECTOR'S HANDS. All funds in the hands of the director belonging to any bank in process of liquidation shall be deposited in his name as director in such banks within the
state as may be selected and designated by him and subject to his checks as director of the department of finance. Provided, that any bank receiving such deposits shall file and keep on file with the director a surety bond, executed by some surety company authorized to transact business in the state of Idaho, in an amount not less than the amount of the sum on deposit, conditioned for the payment on demand of the full amount of such deposit, or in lieu of such bond, shall deposit with the director, securities in like amount to be approved by the director, as security for the payment of such deposits, but only approved securities as defined by the Public Depository Law, shall be accepted by the director. No deposit of such funds shall be made in any bank in excess of the penal amount of such bond or in excess of ninety per cent (90%) of the market value of such approved securities.

26-1023. DISPOSITION OF UNCLAIMED FUNDS. The director shall certify to the treasurer of the state a complete list of funds remaining in his hands uncalled for, which have been left in his hands in his official capacity, in trust for depositors in and creditors of any liquidated bank after they have been held by him for six (6) months from the date of the final liquidation of the institution. Along with this certificate, he shall transmit to the treasurer of the state the funds with accumulated interest thereon which he has so held in trust for six (6) months. A copy of such certificate shall also be filed with the state auditor, who shall make a record thereof.

Any depositor or creditor of a liquidated bank who has not been paid the amount standing to his credit as thus certified to the state treasurer, may apply to the director for the amount due him, after it has been certified into the treasury of the state. The depositor or creditor shall make an affidavit and offer proof of his identity and of the amount due him by the liquidated bank. When satisfied as to the correctness of the claim and of the identity of the person, the director shall approve the claim and forward it to the auditor, who shall audit the same and if found correct issue his warrant payable to the depositor or creditor for the amount shown by the records to be due such depositor or creditor which shall be paid by the treasurer.

26-1024. DISPOSITION OF ASSETS REMAINING AFTER PAYMENT OF CLAIMS. Whenever the director has paid to each and every depositor and creditor of such bank whose claims shall have been duly approved and allowed as herein provided, the full amount thereof, and shall have made provisions for unclaimed and unpaid deposits and disputed claims and deposits, and shall have paid all the expenses of liquidation or, if the assets of said bank be insufficient for making said payments, then, whenever the director has liquidated all available assets and disbursed the same as herein provided, the director shall make application to the district court of the county in which such bank is located, or the judge thereof in chambers for an order authorizing the
director, if there be remaining assets on hand, to surrender the same to the directors of said bank in office at the time of closing the same, as trustees for stockholders, or to such other person or persons, if any, as have been designated as trustees by the stockholders at a meeting lawfully called and assembled for such purpose, in like manner as any other stockholders' meeting. Said order shall also provide that upon the surrender of said assets, as in said order directed, and where there are no remaining assets, then, upon the entry of the order, the director shall be discharged from all further liability or responsibility in connection with the assets and affairs of said bank and that the charter of said bank shall be forfeited. The court may require such trustees to give bond in such amount as the court may fix, conditioned for the faithful performance of their duties. It shall be the duty of the said trustee or trustees to complete the liquidation of any remaining assets as rapidly as may be and to distribute the proceeds of the same among the stockholders according to their respective rights. On application for such order, the bank shall be made a party by notice issued on order of the court or judge, in lieu of summons, but served in like manner, and the hearing of any such application may be had at any time in court or in chambers, as the court may order, after five (5) days' notice of the hearing.

26-1025. BORROWING MONEY TO FACILITATE LIQUIDATION OR REOPENING OF BANK. The director of the department of finance, when he deems it to be for the best interest of the depositors of any closed bank, shall be and hereby is authorized and empowered in his official capacity, without personal liability, and under orders of the court, to borrow from any federal agency, or any corporation or person, for the purpose of facilitating the liquidation of such bank and making distribution to depositors, and/or for the purpose of reorganizing or reopening such bank, and as security for the payment of any money so borrowed, the director may pledge or otherwise hypothecate or mortgage all or any part of the assets of such bank and enter into all such contracts or agreements in connection therewith as he may deem prudent and advisable.

26-1026. REOPENING OF BANK -- UNSECURED DEPOSITORS AND CREDITORS -- ACCEPTANCE OF PLAN -- CERTIFICATE OF APPROVAL. Whenever the director of the department of finance believes it to be for the best interest of the unsecured depositors and creditors of any bank that any proposed plan for maintaining or restoring the solvency of such bank, or for effecting any merger or reorganization thereof, should be carried out and made effective, the director shall issue his certificate of approval, and thereupon all other unsecured depositors and unsecured creditors of such bank shall be held to be subject to the agreement and plan so approved by the director and all depositors and creditors shall be bound thereby and their deposits and claims
shall be subject thereto to the same extent and effect as if they had joined in the execution thereof, and their deposits and claims shall be paid in the manner provided in the plan so approved, as aforesaid, and not otherwise.

26-1027. PUBLIC FUNDS ON DEPOSIT -- JOINDER OF OFFICIAL IN PLAN --BONDS SECURING DEPOSITS UNAFFECTED. Public officers and governing boards having control of public funds on deposit in any such bank are authorized to join in any plan approved as provided in section 26-1026, Idaho Code, if, in the judgment of such officers or boards, the plan is for the best interest of all persons concerned, but no such agreement shall release any surety on any bond securing public deposits or public funds, or waive any security held for any preference given to such public funds under any law of this state, or relieve any officer, or the sureties of his official bond, of the liability, if any, for such deposit, and the time for the repayment of public funds shall in no event be extended for a longer period than six (6) months from the date of said certificate of the director of the department of finance.

CHAPTER 11  
SUPERVISION BY DEPARTMENT OF FINANCE

26-1101. ADMINISTRATION -- RULES AND REGULATIONS. (1) Every bank and bank holding company shall be subject to the inspection and supervision of the director of the department of finance as provided in this act.

(2) The director may from time to time adopt, amend and rescind rules, regulations and forms necessary or proper to carry out the provisions of this act. No rule, regulation or form may be adopted unless the director finds that the action is necessary or appropriate for the protection of the interests of bank depositors or for the welfare of banks and consistent with the purpose of this act.

(3) Any provision of this act to the contrary notwithstanding, the director may by regulation authorize state banks, until ninety (90) days after the close of the next regular session of the legislature, to engage in any activity in which a bank subject to the jurisdiction of the federal government may be authorized by federal rule or law to engage.

(4) All rules, regulations and forms must be adopted pursuant to the provisions of chapter 52, title 67, Idaho Code.

26-1102. EXAMINATION BY DEPARTMENT. The director may examine no less often than once in eighteen (18) months, and more frequently whenever he shall deem it necessary, all records and other documents in the possession of or relating to the bank, bank trust department including records in the custody of a data processor or other person or company. For this purpose, the director shall have authority to
demand and inspect all books, papers, moneys, notes, bonds, or evidences of debt of such bank and may examine on oath any of the directors, officers, agents, employees, customers, or depositors of such bank. Any willful false swearing in any examination shall be deemed perjury. During examinations, the directors, officers and employees shall give any assistance required by the director, but no examiner shall interfere with the routine duty of such directors, officers and employees.

Whenever it shall come to the notice of the director that any bank has failed or refused to comply with any of the provisions of this act, the director is authorized to make a special examination of said bank and to charge and collect for such special examination; and to continue such examinations and charges at intervals of not less than thirty (30) days until such provisions are complied with.

The director may in his discretion at any time omit his examination of any bank as above required and accept in lieu thereof the findings or result of an examination of such bank made by any bank regulatory or insuring agency of the United States authorized to make such examination.

26-1103. REFUSAL TO SUBMIT TO EXAMINATION. Whenever any officer, director or employee of any bank or any data processor or other person or company having custody of books or records of any bank shall refuse to submit the books, papers and concerns of such bank to the inspection of the department of finance or refuse to be examined on oath touching the affairs or concerns of the bank, the director may, in his discretion, apply to the district court within the jurisdiction of which the home office of the bank is located for an injunction requiring the officer to allow such inspection. Upon application by the director, the court shall issue such an injunction.

26-1104. FEES. On January 15 of each year, the director of the department of finance shall collect from each bank the following assessment fees: a fee based upon the amount of the total assets of the bank, such fee to be fixed by the director, provided, that the maximum of such fee shall not exceed fifteen cents (15¢) for each one thousand dollars ($1,000) of the total assets of the banks as of December 31 of the preceding calendar year. In addition to the foregoing each bank shall pay to the director the additional sum of one hundred dollars ($100) for each office and branch office maintained by said bank. Provided further, each bank shall pay to the director the aggregate of the asset charge and the banking office fees above specified, or the sum of fifteen hundred dollars ($1,500), whichever sum is the greater. The director shall collect from each bank for each special examination of its condition an amount sufficient to reimburse the director for the actual expenses incurred in connection therewith.
26-1105. DIRECTORS TO BE ADVISED OF CONDITIONS. The department of finance shall, after each examination, address a letter to the president or chairman of the board of directors, calling attention to the condition of the bank at the time of examination. Such letter from the department shall be read at the first meeting of the board of directors following its receipt and the bank or company's minute book shall show the receipt of such letter and the reply thereto as approved by the directors.

26-1106. REPORTS OF BANK. Every bank shall make to the department of finance not less than three (3) reports during each calendar year at such times as reports are called for by the director. The department of finance shall prescribe the form of such reports and they shall be signed and verified by the oath or affirmation of one of the officers of such bank and attested by at least two (2) of the directors. They shall be forwarded to the department within fifteen (15) days after the receipt of the call therefor. Such report shall be published in a newspaper in the city or county in which said bank is located, or in a paper published nearest to such town, and in the same form as made to the department. Proof of publication shall be furnished to said department within thirty (30) days after receipt of the aforesaid call.

The department of finance shall also have the power to call for special reports from any bank whenever in its judgment the same is necessary to inform the department fully of the condition of such bank. It shall not be necessary for such bank to publish such special report.

26-1107. REPORTS -- DUTIES OF DEPARTMENT OF FINANCE. The department of finance shall receive and place on file in the office of the department the reports to be made by the banks under this act and shall prepare and furnish, on demand, to all the banks required to report blank forms for such statements or reports.

26-1108. FAILURE TO TRANSMIT REPORTS. Every bank failing to make and transmit to the department of finance any of the reports required by this act, shall at the discretion of the director, be subject to a forfeiture of fifty dollars ($50.00) a day after the time required for making such reports. Whenever any bank fails or refuses to pay the forfeiture herein imposed for a failure to make and transmit such report, the director is hereby authorized to institute proceedings to recover the forfeiture, together with interest, attorney's fees and costs.

26-1109. BOOKS AND ACCOUNTS. Whenever it appears to the department of finance that any bank does not keep books and accounts in such manner as to enable it to readily ascertain the true condition of such bank, or that such books and accounts are not kept in a manner
which will minimize, as far as possible, loss through dishonesty of its officers or employees or otherwise, the department shall have power to require the officers of such bank or any of them, to open and keep such books or accounts as the department may, in its discretion, determine and prescribe for the purpose of keeping accurate and convenient records of the transactions and accounts of such bank.

The directors of any bank shall, within ten (10) days from receipt by the bank of a written statement from the department that the bank's internal auditing procedures are inadequate or deficient in any respect in the opinion of the department, retain, at the bank's sole expense, an independent licensed certified public accountant, approved by the director, to forthwith make an audit of the bank, and upon completion thereof a certified copy of the audit shall be delivered to the department.

26-1110. PROOF THAT SERVICES PERFORMED WILL BE SUBJECT TO REGULATION AND EXAMINATION. No bank subject to examination by the department of finance may cause to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises, unless assurances satisfactory to the department of finance are furnished to such department by both the bank and the party performing such services that the performance thereof for any such bank will be subject to regulation and examination by the department of finance to the same extent as if such services were being performed by the bank itself on its own premises.

26-1111. RECORDS NOT PUBLIC. The department of finance shall keep proper books and records of all regulatory acts, matters and things done by it under the provisions of this act, as records of its office, but the same shall not be subject to inspection by any person or agency except as provided in this act. The fiscal records of the department of finance shall be available for public inspection.

26-1112. PENALTY FOR DISCLOSURE OF CONFIDENTIAL INFORMATION. Neither the department of finance, its director nor its employees shall disclose to any person or agency any fact or information obtained in the course of business of the department under this act, except in the following cases:

(1) When by the terms of this act it is made the duty of the department to make public records and publish the same.

(2) When the department is required by law to take special action regarding the affairs of any bank.

(3) When called as a witness in any criminal proceeding or trial in a court of justice, provided that the court must review such information in chambers to determine the necessity of disclosing such information.

(4) When in the case of an insolvent bank it is necessary or advisable, in the discretion of the director, for the good of the
public or of the depositors.

(5) When, in the discretion of the department, it is advisable to disclose any such information to a state or federal bank supervisory agency.

Any person violating the provisions of this section shall be guilty of a felony and conviction shall subject the offender to a forfeiture of his office or employment.

26-1113. IMPAIRMENT OF CAPITAL -- ASSESSMENT. Notwithstanding any law of this state to the contrary, the stock of a bank chartered by the state of Idaho shall be assessable. Whenever the director has reason to believe that the capital and surplus of any bank is impaired or reduced below the amount required by the director at the time the bank's charter was issued or an amount which the director reasonably believes to be necessary for the protection of the depositors of the bank, it shall be the duty of the director to examine said bank and ascertain the facts. In case he finds an impairment or reduction of capital and surplus, he shall order the bank to make good the deficiency within thirty (30) days after the date of the order. The directors of the bank upon which an order shall have been made, shall levy an assessment upon the stock of the bank to repair the capital deficiency. The director shall cause notice of the order and the amount of the assessment to be given to each stockholder of the bank. Notice shall be given by a written notice mailed to each stockholder at his last known address or served personally upon him. If any stockholder shall refuse or neglect to pay the assessment specified in the notice within ten (10) days from the date of mailing or service upon him of the notice, the directors of the bank shall have the right to sell the stock of such stockholder, at public auction. Previous notice of such sale shall be given ten (10) days in advance of the date of the sale in a newspaper of general circulation in the county where the principal place of business of the bank is located. A copy of the notice of sale shall also be served personally on the stockholder or by mailing same to his last known address ten (10) days before the day fixed for the sale. Such stock may be sold at private sale and without such public notice; provided that an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock sought to be sold, either personally or by mailing a copy of the offer to his last known address. If, after service of the offer, the owner shall refuse or neglect to pay the assessment within two (2) weeks from the time of the service of the offer, the directors may accept the offer and sell the stock to the person(s) making the offer, or to any other person(s) making a larger offer than the offer submitted to the stockholder. Stock shall in no event be sold for less than the amount of the assessment called for and the expense of the sale.

The stockholder whose shares of stock are to be sold shall return the certificates evidencing such shares to the bank prior to the date
the shares will be sold.

Out of the proceeds of the stock so sold, the directors shall pay the amount of assessment levied thereon and the necessary costs of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold. A sale of stock as herein provided shall effect an absolute cancelation of the outstanding certificate or certificates evidencing the stock so sold and shall make the same null and void, and a new certificate shall be issued to the purchaser thereof.

26-1114. REMOVAL OF DIRECTORS, OFFICERS, OR EMPLOYEES. Any director, officer or employee of any bank found by the director to be negligent, dishonest, reckless or incompetent in the performance of his official duties, shall be removed from office by the board of directors of such bank on the written order of the director. If the directors neglect or refuse to remove such director, officer or employee, in the event any losses accrue to such bank thereafter by reason of the negligence, dishonesty, recklessness or incompetency of such director, officer or employee, the written order of the director shall be deemed to be conclusive evidence of the negligence of the directors failing to act upon the same in any action brought against them, or any of them, for recovery of such losses. The director, officer or employee affected by order of the director may petition the district court in the judicial district in which the bank is located to set aside the order of the director. Upon the filing of such petition the court shall have the jurisdiction to affirm, set aside, or modify the order of the director. If the directors fail or neglect to remove such director, officer or employee, and the director of the department of finance has reasonable cause to believe that the continued participation in the affairs of the bank by the director, officer or employee will place the bank in an unsafe or unsound condition, the director of the department of finance may apply to the district court for a temporary restraining order and injunction preventing the participation of the director, officer or employee in the affairs of the bank. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive that the bank director, officer or employee who is the subject of an order for removal by the director of the department of finance is or has been negligent, dishonest, reckless or incompetent in the performance of his duties.

26-1115. ENGAGING IN UNSAFE OR UNSOUND PRACTICES -- CEASE AND DESIST ORDERS -- INJUNCTION. (1) If, in the opinion of the director of the department of finance, any bank is engaging or has engaged, or the director has reasonable cause to believe that the bank is about to engage in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the director has reasonable cause to believe that the bank is about to violate a law,
rule, or any condition imposed in writing by the director in connection with the granting of any application or other request by the bank or any written agreement entered into with the director, the director may issue and serve upon the bank a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be fixed for a date not earlier than twenty (20) days nor later than sixty (60) days after service of such notice unless an earlier or a later date is set by the department of finance at the request of the bank. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at the hearing, the director shall find that any violation or unsafe or unsound practice has occurred or will occur, the director may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and further to take affirmative action to correct the conditions resulting from any such violation or practice.

(2) A cease and desist order shall become effective at the time specified therein and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the director or a reviewing court.

(3) Whenever the director of the department of finance shall determine that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon the bank pursuant to subsection (a) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the director may issue a temporary order requiring the bank to cease and desist from any such violation or practice. Such order shall become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings, authorized by subsection (b) of this section, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the director shall dismiss the charges specified in such notice, or if a cease and desist order is issued against the bank, until the effective date of any such order.

(4) Within ten (10) days after the bank concerned has been served with a temporary cease and desist order, the bank may apply to the district court for the judicial district in which the home office of the bank is located, for an injunction setting aside, limiting, or
suspensing the enforcement, operation, or effectiveness of such order
pending the completion of the administrative proceedings pursuant to
the notice of charges served upon the bank under subsection (a) of
this section, and such court shall have jurisdiction to issue such
injunction.

(5) In the case of violation or threatened violation of, or
failure to obey, a temporary cease and desist order issued pursuant to
subsection (a) of this section, the director of the department of
finance may apply to the district court within the jurisdiction of
which the home office of the bank is located, for an injunction to
enforce such order, and if the court shall determine that there has
been such violation or threatened violation or failure to obey, it
shall be the duty of the court to issue an injunction.

CHAPTER 12
CIVIL AND CRIMINAL PENALTIES

26-1201. UNAUTHORIZED BANKING. It shall be unlawful for any person
to engage in soliciting, receiving or accepting money or its
equivalent on deposit as a regular business whether such deposit,
however evidenced, is made subject to check or draft or other order
unless such activity is specifically authorized by statute. Any person
violating any provision of this section shall be guilty of a felony.

26-1202. ADVERTISING BY UNAUTHORIZED BANK. Any person, other than
a national bank, not authorized to operate as a bank under this act,
that uses or advertises as part of his or its firm or corporate name
the word "bank," "banker," or any other word or words of similar
import, or advertises that it will be provide services which
constitute banking business is guilty of a felony.

26-1203. FALSE STATEMENTS REGARDING BANKS -- PENALTY. Any person
who shall wilfully and maliciously make, circulate or transmit to
another or others any false statement, rumor, or suggestion, written,
printed or by word of mouth, which is directly or by inference
derogatory to the financial condition or affects the solvency or
financial standing of any bank doing business in this state, or who
shall counsel, aid, procure or induce another to start, transmit or
circulate any such statement or rumor, shall be guilty of a felony.

26-1204. ASSAULT WITH INTENT TO ROB -- ROBBERY. Whoever shall
assault any person having lawful charge, control, or custody of any
money, securities, funds, or other property in the possession of any
bank with intent to rob, steal, or purloin such money, securities,
funds, or other property, or any part thereof, or whoever shall rob
any such person of such money, securities, funds, or property or any
part thereof, shall be guilty of a felony; and if, in effecting or
attempting to effect such robbery, he shall wound the person having
custody of such money, securities, funds or other property, or put such person's life in jeopardy by the use of a dangerous weapon, he shall be guilty of a felony.

26-1205. BURGLARY OF BANK. Any person who shall break into and enter or shall enter any bank either in the daytime or night with intent to commit a felony therein, shall be guilty of a felony.

26-1206. PENALTY FOR UNLAWFUL HYPOTHECATION OF ASSETS. Any officer or employee of any bank or the bank holding company owning or controlling the bank, doing business in this state who, except in the manner authorized by law or the contract of the parties, hypothecates, pledges or in any way alienates any notes, stocks, bonds, mortgages, securities or any other property coming into his hands or into the possession of said bank as collateral, for safekeeping or in any other manner, and to which the bank has not acquired full title, shall be guilty of embezzlement, and upon conviction thereof shall be punished as provided in section 26-1209, Idaho Code.

26-1207. CONCEALMENT OF LOANS AND DISCOUNTS. Any officer or employee of any bank or the bank holding company owning or controlling the bank who intentionally conceals from the director of the department of finance or the directors of the bank or a committee thereof, the purchase of any security, the sale of any of its securities, or any guaranty, repurchase agreement or any other agreement whereby the bank is obligated, shall be guilty of a felony.

26-1208. FALSE REPORTS OR ENTRIES. Any director, officer, or employee of any bank or bank holding company who shall willingly and knowingly subscribe to or make or cause to be made any false statement or false entry on the books or in any report or statement of the bank or bank holding company, or shall knowingly make or exhibit any false reports, entries or statements with the intent to deceive any person or persons authorized to examine into the affairs of the bank or bank holding company or the board of directors of the bank or bank holding company or shall knowingly state or publish any false report or statement of any bank or bank holding company, shall be guilty of a felony.

26-1209. EMBEZZLEMENT. Any officer, director or employee of any bank or bank holding company who embezzles or wilfully abstracts or misapplies any of the moneys, funds, credits, or property of the bank or bank holding company when owned by it or held in trust, or who issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, certifies any check, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or any person who aids or abets any officer, director or employee in the violation of this section, shall be guilty of a felony.
26-1210. BANK OFFICERS AND DIRECTORS TO REPORT FELONIES. It shall be the duty of every officer or director of any bank to report promptly every violation or apparent violation of any of the banking laws of this state which is defined as a felony under the laws of this state, of which he has knowledge, to the director of the department of finance or his duly authorized agent or agents, immediately upon the discovery thereof. Every such person who intentionally withholds such a report, or fails to make a prompt report of any such violation with the intent to injure, deceive or defraud such bank or any of its depositors, creditors or stockholders, or the director of the department of finance or his duly authorized agent or agents shall be guilty of a misdemeanor.

26-1211. MISLEADING ADVERTISING. No bank or bank holding company or any officer thereof shall advertise in any manner which is misleading, false or deceptive. Any bank violating the provisions of this section shall be subject to the provisions of section 26-1115, Idaho Code.

26-1212. LOANS TO OFFICIALS OF DEPARTMENT PROHIBITED. It shall be unlawful for the department of finance, its director or employees, to borrow money directly or indirectly from any state bank, or director or official of a state bank. Any person violating the provision of this section shall be guilty of a felony.

26-1213. COMMISSION FOR MAKING LOANS. No officer, director or employee of any bank or the bank holding company owning or controlling the bank shall demand, accept or receive, directly or indirectly, any commission or other consideration on account of the making, extension, or renewal by said bank of any loan, or extension of credit, to any person, firm or corporation.

Any person violating the provisions of this section shall be guilty of a felony.

26-1214. OVERDRAFTS. Any officer or employee of any bank who shall pay out the funds of any bank upon the check, order or draft of any individual, firm, corporation or association, which has not on deposit with such bank a sum equal to such check, order or draft shall be personally liable to it for the amount so paid, unless the drawer of such check, order or draft has previously arranged with the board of directors for credit sufficient to cover such amount. Provided, that the board of directors may ratify such overdraft and relieve such liability.

Whenever the overdrafts of the depositors of any bank doing business under this chapter are, in the opinion or judgment of the director of the department of finance, excessive or of long standing, he may require such bank to either collect or materially reduce the
same or secure notes in lieu of thereof.

26-1215. PENALTY FOR OFFICER OVERDRAWING ACCOUNT. Any director, officer or employee of any bank or the bank holding company owning or controlling the bank who knowingly and consistently overdraws his or her account, or any officer or employee who allows such an overdraft shall be guilty of a misappropriation of the bank's funds and upon conviction thereof, shall be punished by a fine of not exceeding one thousand dollars ($1,000) or by imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment, in the discretion of the court.

26-1216. CARRYING AS ASSET PROPERTY NOT ACTUALLY OWNED. It shall be unlawful for any bank or bank holding company to carry as an asset any note, obligation or security which is not the property of the bank or bank holding company; and any officer or employee of any such bank or bank holding company who places among the assets thereof any note, obligation or security which it does not actually own, or who represents to the director or any examiner appointed by him that any note, obligation or security carried among the assets of the bank or bank holding company is the property of said bank, when in fact such note, obligation or security is not owned by said bank or bank holding company shall be guilty of a misdemeanor.

26-1217. PENALTY FOR NEGLECT TO OPEN. Any bank which fails to open for business within one (1) year after the date from which its charter was issued shall, unless the time is extended by the director of the department of finance, be deemed to have forfeited the charter and its right and authority to do business and to have no further legal existence, and in case the director of the department of finance approves the establishment of any branch of a bank as required by section 26-301, Idaho Code, and such branch or branch office is not established and operating within twelve (12) months after the date the charter is issued, unless the time be extended by the director for good cause shown, such approval shall be of no further force or effect and such branch or branch office shall not be established or operated until the approval of the director is again obtained as required by the statute last mentioned. The director may not extend the time for the establishment and commencement of operations of any such bank or branch office for a longer period than an additional six (6) months.

26-1218. NOTES FOR STOCK SUBSCRIPTION ILLEGAL. It shall be unlawful for the officers or directors of the banking corporation to accept the note of any subscriber or stockholder in payment or part payment of the par value of the common stock, surplus or undivided profits.

26-1219. ADVERTISING BRANCHES. It shall be unlawful for any bank
to advertise that a branch office will be established or available for bank customers until a branch charter has been issued by the director for that branch office under the provisions of chapter 3, title 26, Idaho Code. It shall be unlawful for any person or group of persons to advertise that a unit bank will be established until approval for a bank charter has been issued by the director under the provisions of chapter 2, title 26, Idaho Code. A bank or person found guilty of a violation of the provisions of this section shall be fined not more than five thousand dollars ($5,000).

26-1220. ILLEGAL DATA PROCESSING ACTIVITIES. It shall be unlawful for any person to introduce fraudulent records or data into the computer system of a bank or to use the computer related facilities of a bank without the proper authorization, or to alter or destroy information or files in a bank's computer system or to obtain without proper authorization, by electronic or other means, money, financial instruments, property, services or valuable data stored in a bank's computer system. Any person violating the provisions of this section shall be guilty of a felony.

CHAPTER 13
TRUST COMPANIES AND TRUST DEPARTMENTS

26-1301. DEFINITIONS. In this chapter, unless the context otherwise requires:
(1) "Bank" means a corporation with capital stock having the power to engage in the banking and trust business, which is organized under the laws of this state or authorized to do business in this state, and which is chartered under the provisions of this act to engage in banking business in the state of Idaho. "Bank" does not include a national banking association.
(2) "Director" means the director of the department of finance.
(3) "Fiduciary" means a personal representative of a decedent's estate, a guardian or conservator of an estate, a receiver, a trustee under appointment of any court or under authority of any law or one acting as trustee for any purpose permitted by law.
(4) "Trust business" means the holding out by a person to the public at large by advertising, solicitation or other means, direct or indirect, that such person is available to act as a fiduciary in this state and accepting and undertaking to perform the duties as such fiduciary for compensation and as a part of the regular course of business.
(5) "Trust company" means a corporation holding a charter to engage in trust business issued by the director under this chapter, and includes the trust department of a bank authorized by the director to engage in trust business.

26-1302. EXEMPTIONS. For the purposes of this chapter, a person
does not engage in a trust business by:

1. Obtaining trust business as a result of an existing attorney-client relationship or certified public accountant-client relationship.
2. Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act.
3. Acting as a trustee in bankruptcy or as a receiver.
4. Holding trusts of real estate for the primary purpose of subdivision development or sale, or to facilitate any business transaction with respect to such real estate.
5. Engaging in the business of an escrow agent.
6. Receiving rents and proceeds of sale as a licensed real estate broker on behalf of a principal.
7. Engaging in securities transactions as a broker or salesman registered under chapter 14, title 30, Idaho Code.
8. Acting as a fiduciary for relatives.
9. Insurance companies licensed to do business in the state of Idaho and subject to regulation and control of the director of the department of insurance, are excluded from the provisions of this chapter.

26-1303. PREREQUISITE TO ENGAGING IN TRUST BUSINESS. No person shall engage in the trust business in this state:

1. Except by means of a corporation duly organized for that purpose and chartered by the director under this chapter or, if it is a bank, it has received a charter from the director authorizing it to operate a trust department; and
2. Unless it has capital and surplus in an amount not less than that required by section 26-1306, Idaho Code, or, if it is a bank, has capital and surplus in an equal amount in addition to the capital and surplus required by section 26-205, Idaho Code.

26-1304. APPLICATION FOR CHARTER. An application for a charter to engage in trust business shall be in writing and in such form as the director shall prescribe, verified under oath and supported by such information, data and records as the director may require.

26-1305. APPLICATION FEE. A reasonable application fee, as set by the director, shall be paid to the department with respect to each application for a charter to do trust business at the time the application is filed, except that a bank or trust company presently engaged in trust business in this state is not required to pay an application fee.

26-1306. MINIMUM CAPITAL. A charter shall not be issued to a trust company having a paid in capital of less than two hundred fifty thousand dollars ($250,000). If the trust company is a trust department of a bank, a charter shall not be issued unless the capital
of the bank is in an amount of not less than two hundred fifty thousand dollars ($250,000), in addition to its statutory required minimum capital for a bank charter required by section 26-205, Idaho Code.

26-1307. ISSUANCE OF CHARTER. Upon the filing of an application the director shall make or cause to be made an investigation and examination of the facts concerning the applicant and shall issue a charter if he finds:

(1) The applicant is a corporation having powers and purposes to engage in the trust business, organized under the laws of this state or authorized to do business in this state as a foreign corporation; and

(2) The applicant has complied with all of the applicable provisions of this chapter; and

(3) The ability and integrity of the persons involved in the management of the applicant's business are such as to demonstrate that it will be operated in a sound and lawful manner; and

(4) The applicant has adequate facilities to engage in trust business.

26-1308. AUTHORITY TO ADOPT REGULATIONS. The director may make rules and regulations and specific rulings, orders and findings for the enforcement of this chapter.

26-1309. RECORDS -- PRESERVATION OF RECORDS. A trust company shall keep and use in its business any books, accounts and records which will enable the director to determine whether the trust company is complying with the provisions of this chapter and the rules and regulations of the director. The director may by regulation provide the periods of time and the manner in which such books, accounts and records shall be preserved.

26-1310. DISCLOSURE OF INFORMATION. A trust company, its officers and employees, shall not disclose information to any person concerning the existence, condition, management and administration of any trust of which it is the trustee except as such disclosure:

(1) Is specifically authorized by the terms of the trust or upon the direction of the trustor.

(2) Is determined by an officer of the bank or trust company to be necessary for the proper administration of such trust.

(3) Is required by a court of competent jurisdiction.

(4) Is made, in the case of an irrevocable trust, to or upon the instructions of any beneficiary thereunder whether or not presently entitled to receive benefits from the trust.

(5) Is made to the director or to any state or federal regulatory or insuring agency lawfully requiring such disclosure.

(6) Is required by title 15, Idaho Code.
26-1311. EXAMINATIONS -- INVESTIGATIONS AND REPORTS. (1) The director shall ascertain whether each trust company transacts its business in the manner prescribed by law and regulation and for such purpose may without notice examine the condition and affairs of each trust company. The director may compel the attendance of any person or the production of any books, accounts and records.

(2) For any investigation or examination, a reasonable fee, as set by the director, shall be paid by the trust company to cover the cost of the investigation.

(3) In lieu of conducting his own examination, the director may accept the reports of examination of trust companies performed by federal agencies if such trust companies are subject to regulation or are insured by such federal agencies.

26-1312. TRUST FUNDS. (1) Except for a trust company which is the trust department of a bank, all monies received by a trust company as a fiduciary on trust business within this state shall be deposited in a bank in this state, the deposits of which bank are insured by the Federal Deposit Insurance Corporation, in a specially designated account or accounts, shall not be commingled with any funds of the trust company and shall remain on deposit until disbursed or invested in accordance with the powers and duties of the trust company in its capacity as fiduciary.

(2) A bank which is chartered by the director to transact a trust business shall establish and maintain a trust department in which department separate books and records for each trust or estate shall be maintained. All property held by the bank as a fiduciary shall be segregated from and unmingled with other property of the bank; provided, cash held by the bank as a fiduciary may be deposited to the credit of the bank as such fiduciary in time or demand deposit accounts with itself or may be deposited in time or demand deposit accounts with any other bank in this state so long as said bank or banks are insured by the Federal Deposit Insurance Corporation. Property held by a bank as a fiduciary may be held in the name of nominees of the bank whether the bank is the sole fiduciary or acting with others, but the bank shall be responsible for the acts of any such nominee.

26-1313. LOANS TO DIRECTORS, OFFICERS OR EMPLOYEES PROHIBITED -- LOANS TO AFFILIATES OR SUBSIDIARIES PROHIBITED. A trust company or bank having a trust department shall not make any loan to any director, officer or employee of the trust company or bank or to any affiliate or subsidiary corporation or to any director, officer or employee of an affiliate or subsidiary corporation from its trust funds. A trust company or bank having a trust department shall not permit any director, officer, employee, affiliate or subsidiary corporation to become indebted to it in any manner out of its trust
funds unless specifically authorized to do so by the terms of the trust.

An officer, director or employee of the trust company or bank shall not knowingly violate the provisions of this section, or aid or abet any other person in a violation.

This section shall not prevent the maintenance by a trust company of its trust funds in time or demand deposits in an affiliate which is a bank, nor a trust department of a bank from maintaining its trust funds in the bank in accordance with section 26-1312, Idaho Code.

26-1314. CLOSING OF TRUST UNDULY DELAYED. If, as a result of an examination, the director finds that the closing of any trust by a trust company has been unreasonably delayed, the director may initiate proceedings in a court of competent jurisdiction to require the trust company to perform its duties in closing the trust.

26-1315. NOTICE BY DIRECTOR OF IRREGULARITIES -- CEASE AND DESIST ORDER. (1) The director shall notify a trust company in writing specifically setting forth the irregularities and matters complained of by him if it appears to him:

(a) The trust company has violated the provisions of this chapter or any regulation issued hereunder.

(b) The trust company is conducting business in an unsafe or unauthorized manner.

(c) The trust company refuses to submit its books, papers and records for the examination of the director.

(d) An officer or director of the trust company refuses to be examined on oath concerning the affairs of the company.

(2) If the trust company fails forthwith after receipt of notice to correct the irregularities and matters contained in the notice the director may order the trust company to cease and desist from such violations or practices, and may suspend its charter until compliance with the order. Failure by a trust company to comply with the order within such reasonable time as the director prescribes is grounds for suspension or revocation of its charter.

26-1316. CONTINUING JURISDICTION. If the charter of a trust company is surrendered, suspended or revoked, the company shall nevertheless continue to be subject to the provisions of this chapter for so long as it acts as a fiduciary with respect to any trust business previously undertaken.

26-1317. IMPAIRMENT OF CAPITAL -- UNSAFE CONDITION -- RECEIVERSHIP. If it appears to the director that the capital of a trust company is either reduced or impaired below two hundred fifty thousand dollars ($250,000) or the affairs of the company are in an unsound condition, the director shall order the company to make good any deficit or to remedy the unsafe condition of its affairs within
sixty (60) days of the date of such order and may restrict and regulate the operation of the trust business until the capital is so restored. If the deficiency in capital has not been made good and the unsafe condition remedied within sixty (60) days the director may apply to the district court, in the county in which the principal office of the company is located, to be appointed receiver for the liquidation or rehabilitation of the company. The expense of such receivership shall be paid out of the assets of the trust company.

26-1318. LIMIT OF LEGAL ACTION. This chapter does not limit any statutory or common law right of a person to bring an action in a court for any act involved in the transaction of trust business or the right of the state to bring an action against any person for a violation of law based on such act. The director may enforce any of his orders or decisions through injunctive proceedings or any other appropriate action brought in the name of this state.

26-1319. CONTINUED OPERATION. Any bank authorized to operate a trust department on July 1, 1979, is hereby authorized to continue to operate a trust department after July 1, 1979; provided that such banks must conform their trust department operations with the provisions of the bank act.

Approved March 17, 1979.
CHAPTER 42
(S.B. No. 1166)

AN ACT
ENDING SECTION 1, CHAPTER 216, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE OFFICE OF THE GOVERNOR FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BY INCREASING THE APPROPRIATION FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ACCOUNT BY $21,500; AND DECLARING AN EMERGENCY.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 216, Laws of 1978, 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 Public Employees' Retirement System the following amounts, to be expended for the designated program according to the expense classes designated therein on the listed account 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>PUBLIC EMPLOYEES' RETIREMENT SYSTEM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Employees' Retirement System Account</td>
<td>$562,688</td>
<td>$275,000</td>
<td>$7,500</td>
<td>$845,188</td>
</tr>
<tr>
<td></td>
<td>577,100</td>
<td>282,000</td>
<td>7,500</td>
<td>866,600</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.

proved March 17, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 195, LAWS OF 1978, 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 $138,200 AND BY DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $1,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 195, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department 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 $13,688,700

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

Approved March 17, 1979.

CHAPTER 44
(S.B. No. 1169)

AN ACT
APPROPRIATING $500 FROM THE GENERAL ACCOUNT TO THE IDAHO AGRICULTURAL LABOR BOARD FOR THE DESIGNATED PROGRAM, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the General Account the following amount to the Idaho Agricultural Labor Board for the program designated by the Idaho Agricultural Labor Act, 1971, to be expended according to the designated expense classes, for the period July 1, 1979, through June 30, 1980:

AGRICULTURAL LABOR BOARD:
Personnel Costs $200
Operating Expenditures 300
TOTAL $500

FROM:
General Account $500

Approved March 17, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 192, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION FOR THE BLIND BY INCREASING THE APPROPRIATIONS FROM THE BLIND COMMISSION ACCOUNT BY $8,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 192, Laws of 1978, 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 Commission for the Blind 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>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES TO THE BLIND:</td>
<td>$115,000</td>
<td>$140,200</td>
<td>$7,500</td>
<td>391,100</td>
<td>$303,300</td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td>$382,200</td>
<td></td>
<td>$140,200</td>
<td>130,100</td>
<td>668,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$39,900</td>
<td></td>
<td></td>
<td></td>
<td>39,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$547,100</td>
<td>$140,200</td>
<td>$7,500</td>
<td></td>
<td>$1,012,100</td>
</tr>
</tbody>
</table>

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

Approved March 17, 1979.
CHAPTER 46
(S.B. No. 1058)

AN ACT
RELATING TO SAFETY FUNDS OF IRRIGATION DISTRICTS FOR PAYMENT OF BONDS AND CONTRACT OBLIGATIONS; AMENDING SECTION 43-413, IDAHO CODE, PROVIDING FOR THE FUNDING OF SAFETY FUNDS FOR BOND ISSUES OF IRRIGATION DISTRICTS THROUGH DEPOSIT OF A PORTION OF PROCEEDS OF BONDS IN A SAFETY FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-413, Idaho Code, be, and the same is hereby amended to read as follows:

43-413. SAFETY FUND FOR PAYMENT OF BONDS AND CONTRACT OBLIGATIONS. The board of directors of any irrigation district organized under the laws of this state, may, when in the opinion of the board it will improve the credit of the district, or the marketability of the district bonds, or tend to reduce the rate of interest necessary to be paid thereon, or in any other way be to the benefit of the district, provide by the adoption of a suitable resolution of the board of directors for inserting in the bonds of the district or the district contract of the United States, an agreement to the effect that a safety fund will be provided to insure the payment of the district's obligations under the bonds or contract. Said resolution shall provide that the safety fund provided for in this section may be funded through either or both of the following methods:

(a) by making all annual levies for payment of the principal or interest of such bonds or the obligation of such contract (until a safety fund of at least ten per cent (10%) of the unpaid bonded indebtedness or contract indebtedness of the district has been created), fifteen per cent (15%) in excess of the amount which would be required to meet such obligations if all district taxes were paid without delinquency,

(b) by depositing in said safety fund from the proceeds of sale of such bonds an amount equal to at least ten per cent (10%) of the original principal amount of the issue of bonds.

Said which safety fund shall be used to meet any deficiency which might otherwise occur in the payment of the principal and interest of said bonds or contract obligations as set forth in the resolution providing for the safety fund and that such said safety fund shall be kept intact by initiating or renewing such fifteen per cent (15%) excess levies whenever such safety fund is reduced below ten per cent (10%) of the unpaid bonded indebtedness or United States contract indebtedness of the district and continuing the same until such safety
fund is again brought up to at least ten per cent (10%) of such unpaid bond or contract indebtedness.

Whenever such agreement shall have been inserted in the bonds or contract of any irrigation district, all levies thereafter made in such district shall be made in full compliance with such agreement until such bonds or contracts have been fully paid.

SECTION 2. An emergency existing therefor, 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, 1979.

CHAPTER 47  
(S.B. No. 1080)  
AN ACT  
RELATING TO BONDS OF INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3805, IDAHO CODE, TO PROVIDE FOR SALE OF BONDS AT PUBLIC OR PRIVATE SALE BY STRIKING THE REQUIREMENT THAT THE SALE MUST BE PUBLIC UNLESS MADE TO A FEDERAL AGENCY; AND DECLARING AN EMERGENCY.

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

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

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

SECTION 2. An emergency existing therefor, 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, 1979.

CHAPTER 48
(S.B. No. 1046)

AN ACT
RELATING TO CONFIDENTIALITY OF TAX INFORMATION; AMENDING SECTION 63-3076, IDAHO CODE, TO PROHIBIT FORMER EMPLOYEES AS WELL AS PRESENT EMPLOYEES FROM DISCLOSING CONFIDENTIAL TAXPAYER INFORMATION; AND AMENDING SECTION 47-1208, IDAHO CODE, TO PROVIDE THAT THE TAX COMMISSION MUST MAINTAIN TAXPAYER INFORMATION RECEIVED BY IT AS CONFIDENTIAL INFORMATION.

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 commissioner, deputy, or any clerk, agent or employee, or any centralized state computer facility employee or any person formerly employed in any such position 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 correspondence relating thereto may be produced in evidence in any action or proceeding, civil or criminal, directly pertaining 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 one hundred dollars ($100) nor more than five thousand dollars ($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.

SECTION 2. That Section 47-1208, Idaho Code, be, and the same is hereby amended to read as follows:

47-1208. TAX DEFICIENCY COLLECTION AND ENFORCEMENT PROCEDURES. The deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A, 63-3068, 63-3071; and 63-3075 and through 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due. Said sections shall for this purpose be considered a part of this act and wherever liens or any other proceedings are defined as income tax liens or proceedings they shall, when applied in enforcement or collection under this act, be described as a license tax for the privilege of mining lien or proceeding.

The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment shall be paid or satisfied out of the state refund fund created by section 63-3067, Idaho Code.

Approved March 17, 1979.
AN ACT
RELATING TO THE UNIFORM CONSUMER CREDIT CODE; AMENDING SECTION 28-35-203, IDAHO CODE, TO PROVIDE THAT A CREDITOR HAS LIABILITY UNDER THIS SECTION OF THE CODE IN LIEU OF AND NOT IN ADDITION TO LIABILITY UNDER THE FEDERAL TRUTH-IN-LENDING ACT.

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

SECTION 1. That Section 28-35-203, Idaho Code, be, and the same is hereby amended to read as follows:

28-35-203. CIVIL LIABILITY FOR VIOLATION OF DISCLOSURE PROVISIONS. (1) Except as otherwise provided in this section, a creditor who, in violation of the provisions on disclosure (Part 3), other than the provisions on advertising (sections 28-32-313 and 28-33-312), of the chapter on credit sales (chapter 32) and the chapter on loans (chapter 33), fails to disclose information to a person entitled to the information under this act is liable to that person in an amount equal to the sum of
(a) twice the amount of the credit service or loan finance charge in connection with the transaction, but the liability pursuant to this paragraph shall be not less than $100 or more than $1,000; and
(b) in the case of a successful action to enforce the liability under paragraph (a), the costs of the action together with reasonable attorney's fees as determined by the court.
(2) A creditor has no liability under this section if within 15 days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account are necessary to assure that the person will not be required to pay a credit service charge or loan finance charge in excess of the amount or percentage rate actually disclosed.
(3) A creditor may not be held liable in any action brought under this section for a violation of this act if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.
(4) Any action which may be brought under this section against the original creditor in any credit transaction involving a security interest in land may be maintained against any subsequent assignee of the original creditor where the assignee, its subsidiaries, or affiliates were in a continuing business relationship with the original creditor either at the time the credit was extended or at the
time of the assignment, unless the assignment was involuntary or the assignee shows by a preponderance of evidence that it did not have reasonable grounds to believe that the original creditor was engaged in violations of this act and that it maintained procedures reasonably adapted to apprise it of the existence of the violations.

(5) No action pursuant to this section may be brought more than one year after the date of the occurrence of the violation.

(6) In this section, creditor includes a person who in the ordinary course of business regularly extends or arranges for the extension of credit, or offers to arrange for the extension of credit.

(7) The liability of the creditor under this section shall be in lieu of, and not in addition to, the creditor's liability under the federal truth-in-lending act. No action with respect to the same violation may be maintained pursuant to both this section and the federal truth-in-lending act.

Approved March 17, 1979.

CHAPTER 50
(S.B. No. 1019)

AN ACT
RELATING TO THE IDAHO SECURITY MEDICAL FACILITY ACT; AMENDING CHAPTER 121, LAWS OF 1977, WHICH AMENDED SECTION 3, CHAPTER 360, LAWS OF 1976, TO REMOVE THEREFROM THE PERIOD DURING WHICH PATIENTS UNDER THE DEPARTMENT OF HEALTH AND WELFARE WHO ARE DANGEROUS AND MENTALLY ILL MAY BE ADMITTED TO THE IDAHO SECURITY MEDICAL FACILITY.

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

SECTION 1. That Chapter 121, Laws of 1977, which amended Section 3, Chapter 360, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 3. For a period of two (2) years only from and after the effective date of this act the state board of correction shall be authorized to receive and admit patients of any institution or facility under the jurisdiction of the department of health and welfare, which patients have been determined by a court to be both dangerous and mentally ill as defined in section 66-1305, Idaho Code. The department of health and welfare shall in such cases, retain jurisdiction over the patients.

Approved March 17, 1979.
CHAPTER 51
(S.B. No. 1178)

AN ACT
AMENDING SECTION 1, CHAPTER 194, LAWS OF 1978, RELATING TO THE APPROPRIATIONS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES, BY INCREASING THE APPROPRIATION FROM THE PROFESSIONAL ENGINEERS ACCOUNT BY $17,500 AND REVISING THE APPROPRIATION FROM THE OUTFITTERS AND GUIDES BOARD ACCOUNT BY $18,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 194, Laws of 1978, 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 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>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 6,500</td>
<td>$ 6,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic Account</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 9,500</td>
<td></td>
<td></td>
<td>$ 9,500</td>
</tr>
<tr>
<td>B. BOARD OF PHARMACY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Protecting Public Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmacy Board Acct.</td>
<td>$ 92,100</td>
<td>$ 34,900</td>
<td>$ 1,300</td>
<td>$ 128,300</td>
</tr>
<tr>
<td>FOR: Controlled Substance Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmacy-Triplicate Prescription Program Acct.</td>
<td>$ 26,400</td>
<td>$ 2,000</td>
<td></td>
<td>$ 28,400</td>
</tr>
<tr>
<td>General Acct.</td>
<td>8,300</td>
<td>8,300</td>
<td></td>
<td>76,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 68,600</td>
<td>$ 34,700</td>
<td>$ 2,000</td>
<td>$ 105,300</td>
</tr>
<tr>
<td>C. BOARD OF ACCOUNTANCY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Licensing and Enforcing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Accountancy Acct.</td>
<td>$ 28,800</td>
<td>$ 47,900</td>
<td>$ 800</td>
<td>$ 77,500</td>
</tr>
<tr>
<td>D. BOARD OF DENTISTRY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Enforcing the Dental Practice Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board</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>State Board of Dentistry</td>
<td>$ 22,300</td>
<td>$ 26,000</td>
<td>$ 2,000</td>
<td>$ 50,300</td>
</tr>
<tr>
<td>E. BOARD OF ENGINEERING EXAMINERS:</td>
<td>$ 46,900</td>
<td>$ 39,500</td>
<td>$ 3,000</td>
<td>$ 89,400</td>
</tr>
<tr>
<td>Professional Engineers</td>
<td>$ 59,300</td>
<td>$ 44,600</td>
<td>$ 44,600</td>
<td>$ 106,900</td>
</tr>
<tr>
<td>F. BOARD OF MEDICINE:</td>
<td>$ 90,400</td>
<td>$ 45,600</td>
<td>$ 7,000</td>
<td>$ 143,000</td>
</tr>
<tr>
<td>G. BOARD OF NURSING:</td>
<td>$ 116,300</td>
<td>$ 76,700</td>
<td>$ 1,600</td>
<td>$ 194,600</td>
</tr>
<tr>
<td>H. BUREAU OF OCCUPATIONAL LICENSES:</td>
<td>$ 163,900</td>
<td>$103,000</td>
<td>$ 6,100</td>
<td>$ 273,000</td>
</tr>
<tr>
<td>I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</td>
<td>$ 100,600</td>
<td>$ 42,100</td>
<td>$ 1,100</td>
<td>$ 143,800</td>
</tr>
<tr>
<td>J. IDAHO REAL ESTATE COMMISSION:</td>
<td>$ 218,400</td>
<td>$116,800</td>
<td>$ 4,800</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>$ 208,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 285,200</td>
<td>$254,800</td>
<td>$ 8,000</td>
<td>$ 548,000</td>
</tr>
<tr>
<td>K. PROFESSIONAL GEOLOGISTS BOARD:</td>
<td>$ 7,000</td>
<td>$ 5,700</td>
<td>$ 200</td>
<td>$ 12,900</td>
</tr>
<tr>
<td>L. BOARD OF OPTOMETRY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
State Board of Optometry
  Acct.  $ 2,300 $ 5,900 $ 8,200

M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:
FOR: Idaho Certified Shorthand Reporters Board
FROM:
State Certified Shorthand Reporters Acct.  $ 5,800 $ 5,800

N. OUTFITTERS AND GUIDES BOARD:
FOR: Outfitters and Guides Board
FROM:
Outfitters and Guides Board Acct.  $ 49,700 $ 58,500 $ 500 $ 108,700
  68,200  40,000

GRAND TOTAL:  $1,874,100 $798,600 $33,600 $1,988,300
  1,105,000  777,200

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

Approved March 17, 1979.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE SECRETARY OF STATE; APPROPRATING 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, 1979, THROUGH JUNE 30, 1980; 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 4 of this act not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th>OPERATING</th>
<th>TRUSTEE &amp; BENEFIT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Personnel Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Operating Expenditures</td>
<td>518,700</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capital Outlay</td>
<td>5,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trustee &amp; Benefit Payments</td>
<td>275,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,272,700</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th>OPERATING</th>
<th>TRUSTEE &amp; BENEFIT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Account</td>
<td>$577,800</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account</td>
<td>55,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Idaho Code Commission Account</td>
<td>170,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$469,900</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Secretary of State for the functions to be performed by the Secretary of State the following amounts, to be expended for the designated program according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATION OF THE SECRETARY OF STATE OFFICE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$348,600</td>
<td>$140,300</td>
<td>$3,200</td>
<td>$492,100</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$348,600</td>
<td>$155,300</td>
<td>$3,200</td>
<td>$507,100</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 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, 1979, through June 30, 1980:

<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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$67,900</td>
<td>$15,500</td>
<td>$2,300</td>
<td></td>
<td>$85,700</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>40,000</td>
<td></td>
<td></td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$109,900</td>
<td>$208,400</td>
<td>$2,300</td>
<td></td>
<td>$595,600</td>
</tr>
</tbody>
</table>

SECTION 4. 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, 1979, through June 30, 1980:

IDaho Code Commission:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$170,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 5. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 2, may be used at the discretion of the Secretary of State to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Secretary of State and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 17, 1979.
CHAPTER 53
(S.B. No. 1180)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE LIEUTENANT GOVERNOR TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; 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 Lieutenant Governor the following amount from the General Account, to be expended according to expense classes designated for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$41,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>20,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$61,600</strong></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$61,600</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 1, may be used at the discretion of the Lieutenant Governor to assist in defraying expenses relating to or resulting from the discharge of the Lieutenant Governor's official duties. Such moneys shall be accounted for solely on the itemized certificate of the Lieutenant Governor and shall be exempted from the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 17, 1979.
CHAPTER 54
(H.B. No. 238)

AN ACT
AMENDING SECTION 1, CHAPTER 76, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND, BY REVISING THE APPROPRIATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 76, Laws of 1978, be, and the same is hereby amended to read as follows:

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>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. EDUCATION AND SUPPORT SERVICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,621,100</td>
<td>$247,600</td>
<td>$22,400</td>
<td>$1,891,100</td>
</tr>
<tr>
<td>State School for the Deaf &amp; Blind Income Account</td>
<td>23,800</td>
<td>23,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous-Receipts</td>
<td>Deaf and Blind Children</td>
<td>$65,000</td>
<td>$46,000</td>
<td>111,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,686,100</td>
<td>$317,400</td>
<td>$22,400</td>
<td>$2,025,900</td>
</tr>
<tr>
<td>B. SPECIAL SERVICES: FROM: Miscellaneous-Receipts</td>
<td>Deaf and Blind Children</td>
<td>$497,800</td>
<td>$39,600</td>
<td>169,700</td>
</tr>
<tr>
<td>Account</td>
<td>108,800</td>
<td>32,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,794,900</td>
<td>$356,400</td>
<td>$51,300</td>
<td>$2,195,600</td>
</tr>
</tbody>
</table>

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

Approved March 17, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 218, LAWS OF 1978, 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 $77,000 AND DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT
BY $19,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 218, Laws of 1978, be, and the same is
hereby amended to read as follows:

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>4,000</td>
<td>885,800</td>
</tr>
<tr>
<td>State Hospital South Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>533,100</td>
<td>418,700</td>
<td></td>
<td>955,800</td>
</tr>
<tr>
<td>State Hospital North Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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>$1,354,600</td>
<td>$65,500</td>
<td>$6,381,800</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 it
passage and approval.

Approved March 17, 1979.
CHAPTER 56  
(H.B. No. 240)  

AMENDING SECTION 1, CHAPTER 225, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE PROGRAM BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $31,000 AND DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $36,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 225, Laws of 1978, be, and the same is hereby amended to read as follows:

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>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>
</tr>
<tr>
<td>General Account</td>
<td>$319,500</td>
<td>$26,000</td>
<td>$8,100</td>
<td>$353,600</td>
</tr>
<tr>
<td></td>
<td>308,600</td>
<td></td>
<td></td>
<td>316,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>17,900</td>
<td>$24,400</td>
<td>$6,000</td>
<td>$36,300</td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>329,200</td>
<td>464,700</td>
<td>277,100</td>
<td>1,071,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>740,200</td>
<td>315,300</td>
<td>48,000</td>
<td>1,103,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,395,400</td>
<td>$823,400</td>
<td>$81,100</td>
<td>2,558,500</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, 1979.
AN ACT
RELATING TO MEDICAL CERTIFICATES REQUIRED FOR THE ISSUANCE OF MARRIAGE LICENSES; REPEALING SECTIONS 32-412A, 32-414, AND 32-415, IDAHO CODE; AMENDING SECTION 32-412, IDAHO CODE, TO STRIKE REQUIREMENTS FOR A SEROLOGICAL TEST FOR SYPHILIS PRIOR TO ISSUANCE OF ANY MARRIAGE LICENSE AND TO ADD REQUIREMENTS FOR A FEMALE APPLICANT TO PROVIDE A MEDICAL CERTIFICATE INDICATING IMMUNITY STATUS AGAINST RUBELLA; AMENDING SECTION 32-413, IDAHO CODE, TO PROVIDE THAT THE FORM OF THE MEDICAL CERTIFICATE SHALL BE AS SPECIFIED BY THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 32-416, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 32-417, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CORRECT REFERENCES.

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

SECTION 1. That Sections 32-412A, 32-414, and 32-415, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 32-412, Idaho Code, be, and the same is hereby amended to read as follows:

32-412. MEDICAL CERTIFICATE OF--FREEBOD--FROM--VENEREAL-DISEASE REQUIRED--PHYSICIAN'S-FEE. Before any county recorder shall issue any marriage license, each female applicant therefor shall file with him a certificate from a licensed physician certifying that the applicant has been thoroughly examined for evidence of venereal disease, including a standard serological test for syphilis; made not more than thirty (30) days prior to the date of issuance of such license; and that in the opinion of such physician, the applicant either is not infected with syphilis or other venereal disease; or if so infected, is not in a stage of such disease which is or may become communicable to the marital partner; and the physician may collect from the applicant a fee for such services she 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.
SECTION 3. That Section 32-413, Idaho Code, be, and the same is hereby amended to read as follows:

32-413. CONTENTS OF MEDICAL CERTIFICATE. The certificate, to be referred to in section 32-415 32-412, Idaho Code, as the certificate form shall include the report of the person in charge of the laboratory making the standard serological test, or his duly authorized representative. The report shall be made upon the certificate form to be provided by the department of public health and welfare, and shall include the name of the laboratory test, the date it was made, the name and address of the physician to whom it was sent, and the name and address of the person whose blood was tested. Space shall be provided on the certificate form for recording the statement of the physician that the applicant meets the requirements for a marriage license as specified in section 32-412. The result of the laboratory test shall not be stated upon the certificate form.

SECTION 4. That Section 32-416, Idaho Code, be, and the same is hereby amended to read as follows:

32-416 32-414. DISTRICT COURT JUDGE MAY WAIVE REQUIREMENTS AS TO THREE DAY WAITING PERIOD OR MEDICAL CERTIFICATE. Any judge of the district court within the county in which the license is to be issued is hereby authorized and empowered, on joint application by both applicants for a marriage license, to waive the requirement for a three (3) day waiting period as prescribed in sections 32-202 and 32-403, Idaho Code, or the requirements as to medical examinations, laboratory tests, and certificates, and to order the licensing officer to issue the license, if all other requirements of the marriage laws have been complied with, and if the judge is satisfied by affidavit or other proof that an emergency or other sufficient cause for such action exists and that the public health and welfare will not be injuriously affected thereby. There shall be no fee or court costs for these court proceedings, and all records connected therewith shall be held in absolute confidence and shall not be open to public inspection, and the hearings on the application shall not be made in public. The order of the court shall be filed by the licensing authority in lieu of the certificate form. In every such case the clerk of the court shall transmit to the department of health and welfare a transcript of the record and the court order thereon for such follow-up as is required by law or deemed necessary for the protection of the public health.

SECTION 5. That Section 32-417, Idaho Code, be, and the same is hereby amended to read as follows:

32-417 32-415. VIOLATIONS A MISDEMEANOR. Any person who
misrepresents any fact required to be stated on the certificate form or other form required by this act, or any licensing officer who issues a marriage license without having received the certificate forms or an order from the court as provided by sections 32-412-32-417 this chapter, or who has reason to believe that any of the facts thereon have been so misrepresented, and shall nevertheless issue a marriage license, or any person who otherwise fails to comply with the provisions of this act shall be guilty of a misdemeanor.

Approved March 17, 1979.

CHAPTER 58
(H.B. No. 17)

AN ACT
RELATING TO GROUNDS FOR DISCIPLINE OF PHYSICIANS; AMENDING SECTION 54-1814, IDAHO CODE, BY PROVIDING THE STATE BOARD OF MEDICINE AUTHORITY TO DISCIPLINE PHYSICIANS FOR COMMISSION OF ANY ACT INVOLVING A FELONY OR A CRIME OF MORAL TURPITUDE, OR ENGAGING IN ANY CONDUCT CONSTITUTING AN ABUSE OR EXPLOITATION OF THE PATIENT-PHYSICIAN RELATIONSHIP.

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

SECTION 1. That Section 54-1814, Idaho Code, be, and the same is hereby amended to read as follows:

54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to practice medicine or registered as an extern, intern, resident or physician's assistant in this state is subject to discipline by the board pursuant to the procedures and powers set forth in section 54-1806A, Idaho Code, upon any of the following grounds:

(1) Conviction of a felony, or a crime involving moral turpitude, or the entering of a plea of guilty or the finding of guilt by a jury or court of commission of a felony or a crime involving moral turpitude.

(2) Use of false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this act.

(3) Practicing medicine under a false or assumed name in this or any other state.

(4) Advertising the practice of medicine in any unethical or unprofessional manner.

(5) Knowingly aiding or abetting any person to practice medicine
who is not authorized to practice medicine as provided in this chapter.

(6) Performing or procuring an unlawful abortion or aiding or abetting the performing or procuring of an unlawful abortion.

(7) The provision of health care which fails to meet the standard of health care provided by other qualified physicians in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public.

(8) Division of fees or gifts or agreement to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for referral.

(9) Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.

(10) Inability to obtain or renew a license to practice medicine, or revocation of, or suspension of a license to practice medicine by any other state, territory, district of the United States or Canada, unless it can be shown that such action was not related to the competence of the person to practice medicine or to any conduct designated herein.

(11) Prescribing or furnishing narcotic or hallucinogenic drugs to addicted persons to maintain their addictions and level of usage without attempting to treat the primary condition requiring the use of narcotics.

(12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or medical condition.

(13) Failure to safeguard the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law.

(14) The direct promotion by a physician of the sale of drugs, devices, appliances or goods to a patient that are unnecessary and not medically indicated. (15) Abandonment of a patient.

(16) Wilfully and intentionally representing that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

(17) Failure to supervise the activities of externs, interns, residents or physician's assistants as required by the registration documentation of this chapter.

(18) Practicing medicine when a license pursuant to this chapter is suspended, revoked or inactive.

(19) Practicing medicine in violation of a voluntary restriction or terms of probation pursuant to this chapter.

(20) Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity.

(21) Commission of any act constituting a felony or commission of any act constituting a crime involving moral turpitude.
(22) Engaging in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient.

Approved March 17, 1979.
CHAPTER 59
(H.B. No. 243)

AN ACT
AMENDING SECTION 2, CHAPTER 227, 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 $135,000 FROM THE SOIL EROSION CONTROL ACCOUNT AND BY INCREASING THE APPROPRIATION FOR THE FOREST RESOURCES MANAGEMENT PROGRAM BY $40,100 FROM THE LAND COMMISSIONER'S SCALING TRUST ACCOUNT, BY $224,300 FROM THE 10% TIMBER LEASE ACCOUNT, AND BY $175,000 FROM THE SITE RESTORATION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 227, Laws of 1978, 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, 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:</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>$584,800</td>
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<td>$29,300</td>
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<td>12,800</td>
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<tr>
<td>U.S. Clark-McNary Account</td>
<td>9,100</td>
<td>6,500</td>
<td></td>
<td></td>
<td>15,600</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>10% Timber Lease Account</td>
<td>3,000</td>
<td></td>
<td>1,200</td>
<td>4,200</td>
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<tr>
<td>Land Commissioners Scaling Trust Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,000</td>
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<tr>
<td>TOTAL</td>
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<td>$234,100</td>
<td>$35,400</td>
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<td>$884,300</td>
</tr>
<tr>
<td>B. FOREST &amp; RANGE FIRE PROTECTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$840,200</td>
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<td></td>
<td>$1,036,400</td>
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<td>Forest &amp; Range</td>
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<td></td>
<td></td>
<td></td>
<td>6,800</td>
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<tr>
<td>Conservation Account</td>
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<td>700</td>
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<td>6,800</td>
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<td>Forest Management Account</td>
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<td>U.S. Clark-McNary Account</td>
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<td>985,300</td>
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<td>Soil Erosion Control Account</td>
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<td>140,500</td>
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<td>Clearwater Potlatch Timber Protection Association Account</td>
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<td>1,036,100</td>
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<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>
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<tr>
<td>Southern Idaho Timber Protection Association Account</td>
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<td>$61,200</td>
<td>$196,200</td>
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<td>10% Timber Lease Account</td>
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<td></td>
<td>$4,399,780</td>
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</tbody>
</table>

C. FOREST RESOURCES MANAGEMENT:
FROM:

| General Account                             | $967,300             | $75,000                      | $43,500            |                                  | $1,085,800 |
| Land Commissioners                          |                     |                             |                    |                                  |         |
| Scaling Trust Account                        | $223,000             | $26,900                      |                    |                                  | $249,900 |
| Insect Disease Control Account               | $52,100              | $92,700                      | $2,600             |                                  | $147,400 |
| 10% Recreational Lease Account               | $4,600               | $14,500                      |                    |                                  | $19,100  |
| 10% Timber Lease Account                    | $469,800             | $686,400                     | $38,700            |                                  | $1,114,900 |
| Lands Federal Account                        | $538,000             | $709,400                     | $91,800            |                                  | $1,349,200 |
| Site Restoration Account                     | $112,400             |                             |                    |                                  |         |
| TOTAL                                       | $1,619,198           | $1,085,800                   | $317,900           |                                  | $3,022,900 |

D. LANDS AND RANGE RESOURCES MANAGEMENT:
FROM:

| General Account                             | $544,700             | $136,300                     | $18,600            |                                  | $699,600 |
| 10% Grazing Lease Account                   | $33,100              | $124,700                     | $32,900            |                                  | $190,700 |
| TOTAL                                       | $577,800             | $261,000                     | $51,500            |                                  | $890,300 |

E. EARTH RESOURCES MANAGEMENT:
FROM:

| General Account                             | $393,200             | $87,900                      | $12,900            |                                  | $494,000 |
| Lands Federal Funds                         | $122,900             | $53,800                      |                    |                                  | $176,700 |
| TOTAL                                       | $516,100             | $141,700                     | $12,900            |                                  | $670,700 |

F. SOILS & WATER MANAGEMENT:
FROM:

| General Account                             | $238,700             | $35,400                      | $400               | $139,000                         | $413,500 |
| Lands Federal Funds                         | $62,600              | $10,100                      |                    |                                  | $72,700  |
| TOTAL                                       | $301,300             | $45,500                      | $400               | $139,000                         | $486,200 |

G. SCALING PRACTICES:
FROM:

| Log Scalers Law Account                     | $87,300              | $18,900                      | $7,600             |                                  | $113,800 |
### FOR PROGRAM PERSONNEL COSTS

<table>
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<th>Costs</th>
<th>Gooding Hospital Maintenance:</th>
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<td>General Account</td>
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### FOR OPERATING EXPENDITURES

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<th>Expenditures</th>
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<td>General Account</td>
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<tr>
<td>Total</td>
<td>$55,000</td>
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</table>

### FOR CAPITAL OUTLAY

<table>
<thead>
<tr>
<th>Outlay</th>
<th>Gooding Hospital Maintenance:</th>
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<tr>
<td>General Account</td>
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<td>Total</td>
<td>$1,000</td>
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</tbody>
</table>

### FOR TRUSTEE AND BENEFIT PAYMENTS

<table>
<thead>
<tr>
<th>Payments</th>
<th>Gooding Hospital Maintenance:</th>
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<tbody>
<tr>
<td>General Account</td>
<td>$10,300</td>
</tr>
<tr>
<td>Total</td>
<td>$10,300</td>
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</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, 1979.
CHAPTER 60
(H.B. No. 58, As Amended)

AN ACT
RELATING TO SALES AND USE TAX EXEMPTIONS; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PAYMENT OF SALES AND USE TAX ON TANGIBLE PERSONAL PROPERTY DIRECTLY USED AND CONSUMED IN THE PRODUCTION OF PUBLICATIONS IN A NEWSPAPER FORMAT WHICH ARE DISTRIBUTED TO THE PUBLIC AT LARGE AND WHICH RELY ON ADVERTISING REVENUE AS THEIR PRIMARY SOURCE OF INCOME, PROVIDING THAT FOR THE EXEMPTION TO BE APPLICABLE, AT LEAST TEN PERCENT OF THE TOTAL PUBLICATION MUST BE DEVOTED TO THE PUBLICATION OF NONINCOME PRODUCING INFORMATIVE MATERIAL, AND IDENTIFYING CERTAIN PERSONAL PROPERTY NOT QUALIFYING FOR THE EXEMPTION.

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 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 (h), (k), (l) and (p) of this section.

(e) The sale, use or purchase of tangible personal property, which property is pollution control equipment required in order to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards. This exemption does not include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(f) All sales of irrigation equipment and supplies, except hand tools as defined in subsection (d) of this section, to be used for agricultural production purposes, whether or not such equipment and supplies are to become a part of real estate and whether or not installed by the farmer, a contractor or subcontractor.

(g) The sale or purchase of containers in the following categories:

1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.

3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(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 point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale, after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

(w) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as maintenance and janitorial equipment and supplies and hand tools with
a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(x) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production of publications in a newspaper format which are distributed to the public at large and which rely on advertising revenue as their primary source of income; provided, that the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production of said publications; provided, further, that the use or consumption of such tangible personal property is necessary or essential to the performance of such publication business. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production of said publications, 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 the actual production of the publication and shall not include property 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. Provided, further, that this exemption shall apply when the publication referred to herein is distributed to the public free of charge.

Provided, further, that in order for the exemption to be applicable, at least ten percent (10%) of the total publication, computed on an average annual column inch basis, must be devoted to the publication of nonincome producing informative material.

(y) The sale of tangible personal property relating to funeral services by a licensed funeral establishment.

(y)(z) 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.

(aa) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine.
not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

Approved March 17, 1979.

CHAPTER 61
(H.B. No. 95)

AN ACT
RELATING TO RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO STRIKE FILING OF INSTRUMENTS OTHER THAN SURVEYS, PLATS, CORNERSTONES, UNIFORM COMMERCIAL CODE ITEMS, AND UPDATING OF RECORDING FEES.

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

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. The county recorder is allowed, and may receive for his services, the following fees, to be paid him by the party procuring his services:

For filing, indorsing and indexing every instrument, paper or notice, when the instrument, paper or notice is not for record, but to be kept on file: $1.00

For recording every instrument, paper or notice, for each page: $1.00

For copies of any record or paper, for each page: $1.00

For each certificate under seal, when required: $.50

For entry or discharge of mortgage or other instrument on the margin of the record, witnessing and indexing the same: $1.00

For release or assignment of mortgage where more than one mortgage is released or assigned in the same instrument, for each additional release or assignment: $1.00

For recording every town plat or map, for first one hundred (100) lots or less: $10.00

And for each additional lot: $.05

For taking acknowledgments, including seal: $.50

For recording the location notice or amended location notice, of a mining claim, or for recording and indexing each notice and recording affidavit of labor for up to ten (10) mining claims: $2.00

Plus an additional charge for each claim in excess of ten (10), $1.00

For recording affidavit of labor of mining claims for one (1)
mining claim ................................................... $ 3.00

Plus an additional charge for each claim in excess of one (1) ............................................................... $ .50

For filing a survey ................................................... $ 5.00

For making copy of a survey ................................ $ 4.00

For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license ........................................... § 4-75 $ 9.75

For administering an oath, including jurat ................ $ .50

And certifying the same when required an additional sum of $ .50

For comparing and certifying a prepared copy of a file or record in his office, for each page ................................ $ .50

For making and certifying a report of search for lien upon personal property, excluding Uniform Commercial Code, for each name searched ............................................................... $-4:-58 $ 5.00

For filing certificate of release of chattel-mortgage-------$-1:-00

For filing annual statement of corporation-------------------$-1:-00

For filing certificate of assumed business name-----------$-1:-00

For filing contract of sale upon condition---------------------$-1:-00

For filing satisfaction or release of contract of sale upon condition---------------------------------------------$-1:-00

For filing United States tax lien----------------------------------------$-1:-00

For filing certificate of discharge of United States tax lien------------------$-1:-00

For filing writ and notice of attachment of mortgaged personal property-------------------------------------$-1:-00

For each certificate under seal there shall be an additional fee of fifty cents (50¢).

All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, cornerstone markers and instruments under the Uniform Commercial Code.

For all other services as recorder, not enumerated herein, the fee fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be one cent (1¢) per square inch.

Approved March 17, 1979.
AN ACT
RELATING TO COMPETITIVE BIDDING; AMENDING SECTION 50-341, IDAHO CODE, TO PROVIDE THAT BIDS MAY BE PRESENTED TO PERSONS OTHER THAN CITY CLERKS.

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

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

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

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

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

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

E. All bids shall be presented or otherwise delivered under sealed cover to the city clerk, or such other bonded agent of the city designated by the city council to receive specific bids, with a concise statement marked on the outside thereof generally identifying the expenditure to which said bid pertains. All bids shall contain one (1) of the following forms of bidder's security:

a. Cash;
b. Cashier's check made payable to the city;
c. A certified check made payable to the city;
d. A bidder's bond executed by a qualified surety company, made payable to the city.

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

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

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

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

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

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

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

Approved March 17, 1979.
C. 63 '79  IDAHO SESSION LAWS  167

CHAPTER 63  
(H.B. No. 123)

AN ACT
RELATING TO REVENUE FOR FAIR DISTRICTS; AMENDING SECTION 22-307, IDAHO CODE, TO CORRECT REFERENCES TO ALLOW BUDGETING BASED UPON THE CURRENT YEAR'S FAIR REVENUES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-307, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

SECTION 2. An emergency existing therefor, 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, 1979.

CHAPTER 64
(H.B. No. 176)

AN ACT
RELATING TO THE SALARIES OF COUNTY OFFICERS; AMENDING SECTION 31-3106, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE A RECOMMENDATION FOR THE SALARIES OF COUNTY COMMISSIONERS AND SALARY OF THE PROSECUTING ATTORNEY AND PUT THE RECOMMENDATION THROUGH THE COUNTY BUDGET PROCESS AND THAT THE LEGISLATURE MAY MODIFY OR ACCEPT THE RECOMMENDATION.

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

SECTION 1. That Section 31-3106, Idaho Code, be, and the same is hereby amended to read as follows:

31-3106. SALARIES OF COUNTY OFFICERS. It shall be the duty of the board of county commissioners of each county at its annual meeting in April of each year to fix the annual salaries of the several county officers, except county commissioners and prosecuting attorneys, as of and from October 1 for the next ensuing year. Provided however, that the board shall make a recommendation for the salaries of county commissioners and the salary of the prosecuting attorney, and the recommendation shall go through the county budget process, as detailed in chapter 16, title 31, Idaho Code, for the ensuing fiscal year.
commencing October 1. The legislature shall either accept or modify the recommendation for the county commissioners' salaries or prosecuting attorney's salary.

Approved March 17, 1979.
**CHAPTER 65**  
(H.B. No. 244)

**AN ACT**

AMENDING SECTION 2, CHAPTER 207, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES, BY INCREASING THE APPROPRIATIONS FROM THE IDAHO BUILDING CODE ACCOUNT BY $20,000 FOR THE UNIFORM BUILDING SAFETY BUREAU, THE ELECTRICAL BOARD ACCOUNT BY $61,900 FOR THE ELECTRICAL SAFETY BUREAU, AND THE PLUMBING BOARD ACCOUNT BY $29,400 FOR THE PLUMBING SAFETY BUREAU; AND DECLARING AN EMERGENCY

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

SECTION 1. That Section 2, Chapter 207, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts to be expended for designated programs according to expenses classes designated herein 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><strong>A. ADMINISTRATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$47,100</td>
<td>$5,600</td>
<td>$100</td>
<td></td>
<td>$52,800</td>
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<tr>
<td>Electrical Board Account</td>
<td>45,700</td>
<td>5,800</td>
<td>100</td>
<td></td>
<td>51,600</td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>39,600</td>
<td>5,000</td>
<td>100</td>
<td></td>
<td>44,700</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</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$157,800</td>
<td>$31,700</td>
<td>$300</td>
<td></td>
<td>$189,800</td>
</tr>
<tr>
<td><strong>B. INDUSTRIAL SAFETY 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>$309,900</td>
<td>$75,600</td>
<td>$6,400</td>
<td></td>
<td>$391,900</td>
</tr>
<tr>
<td><strong>C. UNIFORM BUILDING SAFETY 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>Idaho Bldg. Code Account</td>
<td>381,400</td>
<td>127,800</td>
<td>600</td>
<td></td>
<td>509,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>529,800</td>
</tr>
<tr>
<td><strong>D. ELECTRICAL SAFETY 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>Electrical Board Account</td>
<td>763,200</td>
<td>196,100</td>
<td>2,000</td>
<td></td>
<td>961,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,023,200</td>
</tr>
<tr>
<td><strong>E. PLUMBING SAFETY 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>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PROGRAM FROM: Plumbing Board Account F. WAGE & HOUR & LABOR FROM: General Account GRAND TOTAL  

<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>Plumbing Board Account</td>
<td>$355,400</td>
<td>$86,600</td>
<td>$800</td>
<td>$2,500</td>
<td>$445,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>474,700</td>
</tr>
<tr>
<td>F. WAGE &amp; HOUR &amp; LABOR RELATIONS BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$85,700</td>
<td>$17,000</td>
<td>$7,600</td>
<td></td>
<td>$110,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,053,400</td>
<td>$534,800</td>
<td>$17,700</td>
<td>$2,500</td>
<td>$2,719,700</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, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE AGRICULTURAL COMMODITY COMMISSIONS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<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: FOR: Advertising and Promotion FROM: Apple Commission Account</td>
<td>$ 4,900</td>
<td>$ 60,000</td>
<td>$ 100</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION: FOR: Marketing and Development FROM: Idaho Bean Marketing &amp; Production Promotion Account</td>
<td>$ 49,700</td>
<td>$ 156,700</td>
<td></td>
<td>$ 206,400</td>
</tr>
<tr>
<td>C. IDAHO CHERRY COMMISSION: FOR: Advertising and Promotion FROM: Cherry Commission Account</td>
<td>$ 1,800</td>
<td>$ 22,100</td>
<td>$ 100</td>
<td>$ 24,000</td>
</tr>
<tr>
<td>D. IDAHO POTATO COMMISSION: FOR: Advertising and Promotion FROM: Potato Commission Account</td>
<td>$241,700</td>
<td>$2,268,700</td>
<td>$1,300</td>
<td>$2,511,700</td>
</tr>
<tr>
<td>E. IDAHO WHEAT COMMISSION: FOR: Marketing and Development FROM: Idaho Wheat Commission Account</td>
<td>$ 67,400</td>
<td>$ 694,200</td>
<td>$ 1,000</td>
<td>$ 762,600</td>
</tr>
<tr>
<td>FOR: Idaho Transportation Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<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>Idaho Wheat Commission Account</td>
<td>$16,000</td>
<td>$21,800</td>
<td></td>
<td>$37,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$83,400</td>
<td>$716,000</td>
<td>$1,000</td>
<td>$800,400</td>
</tr>
<tr>
<td>F. IDAHO PRUNE COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising Idaho Prunes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Idaho Prune Commission Account</td>
<td>$800</td>
<td>$10,300</td>
<td></td>
<td>$11,100</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$382,300</td>
<td>$3,233,800</td>
<td>$2,500</td>
<td>$3,618,600</td>
</tr>
</tbody>
</table>

Approved March 17, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 193, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH PROGRAM, BY INCREASING THE
APPROPRIATIONS FROM THE CENTRAL TUMOR REGISTRY ACCOUNT BY $15,000 AND FROM THE
MISCELLANEOUS RECEIPTS ACCOUNT BY $2,800; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 193, Laws of 1978, be, and the same is hereby
amended to read as follows:

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</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare</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>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Tumor Registry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$55,088</td>
<td>55,880</td>
<td></td>
<td></td>
<td>110,968</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,023,000</td>
<td>$2,679,180</td>
<td>$28,400</td>
<td>$3,278,500</td>
<td>$6,994,108</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, 1979.
CHAPTER 68  
(H.B. No. 221)

AN ACT
AMENDING SECTION 2, CHAPTER 212, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR THE GRAIN INSPECTION PROGRAM, BY INCREASING THE APPROPRIATION FROM THE AGRICULTURE DEPARTMENT INSPECTION ACCOUNT BY $63,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 212, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for the Grain Inspection Program according to the designated expenditure classes, for the period from the effective date of this section through June 30, 1979.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Fiscal Year 1978 General Account</td>
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<tr>
<td>Operating Expenditures</td>
<td>Agriculture Department Inspection Account</td>
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<tr>
<td>Capital Outlay</td>
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<td>$72,000</td>
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</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, 1979.

CHAPTER 69  
(H.B. No. 150)

AN ACT
RELATING TO DRIVERS' AND CHAUFFEURS' LICENSES; AMENDING SECTION 49-335, IDAHO CODE, TO ADD MUTILATED OR ILLEGIBLE DRIVERS' OR CHAUFFEURS' LICENSES TO THE LIST OF UNLAWFUL DISPLAY AND USE OF
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-335, Idaho Code, be, and the same is hereby amended to read as follows:

49-335. UNLAWFUL USE OF LICENSE. It is a misdemeanor for any person:
1. To display or cause or permit to be displayed or have in his possession any mutilated or illegible, canceled, revoked, suspended, fictitious or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this act.

Approved March 17, 1979.

CHAPTER 70
(H.B. No. 186)

AN ACT
RELATING TO LETTERING ON CERTAIN STATE-OWNED MOTOR VEHICLES; AMENDING SECTION 49-1701, IDAHO CODE, TO PROVIDE FOR IDENTIFICATION OF CERTAIN STATE MOTOR VEHICLES, TO PROVIDE THAT MOTOR VEHICLES UNDER CONTROL AND CUSTODY OF THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT ENGAGED IN INVESTIGATIVE WORK WHERE CONFIDENTIALITY IS NECESSARY SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 49-1701, IDAHO CODE, AND TO PROVIDE THAT ANY OTHER STATE DEPARTMENT, AGENCY, OR ENTITY MUST APPLY TO THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT IN ORDER TO USE AN UNMARKED VEHICLE FOR CONFIDENTIAL INVESTIGATIVE PURPOSES; AMENDING SECTION 49-1701A,
IDAHO CODE, TO REQUIRE SPECIFIC IDENTIFICATION OF STATE POLICE VEHICLES ONLY, AND TO PROVIDE THAT NO OTHER VEHICLES SHALL BE PAINTED WITH CERTAIN STRIPE PATTERNS; REPEALING SECTION 49-1702, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1701, Idaho Code, be, and the same is hereby amended to read as follows:

49-1701. KIND AND SIZE OF LETTERS -- VEHICLES IN SERVICE OF GOVERNOR EXCEPTED -- CERTAIN VEHICLES EXCEPTED. (1) Every motor vehicle owned by or under control and custody of the state of Idaho, except as provided in subsection (2) of this section, or in section 49-1701A, Idaho Code, shall be indelibly and conspicuously lettered on each side thereof, in plain letters not less than one and one-half (1 1/2) inches high, with the words "State of Idaho Department of ------" or "Idaho" with the name of the proper department, as defined in section 67-2402, Idaho Code, in each case inserted following the either of these words. "Department-of------" Such words shall be kept clear, distinct and visible at all times: provided, however, that the provisions of this chapter shall not be applicable to any such motor vehicle in the personal service of the governor of this state, except that upon the front doors of any motor vehicle in his personal service there shall be placed the Great Seal of the state of Idaho.

(2) Motor vehicles under the custody and control of the director of the department of law enforcement and used for confidential investigative purposes when necessary to enforce the laws of this state need not be marked as provided in subsection (1) above. Any other department, agency, or entity of the state shall apply in writing to the director of the department of law enforcement for permission to use one or more unmarked vehicles for confidential investigative purposes. Such permission shall be granted only in writing and upon a finding of good cause.

SECTION 2. That Section 49-1701A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1701A. IDENTIFICATION OF STATE POLICE VEHICLES. Every motor vehicle other than motorcycles, owned by the state of Idaho and used as a state police vehicle shall be marked as provided by section 49-1701, Idaho Code, and shall, in addition, be painted with a black body with a white top and shall be identified in one (1) or both of the following manners: (1) by having a white stripe, at least six (6) inches in width, painted completely around the vehicle; or (2) by having a blue light mounted on the top of the such vehicle which must be visible from any direction; or (3) by having two (2) white stripes at least one and one-half (1 1/2) inches in width painted from the
center point of the hood across the hood on each side and extending
diagonally down to the bottom of the doors on each side of such
vehicle. No other state agency, person, or local unit of government
shall have any vehicle which is painted with a stripe or stripes from
the center point of the hood across the hood on each side and
extending diagonally down to the bottom of the doors on each side of
such vehicles.

SECTION 3. That Section 49-1702, Idaho Code, be, and the same is
hereby repealed.

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

Approved March 17, 1979.

CHAPTER 71
(H.B. No. 105)

AN ACT
RELATING TO NOTICE BY THE COUNTY AUDITOR TO PARENTS AND GUARDIANS OF
THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS; REPEALING SECTION
33-203, IDAHO CODE.

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

SECTION 1. That Section 33-203, Idaho Code, be, and the same is
hereby repealed.

Approved March 17, 1979.

CHAPTER 72
(H.B. No. 18)

AN ACT
RELATING TO THE STATE OF IDAHO SCHOLARSHIP PROGRAM; AMENDING SECTION
33-4306, IDAHO CODE, TO PROVIDE THAT ATTAINMENT OF AN INTERMEDIATE
DEGREE, CERTIFICATE OR DIPLOMA SHALL NOT TERMINATE A STUDENT
ENGAGED IN A FOUR YEAR PROGRAM; AMENDING SECTION 33-4307, IDAHO
CODE, TO PROVIDE THAT STUDENTS MAY CHANGE MAJOR PROGRAMS AND TO REQUIRE A STANDARDIZED, UNWEIGHTED EXAMINATION FOR AWARD OF THE GRANTS; AMENDING SECTION 33-4310, IDAHO CODE, TO PROVIDE THAT AWARDS SHALL BE MADE WITHOUT REGARD TO AREA OF ACADEMIC COMPETENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-4306, Idaho Code, be, and the same is hereby amended to read as follows:

33-4306. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) "Eligible postsecondary institution" means an educational organization within the state as follows:
   (a) "Public postsecondary institution" means a public postsecondary organization governed or supervised by the state board of education, the board of regents of the University of Idaho, a board of trustees of a junior college established pursuant to the provisions of section 33-2106, Idaho Code, or the state board of vocational education.
   (b) "Independent colleges and universities" means any educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision.

(2) "Educational costs" means student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and such other expenses reasonably related to attendance at a postsecondary educational institution.

(3) "Resident student" means an individual as defined in section 33-3717, Idaho Code.

(4) "Full-time student" means an individual who is enrolled in and is carrying a sufficient number of credit hours, or their equivalent, to secure an individual's first degree, certificate, diploma, or less, toward which the individual is working in no more than the number of semesters, or equivalent, normally required by the postsecondary educational institution in the program in which the individual is enrolled.

(5) "Undergraduate student" means an individual who is enrolled in a postsecondary educational institution which leads to or is directly creditable toward the individual's first baccalaureate degree, certificate, diploma, or less; provided such baccalaureate degree, certificate, diploma or less program requires at least six (6) months or equivalent of consecutive attendance. A student engaged in a four (4) year baccalaureate program shall not be terminated by having earned an intermediate degree, certificate, or diploma.

(6) "Enrollment" means the establishment and maintenance of an individual's status as a student in a postsecondary educational
institution, regardless of the term used at the institution to describe such status.

(7) "Eligible student" means any graduate of an accredited secondary school in the state of Idaho who declares his intention to matriculate in an eligible postsecondary institution in the state of Idaho during the educational year immediately following such graduation.

(8) "Grant" means an award to an eligible student for matriculation in an eligible postsecondary institution in the state of Idaho.

(9) "Educational year" means the period from July 1 of a year through June 30 of the succeeding year.

(10) "Competitive examination" means standardized examination(s) measuring achievement administered annually on a voluntary basis on a specified date and at specified locations announced publicly.

(11) "High school record" means an individual's rank in his secondary school class as certified by an official of such secondary school, and an individual's secondary school deportment as evaluated by at least two (2) officials of such secondary school.

SECTION 2. That Section 33-4307, Idaho Code, be, and the same is hereby amended to read as follows:

33-4307. ELIGIBILITY -- MAXIMUM AMOUNTS -- CONDITIONS. A grant may be awarded to an eligible student for matriculation at an eligible postsecondary educational institution in the state of Idaho if:

(1) The individual is accepted for enrollment as a full-time undergraduate student, as follows:

(a) In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied requirements for admission and has enrolled in an eligible postsecondary institution.

(b) In the case of an individual enrolled in an eligible postsecondary institution following the successful completion of the first term, he continues to meet the requirements of this act and has maintained such high standards of performance as may be required. Provided that high academic standards are maintained in accordance with requirements of this chapter, a student continues to be eligible when transferring from one major program to another.

(c) In the case of an individual transferring from one (1) eligible postsecondary institution in Idaho to another eligible postsecondary institution in Idaho, he continues to meet the requirements of this act, is accepted at the eligible postsecondary institution to which he is transferring, and has maintained such high standards of performance as may be required.

(2) The grant is in amounts as follows:

(a) The grant payment to an individual per educational year for
attendance on a full-time basis is not in excess of one thousand five hundred dollars ($1,500) or in excess of the total educational costs as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant, whichever is less.

(b) The total grant payments over a period of six (6) years to an individual may not exceed six thousand dollars ($6,000), or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less.

(3) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.

(4) The grant is awarded on the basis of extraordinary performance in standardized, unweighted competitive examination and high school record.

(5) The individual is not pursuing an educational program leading directly to a baccalaureate degree in theology or divinity.

(6) The individual receiving the grant is not precluded from receiving other financial aids, awards, or scholarships, provided the total of the grant and such other financial aids, awards or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant.

(7) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306(9), be paid to or on behalf of such student in advance.

(8) The individual has complied with such rules and regulations as may be necessary for the administration of this act.

SECTION 3. That Section 33-4310, Idaho Code, be, and the same is hereby amended to read as follows:

33-4310. DISCRIMINATION PROHIBITED. The grants shall be awarded to eligible students without regard to any student's race, creed, color, sex, national origin, ancestry, age or area of academic competence.

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

Approved March 17, 1979.
CHAPTER 73
(H.B. No. 49)

AN ACT
RELATING TO RESIDENCY REQUIREMENTS AT STATE COLLEGES AND UNIVERSITIES;
AMENDING SECTION 33-3717, IDAHO CODE, TO STRIKE REFERENCE TO LEGAL
VOTING AGE AS A REQUIREMENT FOR ACHIEVING RESIDENT STATUS AT STATE
COLLEGES AND UNIVERSITIES, TO CLARIFY THE DEFINITION OF DOMICILE,
TO ALLOW FOR MAINTENANCE OF RESIDENT STATUS FOR PERSONS WHO RETURN
TO THE STATE AFTER AN ABSENCE OF LESS THAN ONE CALENDAR YEAR, AND
TO PROVIDE ADDITIONAL RESIDENCY REQUIREMENTS FOR PARTICIPATION IN
SPECIAL GRADUATE AND PROFESSIONAL PROGRAMS.

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 guardians are is domiciled in the state of Idaho
and provide more than fifty percent (50%) of his support. 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 means an individual's true, fixed and permanent home
and place of habitation. It is the place where he intends to
remain, and to which he expects to return when he leaves without
intending to establish a new domicile elsewhere. 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 receives less
than fifty percent (50%) of his support from parents or legal
guardians who are not residents of this state for voting purposes
and 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
(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 and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his residence when his parent or guardian is transferred on military orders.


(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 intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(i) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(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.

(8) For students who apply for special graduate and professional programs including, but not limited to the WAMI (Washington, Alaska, Montana, Idaho) Regional Medical Program, the WICHE Student Exchange Programs, Creighton University School of Dental Science, the University of Utah College of Medicine, and the Washington, Oregon, Idaho (WOI) Regional Program in Veterinary Medical Education, additional residency requirements shall be in force. No applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least five (5) calendar years previous to the application date.

Approved March 17, 1979.
AN ACT
AMENDING SECTION 2, CHAPTER 234, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF ADMINISTRATION BY INCREASING THE APPROPRIATIONS FROM THE GENERAL
INTERACCOUNT ACCOUNT BY $39,000 FOR THE GENERAL SERVICES -- RADIO PROGRAM, BY $12,700
FOR THE GENERAL SERVICES -- PRINTING PROGRAM, AND BY $60,000 FOR THE PUBLIC WORKS --
ADMINISTRATION PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 234, Laws of 1978, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Administration the
following amounts, to be expended for designated programs according to designated expense
classes from the accounts listed therein for the period July 1, 1978, through June 30,
1979:

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<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<tr>
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| III. GENERAL SERVICES --
ADMINISTRATION:                    |                     |                            |                   |                                  |         |
| FROM: General Account            | $35,800             | $5,400                     |                   | $41,200                          |         |
| IV. GENERAL SERVICES --
POSTAL:                             |                     |                            |                   |                                  |         |
| FROM: General Account            | $118,700            | $21,700                    | $4,000            | $144,400                         |         |
| General Interaccount Account     |                     |                            |                   |                                  |         |
| TOTAL                            | $118,700            | $21,700                    | $4,000            | $173,400                         |         |
| V. GENERAL SERVICES --
TELEPHONE:                          |                     |                            |                   |                                  |         |
| FROM: General Interaccount       | $26,000             | $48,100                    |                   | $74,100                          |         |
| VI. GENERAL SERVICES --
RADIO:                              |                     |                            |                   |                                  |         |
<p>| FROM: General Account            | $7,600              | $17,500                    | $7,500            | $32,600                          |         |</p>
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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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VII. GENERAL SERVICES -- RECORDS MANAGEMENT:
FROM:
General Interaccount Account $28,300 $75,400

VIII. GENERAL SERVICES -- PRINTING:
FROM:
General Interaccount Account $262,500 $602,600 $26,000 $891,100

IX. PUBLIC WORKS -- ADMINISTRATION:
FROM:
General Interaccount Account $7,000 $30,900 $1,300 $20,800 $60,000

Permanent Building Account $318,300 $71,200

Federal Energy Account $45,600 $16,000 $61,600

**TOTAL** $363,900 $87,200 $1,300 $20,800 $451,700

X. PUBLIC WORKS -- BUILDING SERVICE:
FROM:
General Account $456,100 $20,300 $476,400

General Interaccount Account $754,900 $170,200 $513,000 $1,438,100

**TOTAL** $754,900 $626,500 $533,100 $1,914,500

XI. PURCHASING:
FROM:
General Account $174,600 $35,500 $500 $210,600

XII. BUREAU OF SUPPLIES:
FROM:
General Interaccount Account $38,300 $34,900 $1,000 $74,200

XIII. RISK MANAGEMENT:
FROM:
Risk Retention Account $78,000 $29,600 $1,000 $2,050,000 $2,158,600

XIV. FEDERAL SURPLUS PROPERTY:
FROM:
Federal Surplus Property Revolving Account $136,800 $67,500 $204,300

XV. GENERAL SERVICES -- CENTRAL PROPERTY:
C. 74 '79  IDAHO SESSION LAWS  187

<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>
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<td>Employees Group Insurance</td>
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<td>Personnel Commission Account</td>
<td>$ 839,800</td>
<td>$ 216,500</td>
<td>$ 1,500</td>
<td></td>
<td>1,057,800</td>
</tr>
<tr>
<td>XIX. PERSONNEL COMMISSION TRAINING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$ 15,000</td>
<td></td>
<td></td>
<td></td>
<td>15,000</td>
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<tr>
<td>XX. MOTOR POOL:</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>
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<td>30,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
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<td>$2,493,800</td>
<td>$603,800</td>
<td>$5,484,900</td>
<td>$11,586,000</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, 1979.
AN ACT
AMENDING SECTION 1, CHAPTER 229, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW ENFORCEMENT FOR THE NARCOTICS AND DRUG ENFORCEMENT PROGRAM, BY INCREASING THE APPROPRIATION FROM THE LAW ENFORCEMENT DRUG SUSPENSE ACCOUNT BY $10,000 AND DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $10,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 229, Laws of 1978, be, and the same is hereby amended to read as follows:

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>TO PERSONNEL</th>
<th>TO OPERATING</th>
<th>TO CAPITAL</th>
<th>TO TOTAL</th>
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</thead>
<tbody>
<tr>
<td>General Account</td>
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<td>$832,600</td>
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<td>Law Enforcement Drug</td>
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<tr>
<td>Suspension Account</td>
<td></td>
<td>$6,000</td>
<td>$8,000</td>
<td></td>
</tr>
</tbody>
</table>

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

Approved March 17, 1979.
CHAPTER 76  
(H.B. No. 104)  

AN ACT  
REPEALING PROVISIONS RELATING TO THE ESTABLISHMENT, NATURE AND POWERS, INDEBTEDNESS, AND PLANT FACILITIES LEVY OF SCHOOL SUBDISTRICTS; REPEALING SECTIONS 33-351, 33-352, 33-353, 33-354, AND 33-355, IDAHO CODE.  

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

SECTION 1. That Sections 33-351, 33-352, 33-353, 33-354, and 33-355, Idaho Code, be, and the same are hereby repealed.  

Approved March 17, 1979.  

CHAPTER 77  
(H.B. No. 103)  

AN ACT  
RELATING TO THE PAYMENT AND ACCOUNTING OF FUNDS BY SCHOOL DISTRICTS; AMENDING SECTION 33-701, IDAHO CODE, TO STRIKE SPECIFIC REPORTING REQUIREMENTS AND REQUIRING THE ANNUAL REPORT TO BE SUBMITTED IN A FORM PRESCRIBED BY THE STATE BOARD OF EDUCATION.  

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 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 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, 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; in a form prescribed by the state board of education. Such annual statement shall include, but not be limited to the amounts of money budgeted and received; and from what sources, and the amounts budgeted and 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 (1) 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 for salaries and other expenses by category. 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. Each school district shall have available at the administrative office, upon request, a full and complete list of vendors and the amount paid to each and a list of the number of teachers paid at each of the several stated gross salary levels in effect in the district.

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 (1) 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.

Approved March 17, 1979.

CHAPTER 78
(H.B. No. 68)

AN ACT
RELATING TO THE FISH AND GAME CODE; AMENDING SECTION 36-102, IDAHO CODE, TO CORRECT A SPELLING ERROR IN SUBSECTION (g); AMENDING SECTION 36-305, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY ISSUE COLLECTING PERMITS; AND REPEALING SECTION 36-1904, IDAHO CODE.

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

SECTION 1. That Section 36-102, Idaho Code, be, and the same is hereby amended to read as follows:

36-102. IDAHO FISH AND GAME COMMISSION . (a) Creation. There is hereby created the Idaho fish and game commission. The department of fish and game of the state of Idaho is hereby placed under the supervision, management and control of said Idaho fish and game commission, hereinafter referred to as the commission or as said commission.

(b) Membership -- Appointment -- Qualifications. The commission shall consist of five (5) members, to be appointed by the governor of the state of Idaho, who shall hold office during the pleasure of the governor and who shall be subject to removal by him. The selection and appointment of said members shall be made solely upon consideration of the welfare and best interests of fish and game in the state of Idaho, and no person shall be appointed a member of said
commission unless he shall be well informed upon, and interested in, the subject of wildlife conservation and restoration. No member shall hold any other elective or appointive office, state, county or municipal, or any office in any political party organization. Not more than three (3) of the members of said commission shall at any time belong to the same political party. Each of the members of said commission shall be a citizen of the United States, and of the state of Idaho, and a bona fide resident of the district from which he is appointed as hereinafter set forth. Said members so appointed shall act and assume full powers and duties upon appointment, as herein provided, but such appointments shall be subject to confirmation by the senate at its next session.

(c) Creation of Districts -- Terms of Office. For the purpose of this act, the state of Idaho is divided into five (5) districts, numbered from one (1) to five (5) respectively.

District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone, and Benewah;

District No. 2 shall consist of the counties of Latah, Clearwater, Nez Perce, Lewis, and Idaho;

District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee;

District No. 4 shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer, and Butte;

District No. 5 shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.

Each of the above enumerated districts shall, at all times, be represented by one (1) member of the commission, appointed from said district by the governor.

The members of said commission shall be appointed for a term of six (6) years; provided, that in the case of the death of any commissioner, or his removal from office as hereinbefore provided, the governor shall appoint a successor from the same district for the unexpired term.

(d) Oath of Office -- Bond. Each commissioner shall, before entering upon his official duties, take and subscribe to the official oath, in writing, as provided by section 59-401, Idaho Code, to which said official oath there shall be added a declaration as to the name of the political party to which such commissioner belongs, and said commissioner shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Compensation and Reimbursement for Expenses. Each member of the commission shall receive twenty-five dollars ($25.00) for each day while attending official meetings of the commission called as provided herein, or while on official business authorized by said commission. Each commissioner, in the discharge of his official duties, authorized by the said commission, shall be entitled to reimbursements for actual
and necessary expenses at the rate allowed by law to state employees. All such compensation and expenses shall be paid from the fish and game fund.

(f) Quorum. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power.

(g) Office and Supplies. The commissioner shall have its principal office in the city of Boise and is authorized to purchase supplies, equipment, printed forms, and notices, and to issue such publications as may be necessary.

SECTION 2. That Section 36-305, Idaho Code, be, and the same is hereby amended to read as follows:

36-305. HONORARY OR TEMPORARY LICENSES OR PERMITS -- ISSUANCE UNLAWFUL -- PENALTY. It is a misdemeanor for the director, any employee of the department of fish and game or vendor or agent thereof to at any time or under any circumstances issue any honorary license or any temporary permit or license permitting any person or persons to hunt, fish or trap in the state of Idaho; hunting; or trapping-license-shall-be. Nothing in this section shall preclude the director from issuing scientific collecting permits when such permits are issued to any person except in accordance with the provisions of subsection 36-106(e)5, Idaho Code.

SECTION 3. That Section 36-1904, Idaho Code, be, and the same is hereby repealed.

Approved March 17, 1979.

CHAPTER 79
(H.B. No. 69)

AN ACT
RELATING TO COMMISSION ORDERS AND REGULATIONS; AMENDING SECTION 36-105, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME NO LONGER BE REQUIRED TO PUBLISH RULES, REGULATIONS AND ORDERS IN A MANNER OTHER THAN PROVIDED IN CHAPTER 52, TITLE 67, IDAHO CODE.

It enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-105, Idaho Code, be, and the same is hereby amended to read as follows:
36-105. COMMISSION ORDERS AND REGULATIONS. (a) Adoption and Publication of Rules, Regulations and Orders. All rules, regulations and orders adopted pursuant to the provisions of this title shall be made in accordance with chapter 52, title 67, Idaho Code—

- in addition—shall be published in the following manner:—those having general application throughout the state shall be published at least once—in some newspaper having statewide general circulation;—those of special character;—having local applications only;—shall be published at least once—in some newspaper published and having general circulation in the locality wherein such rules, regulations, and orders are applicable;—but if no such newspaper is so published and circulated;—copies of such rules, regulations, and orders shall be posted in at least three (3) conspicuous places in the locality in which they are applicable;—in addition;—such copies shall be sent to the county law libraries concerned. Said rules, regulations, and orders may also be given such other publicity as the commission may deem desirable.

(b) Violation of Rules, Regulations and Orders. All rules, regulations and orders made as herein provided shall have full force and effect as law and any person violating any such rule, regulation, or order of the commission, adopted and published as herein set forth, shall be guilty of a misdemeanor.

Approved March 17, 1979.
CHAPTER 80
(H.B. No. 222)

AMENDING SECTION 2, CHAPTER 132, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION, BY INCREASING THE Appropriation for the Statewide Educational Planning and Reporting System Program by $9,000 FROM THE LOCAL SCHOOL DISTRICT CONTRIBUTIONS ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 132, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed 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: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
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<td>$19,800</td>
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<td>$35,800</td>
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<tr>
<td>II. GENERAL ADMINISTRATION: FROM:</td>
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<td>Title I Higher Education Account</td>
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<td>5,800</td>
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<td>State Student Financial Aid Training Program Account</td>
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<td></td>
<td>2,000</td>
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<tr>
<td>Miscellaneous Receipts Account</td>
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<td></td>
<td></td>
<td>100</td>
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<tr>
<td>TOTAL</td>
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<td>$1,200</td>
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<tr>
<td>III. STATEWIDE EDUCATIONAL PLANNING &amp; REPORTING SYSTEM: FROM:</td>
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<tr>
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<td>229,700</td>
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<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>
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</tr>
<tr>
<td>Miscellaneous Receipts</td>
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<td></td>
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<tr>
<td>IV. EDUCATIONAL TELEVISION:</td>
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<td></td>
<td></td>
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<tr>
<td>FROM:</td>
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<td></td>
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<tr>
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<td>Broadcasting Account</td>
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<tr>
<td>TOTAL</td>
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<td>V. MEDICAL EDUCATION:</td>
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<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td></td>
</tr>
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<tr>
<td>VI. SCHOLARSHIPS &amp; GRANTS:</td>
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<td></td>
</tr>
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<td>FROM:</td>
<td></td>
<td></td>
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<tr>
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</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, 1979.
CHAPTER 81
(S.B. No. 1173)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF FINANCE; APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE POSITION "DEPUTY DIRECTOR."

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$598,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$128,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$726,800</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$725,400</td>
</tr>
<tr>
<td>State Cemetery Board Account</td>
<td>1,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$726,800</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Finance the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$87,000</td>
<td>$17,500</td>
<td>$104,500</td>
</tr>
<tr>
<td>II. SUPPORTING SERVICES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$93,200</td>
<td>$10,000</td>
<td>$103,200</td>
</tr>
<tr>
<td>III. BANKS:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$151,100</td>
<td>$38,400</td>
<td>$189,500</td>
</tr>
<tr>
<td>IV. SAVINGS AND LOAN ASSOCIATIONS:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$22,400</td>
<td>$3,500</td>
<td>$25,900</td>
</tr>
</tbody>
</table>
PROGRAM FOR FOR TOTAL
              PERSONNEL OPERATING
FROM:                          EXPENDITURES
General Account                $  61,900  $  13,500  $  75,400
VI. UNIFORM CONSUMER CREDIT:
FROM:
General Account                $  59,100  $  14,300  $  73,400
VII. SECURITIES:
FROM:
General Account                $124,100   $  16,400  $140,500
VIII. COLLECTION AGENCIES:
FROM:
General Account                $  13,000   $  13,000
IX. ENDOWED CARE CEMETERIES:
FROM:
State Cemetery Board Account   $   1,400   $   1,400
GRAND TOTAL                    $598,800   $128,000  $726,800

SECTION 3. It is legislative intent that no moneys from the appropriation made by Section 2 of this act be used to fund the position of "deputy director."

Approved March 19, 1979.

CHAPTER 82
(H.B. No. 37)

AN ACT
RELATING TO RENEWAL OF OPERATOR'S OR CHAUFFEUR'S LICENSE; AMENDING SECTION 49-316, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE THAT THERE SHALL BE NO WRITTEN EXAMINATION UPON APPLICATION FOR RENEWAL.

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

SECTION 1. That Section 49-316, Idaho Code, be, and the same is hereby amended to read as follows:

49-316. EXAMINATION OF APPLICANTS. (a) The sheriff or deputy shall examine every applicant for an operator's or chauffeur's
license, except as otherwise provided in this section, or in this act. Such examination shall be held in any county most convenient to the applicant. It shall include a test of the applicant's eyesight and hearing, his ability to read and understand highway signs regulating, warning, and directing traffic, and shall include, at the discretion of the examiner, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. In addition, the applicant's knowledge of the traffic laws of this state shall be tested by a written examination, except as provided in section 49-322, Idaho Code. At the discretion of the examiner, the prescribed written examination may be conducted orally.

SECTION 2. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. EXPIRATION AND RENEWAL OF OPERATOR'S AND CHAUFFEUR'S LICENSE -- CERTIFICATE OF EXTENSION -- FEE. (a) Every operator's and chauffeur's license originally issued to an operator or chauffeur shall expire on the licensee's birthday in the third year following the issuance of such license. Every such license shall be renewable on or before its expiration, but not more than twelve (12) months before, upon application, payment of the required fee, and satisfactory completion of the required eyesight and hearing examination required or authorized.

No written examination shall be required for renewal of a license.

(b) When a licensee's license has been expired for less than twelve (12) months, the renewal of the license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the licensee's license is expired for more than twelve (12) months, the application shall expire on the licensee's birthday in the third year following issuance of such license.

(c) If a licensee's license has expired or will expire and the licensee is temporarily out-of-state, and the license has not, as provided by law, been suspended, revoked, or cancelled, the licensee may request in writing on a form prescribed by the director, accompanied by a fee of three dollars ($3.00) which shall be deposited to the motor vehicle fund, an extension of the license, but such extension shall be less than a twelve (12) month period. If the director determines that an extension of the licensee's license is necessary, he may issue a certificate of extension showing the date to which the expired license is extended, and this certificate must be attached to the expired license. Certificates of extension are limited to one (1) per licensee. Upon returning to the state of Idaho, the licensee shall within ten (10) days, apply as provided by other sections of this chapter, for a renewal of the expired license and surrender the certificate of extension. The certificate of extension shall not be valid beyond the date indicated on the certificate.

Approved March 19, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE AGENCIES LISTED IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>A. STATE ATHLETIC DIRECTOR:</th>
<th>FOR: Supervision of Boxing and Wrestling</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 6,500</td>
<td>$ 6,500</td>
</tr>
<tr>
<td>Athletic Account</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 9,500</strong></td>
<td><strong>$ 9,500</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. BOARD OF PHARMACY:</th>
<th>FOR: Protecting Public Health</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacy Board Account</td>
<td>$ 109,300</td>
<td>$ 148,800</td>
</tr>
<tr>
<td>Controlled Substance Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmacy-Triplicate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Account</td>
<td>$ 15,000</td>
<td>$ 15,000</td>
</tr>
<tr>
<td>General Account</td>
<td>$ 58,000</td>
<td>88,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 252,300</strong></td>
<td><strong>$ 252,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. BOARD OF ACCOUNTANCY:</th>
<th>FOR: Licensing and Enforcing</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Accountancy</td>
<td>$ 33,800</td>
<td>$ 95,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. BOARD OF DENTISTRY:</th>
<th>FOR: Enforcing the Dental Practice Act</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Dentistry</td>
<td>$ 23,200</td>
<td>$ 52,900</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td></td>
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<tr>
<td>B.</td>
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<tr>
<td>C.</td>
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<tr>
<td>D.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Board/Commission</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>Professional Engineers</td>
<td>$ 55,800</td>
<td>$ 56,500</td>
<td>$ 500</td>
<td>$ 112,800</td>
</tr>
<tr>
<td>F. BOARD OF MEDICINE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Medicine</td>
<td>$ 104,000</td>
<td>$ 50,400</td>
<td>$ 2,000</td>
<td>$ 156,400</td>
</tr>
<tr>
<td>G. BOARD OF NURSING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Nursing</td>
<td>$ 112,200</td>
<td>$ 81,900</td>
<td>$ 2,100</td>
<td>$ 196,200</td>
</tr>
<tr>
<td>H. BUREAU OF OCCUPATIONAL LICENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupational License</td>
<td>$ 165,000</td>
<td>$103,000</td>
<td>$ 3,100</td>
<td>$ 271,100</td>
</tr>
<tr>
<td>I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Public Works Contractors State License Board Account</td>
<td>$ 94,400</td>
<td>$ 51,100</td>
<td>$ 3,000</td>
<td>$ 148,500</td>
</tr>
<tr>
<td>J. IDAHO REAL ESTATE COMMISSION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Real Estate Brokers Commission Account</td>
<td>$ 227,100</td>
<td>$163,500</td>
<td>$ 4,400</td>
<td>$ 395,000</td>
</tr>
<tr>
<td>K. PROFESSIONAL GEOLOGISTS BOARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Geologists Account</td>
<td>$ 7,000</td>
<td>$ 6,500</td>
<td>$ 200</td>
<td>$ 13,700</td>
</tr>
<tr>
<td>L. BOARD OF OPTOMETRY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Optometry</td>
<td>$ 2,300</td>
<td>$ 5,900</td>
<td></td>
<td>$ 8,200</td>
</tr>
<tr>
<td>M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total:** $298,200 $156,400 $196,200 $271,100 $148,500 $395,000 $13,700 $8,200
<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>State Certified Shorthand Reporters Account</td>
<td>$6,000</td>
<td></td>
<td>$6,000</td>
</tr>
<tr>
<td>N. OUTFITTERS AND GUIDES BOARD: FOR: Outfitters and Guides Board FROM: Outfitters and Guides Board Account</td>
<td>$76,000</td>
<td>$61,500</td>
<td>$1,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,139,200</td>
<td>$845,900</td>
<td>$21,300</td>
</tr>
</tbody>
</table>

Approved March 20, 1979.
CHAPTER 84
(S.B. No. 1177)

AN ACT
APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION, TO BE EXPENDED FOR THE DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 programs according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration</td>
<td>$ 748,500</td>
<td>$198,200</td>
<td></td>
<td>$ 946,700</td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>$ 65,000</td>
<td>$ 15,000</td>
<td></td>
<td>$ 80,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 813,500</td>
<td>$213,200</td>
<td></td>
<td>$1,026,700</td>
</tr>
<tr>
<td>B. REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration</td>
<td>$ 236,800</td>
<td>$112,500</td>
<td>$ 7,300</td>
<td>$ 356,600</td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,050,300</td>
<td>$325,700</td>
<td>$ 7,300</td>
<td>$1,383,300</td>
</tr>
</tbody>
</table>

Approved March 20, 1979.
CHAPTER 85
(H.B. No. 110)

AN ACT
RELATING TO REGULATION OF COMMERCIAL FISH FACILITIES; AMENDING SECTION 36-702, IDAHO CODE, TO SPECIFY LICENSE PROVISIONS; AMENDING SECTION 36-705, IDAHO CODE, TO REVISE PENALTY PROVISIONS; AMENDING SECTION 36-710, IDAHO CODE, TO PROVIDE THAT VIOLATIONS SHALL BE PURSUED IN A COURT OF COMPETENT JURISDICTION; AND AMENDING SECTION 36-711, IDAHO CODE, TO REVISE PENALTY PROVISIONS.

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

SECTION 1. That Section 36-702, Idaho Code, be, and the same is hereby amended to read as follows:

36-702. COMMERCIAL FISH FACILITIES -- RESTRICTIONS -- LICENSE. No person shall obtain, possess, preserve, or propagate fish in this state for the purpose of selling same unless he has first secured a commercial fish rearing license from the director.

(a) License Provisions. Such license may be issued by the director upon his finding that:

1. Such commercial facility is not constructed in or across any natural stream bed, lake or other watercourse containing wild fish.
2. Said facility is located entirely on private property owned or leased by the applicant.
3. Any dam constructed to divert water into said facility meets all the requirements of section 36-906(a), Idaho Code.
4. All water inlets to said facility are screened at the point of diversion in the manner provided in section 36-906(b), Idaho Code.
5. The application for such license is made upon a form provided by the department which sets forth such reasonable information as may be required by the director.
6. The property boundaries are posted as being a commercial fish hatchery in at least three conspicuous, separate places in addition to all entrance roads.
7. The effluent control facilities have been approved by the Idaho department of health and welfare legally designated state and federal agencies.
8. The approved application is accompanied by a license fee of twenty-five dollars ($1875.00).

(b) Separate License Required. A valid license must be had for each and every separate location and water source; said license shall expire December 31 next following the date of issuance, February 1 in each even-numbered year, biennially thereafter.
(c) **Record--of--Transactions--Required.** A current record shall be kept by each licensee of each and every sale, purchase or shipment and such records shall be retained for two (2) years and shall be subject to inspection by the director upon his request.

(d) **Receipt Required.** A receipt shall be issued to each purchaser identifying the hatchery source and specifying the numbers and species of fish and the date of sale for all sales from fish ponds for a fee and for sale of live fish for stocking destined for release as wild fish in private or public waters.

(d) **Inspection.** The director may, from time to time, inspect a licensed facility to determine conformity of the facility with the licensing requirements of this section and for purposes of determining the species of domestic or captive wildlife being propagated at the facility.

SECTION 2. That Section 36-705, Idaho Code, be, and the same is hereby amended to read as follows:

36-705. **STEALING FROM AUTHORIZED HATCHERIES -- FARMS -- FELONY.** It is a felony unlawful for any unauthorized person to steal, take or carry away any fish or wild animal or wild bird from any county, state, federal or private fish hatchery, fish trap, fish holding pond, or wildlife farm authorized to operate in this state under provisions of this title.

SECTION 3. That Section 36-710, Idaho Code, be, and the same is hereby amended to read as follows:

36-710. **REASONABLE INSPECTION -- NOTICE OF VIOLATION.** (a) Inspection by Director. As a condition to the issuance of a license or permit for the confinement of wildlife as hereinbefore provided in this chapter, the director shall have the right at any reasonable time to enter upon and inspect the facilities and captive wildlife covered by such license or permit. The director shall give written notice of any violation and shall specify a reasonable time of not less than ten (10) days to remove or eliminate the violation. If upon the expiration of such time the violation has not been removed or eliminated, he may revoke said license or permit issue a citation and pursue the matter in a court of competent jurisdiction.

(b) **Fur Farm Inspection.** The director shall have the right at any time to go upon and inspect any fur farm operated under the provisions of title 25, Idaho Code, as amended, in discharging said department's powers and duties relating to the capture or taking of nondomestic fur-bearing animals.

SECTION 4. That Section 36-711, Idaho Code, be, and the same is hereby amended to read as follows:
36-711. PENALTY. Except where a higher penalty is otherwise prescribed, any person who shall violate any of the provisions of this chapter or commission regulations promulgated pursuant hereto shall be guilty of a misdemeanor. Provided further, any licensee or permittee who shall be convicted of violating any of the provisions of this chapter shall have his license or permit revoked by the court for a period of not to exceed twelve (12) months next following such conviction. All wildlife held under said license or permit so revoked shall be disposed of in accordance with the provisions of section 36-1304(b); Idaho Code as determined by the court.

Approved March 20, 1979.

CHAPTER 86
(H.B. No. 133)

AN ACT
RELATING TO TAX BENEFITS PROVIDED BY THE STATE FOR CIRCUIT BREAKER TAX RELIEF; AMENDING SECTION 63-117, IDAHO CODE, TO PROVIDE THAT WIDOWERS ARE ENTITLED TO THE SAME CIRCUIT BREAKER PROPERTY TAX REFUND AS ARE WIDOWS; AMENDING SECTION 63-125, IDAHO CODE, TO PROVIDE THAT SHORTFALLS IN CIRCUIT BREAKER TAX RELIEF PAYMENTS NEED NOT BE MADE UP BY LEVYING ADDITIONAL AD VALOREM TAXES; AMENDING SECTION 63-3022A, IDAHO CODE, TO PROVIDE THAT WIDOWERS ARE ENTITLED TO THE SAME INCOME TAX DEDUCTIONS OF CERTAIN RETIREMENT BENEFITS AS ARE WIDOWS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-117, Idaho Code, be, and the same is hereby amended to read as follows:

63-117. DEFINITIONS. As used in sections 63-117 through and including 63-125, Idaho Code:
(a) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code (as defined by section 63-3004, Idaho Code), the amount of capital gains excluded from adjusted gross income, alimony, support money, income from inheritances, nontaxable strike benefits, the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, state unemployment insurance laws, and veterans' disability pensions and compensation), nontaxable interest received from the federal government or any of its instrumentalities or a state
government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of earnings" insurance. It does not include gifts from nongovernmental sources or inheritances. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed.

(b) "Household" means the association of persons who live in the same dwelling, sharing its furnishings, facilities, and accommodations and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of the household.

(d) "Homestead" means the dwelling, owned by the claimant and occupied by the persons of a household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multi-dwelling or multi-purpose building and part of the land upon which it is built. ("Owned" includes a vendee in possession under a land contract and of one or more tenants in common). It does not include personal property such as furniture, furnishings or appliances, but a mobile home may be a homestead.

(e) "Claimant" means a person who has filed a claim under the provisions of sections 63-117 through and including 63-125, Idaho Code. To be eligible to file a claim, a person must have been domiciled in this state during the three (3) calendar years immediately preceding the year in which his claim was filed, and must have owned a homestead, evidenced by proof of taxes levied, in this state during the three (3) calendar years immediately preceding the year in which his claim was filed, and:

(i) must be not less than sixty-five (65) years old on January 1 of the year in which his claim was filed, or
(ii) a fatherless child under the age of eighteen (18) years of age, or
(iii) a widow or widower, or
(iv) an honorably discharged veteran of the armed forces of the United States who served during the Indian Wars, the Spanish-American War, or World War I, or
(v) a disabled veteran of any war engaged in by the United States, whose disability is recognized as a service connected disability of a degree of ten per cent (10%) or more, or who has a pension for nonservice connected disabilities, in accordance with laws and regulations administered by the United States veterans administration, or
(vi) a person as specified in 42 USCA 1701 who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage, or otherwise, or
(vii) blind.

SECTION 2. That Section 63-125, Idaho Code, be, and the same is
hereby amended to read as follows:

63-125. PROCEDURE AFTER REIMBURSEMENT. (1) Upon receipt of the notice of percentage reduction from the state tax commission, the county auditor shall immediately notify the board of county commissioners and the board shall may take this reduction into consideration in making its tax levies, and the board of county commissioners is authorized, but not required, to increase any levy to the extent necessary to compensate for the percentage reduction;--any tax-levy-limitation-to-the-contrary-notwithstanding.

(2) The moneys received by the county treasurer under the provisions of section 63-124(2), Idaho Code, may be considered by the counties and other taxing districts and budgeted against at the same time, in the same manner and in the same year as revenues from taxation.

SECTION 3. That Section 63-3022A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022A. DEDUCTION OF CERTAIN RETIREMENT BENEFITS. (a) For taxable years commencing on or after January 1, 1973, an amount specified by subsection (b) of this section of the following retirement benefits may be deducted by an Idaho resident from taxable income if such Idaho resident has either attained age sixty-five (65), or has attained age sixty-two (62) and is classified as disabled:

(1) Retirement annuities paid by the United States of America to a retired civil service employee or the unremarried widow of a retired civil service employee.

(2) Retirement benefits paid from the firemen's retirement fund of the state of Idaho to a retired fireman or the unremarried widow of a retired fireman.

(3) Retirement benefits paid from the policemen's retirement fund of a city within this state to a retired policeman or the unremarried widow of a retired policeman.

(4) Retirement benefits paid by the United States of America to a retired member of the military services of the United States or the unremarried widow of such member.

(b) The amount of retirement benefits that may be deducted from taxable income shall be an amount not in excess of maximum retirement benefits under the social security act, as amended, on the date on which this act is passed and approved, including adjustments to be made based upon consumer price index adjustments provided in section 215 of the social security act. The state tax commission shall ascertain benefit changes made in accordance with the social security act and publish the appropriate deduction amounts provided by this section reflecting such changes annually. Maximum retirement benefits under the social security act shall mean:

(1) In the case of a taxpayer who is entitled to file a joint
return with his spouse for the tax year, an amount equal to the maximum social security benefits payable for the tax year to a man attaining age sixty-five (65) in the tax year who has earned the maximum earnings creditable under social security for the years used in the computation of his benefits, and whose spouse has no social security benefits except those payable on his record of earnings.

(2) In the case of a taxpayer who is not married, an amount equal to maximum social security benefits payable for the tax year to a person attaining age sixty-five (65) in the tax year who has earned the maximum earnings creditable under social security for the years used in the computation of his benefits.

(3) In the case of an unremarried widow, an amount equal to the maximum social security benefits payable for the tax year to a widow attaining age sixty-five (65) in the tax year who has no social security benefits except those to which she is entitled on her deceased husband's record and whose husband had received no reduced retirement benefits prior to his death and whose husband had earned the maximum earnings creditable under social security for the years used in the computation of his benefits under social security.

(4) Maximum retirement benefits shall, in every case, take into consideration and be adjusted to reflect adjustments that would be made to such amounts had they been received as social security benefits as the result of the receipt of earnings in excess of earnings limitations. The terms in this paragraph are those defined in the social security act.

(5) Taxpayers not described in paragraphs (1), (2), (3) and (4) of this subsection may not deduct any amount of retirement benefits under this section.

(c) The total deduction under this section may not exceed the total amount of retirement benefits or annuities which are described in subsection (a) of this section and which are included in the taxpayer's gross income in the tax year. If the taxpayer or the taxpayer's spouse receives retirement benefits under the federal railroad retirement act or the federal social security act in the tax year, then the amount of any retirement annuities computed under subsection (b) of this section shall be reduced by the amount of such federal railroad retirement act or federal social security act retirement benefits, and the lesser of the amount so computed or the total amount of retirement benefits or annuities which are described in subsection (a) of this section and which are included in the taxpayer's gross income shall constitute the allowable deduction.

(d) As used in this section, the word "widow" shall include a widower.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect
on and after its passage and approval, and retroactively to January 1, 1979.

Approved March 20, 1979.

CHAPTER 87
(H.B. No. 143)

AN ACT
RELATING TO AREAS OF OVERLAPPING CITY IMPACT; AMENDING SECTION 67-6526, IDAHO CODE, TO STRIKE THE PROVISION ALLOWING A CITY TO SEEK A DECLARATORY JUDGMENT FROM A DISTRICT COURT TO ADJUST A COMPROMISE HANDED DOWN BY A BOARD OF COUNTY COMMISSIONERS REGARDING AREAS OF OVERLAPPING CITY IMPACT, AND TO PROVIDE THAT UPON THE OBJECTION OF A CITY INVOLVED THE PEOPLE IN THE OVERLAPPING IMPACT AREA MAY VOTE IN A SPECIAL ELECTION TO DECIDE WHICH AREA OF CITY IMPACT THEY DESIRE TO RESIDE IN.

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

SECTION 1. That Section 67-6526, Idaho Code, be, and the same is hereby amended to read as follows:

67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE. (a) The governing board of each county and each city therein shall, prior to July 1, 1977, adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. By mutual agreement, this date may be extended to January 1, 1978. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted no later than July 1, 1978. This separate ordinance shall provide for one of the following:

(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or
(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or
(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, are not met, the county commissioners for the county concerned, together
with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the city shall, within sixty (60) days from receipt of the recommendation, seek a declaratory judgment from the district court adjusting the areas of city impact. The board of county commissioners shall within sixty (60) days from the date of the recommendation conduct a special election and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further proceedings shall be entertained by the board of county commissioners, and the decision shall not be appealable by either city involved. The clerk of the board of county commissioners shall by abstract of the results of the election, certify that fact, record the same and transmit copies of the original abstract of the result of the special election to the clerk of the involved cities.

(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board.
(f) This section shall not preclude growth and development in
areas of any county within the state of Idaho which are not within the
areas of city impact provided for herein.

(g) If the area of impact has been delimited pursuant to the
provisions of subsection (a) (1) of this section, persons living
within the delimited area of impact shall be entitled to
representation on the planning, zoning, or the planning and zoning
commission of the city of impact. Such representation shall as nearly
as possible reflect the proportion of population living within the
city as opposed to the population living within the areas of impact
for that city. To achieve such proportional representation,
membership of the planning, zoning or planning and zoning commission,
may exceed twelve (12) persons, notwithstanding the provisions of
subsection (a) of section 67-6504, Idaho Code. In instances where a
city has combined either or both of its planning and zoning functions
with the county, representation on the resulting joint planning,
zoning or planning and zoning commission shall as nearly as possible
reflect the proportion of population living within the impacted city,
the area of city impact outside the city, and the remaining
unincorporated area of the county. Membership on such a joint
planning, zoning or planning and zoning commission may exceed twelve
(12) persons, notwithstanding the provisions of subsection (a) of
section 67-6504, Idaho Code.

Approved March 20, 1979.

CHAPTER 88
(H.B. No. 151)

AN ACT
RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1305, IDAHO CODE,
TO PROVIDE THAT SUBDIVIDERS' FEES SHALL BE FIXED BY ORDINANCE; AND
AMENDING SECTION 50-1306, IDAHO CODE, TO ESTABLISH NEW
REQUIREMENTS FOR EXTRATERRITORIAL AUTHORITY OF CITIES.

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

SECTION 1. That Section 50-1305, Idaho Code, be, and the same is
hereby amended to read as follows:

50-1305. VERIFICATION. The county shall choose and require a
legally qualified surveyor or engineer to perform land surveying in
Idaho to sufficiently check the plat and computations thereon to
determine that the requirements herein are met, and said engineer or
surveyor shall certify such compliance on the plat. For performing such service the county shall collect from the subdivider a fee not to exceed fifty dollars ($50.00) plus one dollar ($1.00) per lot as provided by local ordinance reasonably related to the cost of providing such service.

SECTION 2. That Section 50-1306, Idaho Code, be, and the same is hereby amended to read as follows:

50-1306. PROPERTY WITHIN ONE MILE OF CITY LIMITS EXTRATERRITORIAL AUTHORITY -- PROPERTY WITHIN THE AREA OF CITY IMPACT. All plats situate within an officially designated area of city impact as provided for in section 67-6526, Idaho Code, shall be administered in accordance with the provisions set forth in the adopted city or county zoning and subdivision ordinances having jurisdiction. In the situation where no area of city impact has been officially adopted, all plats situate within one (1) mile outside the limits of any incorporated city shall first be submitted to the said city, and approved by the council of said city before the same shall be recorded. Items which may be considered by the city include, but are not limited to, continuity of street pattern, street widths, and drainage provisions. If the city has adopted a subdivision ordinance and/or a comprehensive general plan, then these documents may be used as guidelines for approving plats. Such city approval shall be in addition to county approval. Within one (1) mile of the city, a city subdivision ordinance shall prevail over a county subdivision ordinance unless the city and county mutually agree upon any differences. Where the jurisdiction of two (2) cities overlaps, then the jurisdiction shall be assumed by the larger city.

Approved March 20, 1979.
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. In any annexation of adjacent territory, the annexation shall include all portions of highways lying wholly or partially within the annexed area.

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.

Approved March 20, 1979.
CHAPTER 90
(H.B. No. 231)

AN ACT

RELATING TO PUBLICATION OF PROCEEDINGS OF COUNTIES AND CITIES;
AMENDING SECTION 31-819, IDAHO CODE, BY CLARIFYING REQUIREMENTS
FOR PUBLICATION OF PROCEEDINGS; AMENDING SECTION 50-1011, IDAHO
CODE, TO STRIKE THE REQUIREMENT THAT CITIES WITH 10,500 POPULATION
OR LESS PUBLISH A LIST OF WARRANTS ISSUED; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 31-819, Idaho Code, be, and the same is
hereby amended to read as follows:

31-819. PUBLICATION OF PROCEEDINGS. To cause to be published
monthly such statement as will clearly give notice to the public of
all its acts and proceedings, and, annually, a full statement of the
financial conditions of the county together with a statement of the
receipts of the county and source thereof; and an itemized account of
expenditures shall include a brief financial summary indicating the
total amount spent from each county fund during the month. A more
detailed report of expenditures may be published if deemed necessary
by the board. Annually, a full financial report shall be prepared and
available for public inspection which shows for each fund the sources
of income, expenditures during the year, current fund balances, and
other financial information as determined by the board. The board
shall cause to be published annually not less than the consolidated
balance sheet of said annual report. Such statements as well as all
other public notices of proceedings of, or to be had before the board,
ot otherwise specially provided for, must be published in one (1)
issue of such newspaper printed and published in the county as will be
most likely to give notice thereof; and when no newspaper is published
in the county, copies of such statement must be kept posted for at
least twenty (20) days in three (3) public places in the county, one
(1) being in a conspicuous place at the courthouse door.

SECTION 2. That Section 50-1011, Idaho Code, be, and the same is
hereby amended to read as follows:

50-1011. PUBLICATION OF FINANCIAL STATEMENTS -- NONCOMPLIANCE. It
shall be the duty of the city treasurer to cause to be published
quarterly during each fiscal year for at least one (1) insertion in
the official newspaper of the city, a full statement of each separate
account, fund or appropriation for the year to date, and balances of
the debits and credits belonging thereto, indicating salaries, capital
outlay and a percentage comparison to the original appropriation. In
addition-to-the-minimum-requirements-as-herein-provided; all cities
with ten-thousand-five-hundred-(10;500)-population-or-less-shall
publish-a-list-of-warrants-issued-and-such-other-financial-data-as
may; by ordinance; be provided. All published financial statements
shall include the following: "Citizens are invited to inspect the
detailed supporting records of the above financial statements." Such
statement shall be published within thirty (30) days from the end of
each quarter. Failure upon the part of the treasurer of any city to
comply with the requirements of this section shall be deemed a
misdemeanor.

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 20, 1979.

CHAPTER 91
(H.B. No. 41, As Amended)

AN ACT
RELATING TO THE DEFINITION OF TAXABLE INCOME FOR INCOME TAX PURPOSES;
AMENDING SECTION 63-3022, IDAHO CODE, ALLOWING TAXPAYERS TO DEDUCT
WAGES AND SALARIES FOR WHICH THE FEDERAL JOBS CREDIT HAS BEEN
CLAIMED AND, THEREFORE, WERE NOT DEDUCTIBLE ON THE FEDERAL RETURN;
DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

63-3022. TAXABLE INCOME. The term "taxable income" means "taxable
income" as defined in section 63 of the Internal Revenue Code,
adjusted as follows:
(a) Add interest and dividends received or accrued during the
taxable year from foreign securities and from securities issued by
states and other political subdivisions, other than those issued by
the state of Idaho, its cities and political subdivisions, exempt from
federal income tax under the Internal Revenue Code, less applicable
amortization.
(b) Add any state taxes, measured by net income, paid or accrued
during the taxable year adjusted for state tax refunds used in
arriving at taxable income as defined in section 63 of the Internal Revenue Code.

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

(d) Subtract any net operating loss incurred in the five (5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three (3) taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net operating losses accumulated in any taxable years commencing before January 1, 1964 shall be carried forward as provided in the beginning part of this subsection before any carryback from a succeeding taxable year shall be taken into consideration. Net operating losses incurred by a corporation during a year in which such corporation had no Idaho business situs may not be subtracted. Net operating losses incurred by a person, other than a corporation, in business activities not taxable by Idaho may not be subtracted.

(e) In the case of a corporation, add the amount deducted under the provisions of section 243(a) of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b)(1) of said code.

(f) In the case of a corporation, subtract an amount equal to eighty-five per cent (85%) of the amount received during the taxable year as dividends, as limited by the rules of section 246(b)(1) of the Internal Revenue Code, from any corporation which has shown to the satisfaction of the state tax commission that more than fifty per cent (50%) of its taxable income for the taxable year immediately preceding the declaration of such dividends was taxable by the state of Idaho under the provisions of this act.

(g) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income, as defined by section 63 of the Internal Revenue Code.

(h) In the case of a corporation with more than fifty per cent (50%) of its income taxable within this state, the salary, fee or other compensation of its nonresident officers or directors shall be treated as income from sources within the state. Whether or not any personal services have been performed by such nonresident officers or
directors in this state, they shall be deemed to have a business situs in this state. If such salary, fee or other compensation is not reported to this state as income, such corporation shall not deduct as part of its expenses for the taxable year any part of such salary, fee or other compensation in computing taxable income.

(i) For the purpose of determining the taxable income of the beneficiary of a trust or of an estate, distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

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

(k) In the case of a corporation, add any capital loss deducted which loss was incurred during any year in which such corporation had no Idaho business situs. In the case of persons, other than corporations, add any capital loss deducted which was incurred in business activities not taxable by Idaho at the time such loss was incurred. In the case of a corporation having income from Idaho sources and having elected to file federal income tax returns thereon pursuant to Subchapter-S of the Internal Revenue Code, salaries, wages, fees, and other compensation paid to nonresident shareholders, and the dividends distributed and the undistributed taxable income allocated to each nonresident shareholder, shall be treated as income from sources within the state. Whether or not any personal services have been performed in this state by such nonresident shareholders, they shall be deemed to have a business situs in this state. If such dividends, undistributed taxable income, salaries, wages, fees or other compensation are not reported to this state by the nonresident shareholders, such corporation shall report the same to this state and be taxable thereon. In computing the income taxable to the corporation under this subsection, deduction shall not be allowed for a carryover or carryback of a net operating loss provided for in subsection (d) of this section or a capital loss provided for in section 1212 of the Internal Revenue Code.

(l) In the case of natural persons, there shall be allowed as deductions from gross income either of the following at the option of the taxpayer: (1) the standard deduction as defined by section 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.

(m) Deduct any wages and salaries paid to employees qualified under the provisions of section 44B, Internal Revenue Code, for
claiming the federal jobs credit and upon which the federal jobs credit has been claimed and which were not deducted on the taxpayer's federal return.

SECTION 2. An emergency existing 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 20, 1979.
CHAPTER 92
(H.B. No. 264)

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, 1979, THROUGH JUNE 30, 1980; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. It is legislative intent that the expenditures for the Attorney General not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
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</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
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<tr>
<td>Operating Expenditures</td>
<td>General Interaccount Account</td>
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<tr>
<td>Capital Outlay</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>TOTAL</strong></td>
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<tr>
<td>$1,851,300</td>
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<td>954,500</td>
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<tr>
<td>$2,111,600</td>
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</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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION AND INVESTIGATION:</td>
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<td></td>
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<tr>
<td>FROM:</td>
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<tr>
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<td>General Interaccount Account</td>
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<td>$1,300,700</td>
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<td>C. LEGAL-CRIMINAL:</td>
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<td>FROM:</td>
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<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
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<td>-----------------------------</td>
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<td>$258,300</td>
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D. SPECIAL SERVICES LITIGATION:
FROM:
General Account

$50,000

$50,000

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 2, may be used at the discretion of the Attorney General to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Attorney General and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 20, 1979.
AN ACT
RELATING TO REGISTRATION OF FARM VEHICLES; AMENDING SECTION 49-127, IDAHO CODE, TO PROVIDE THAT AN ANNUAL REGISTRATION FEE SHALL BE PAID BY OWNERS OF FARM VEHICLES POWERED BY A MOTOR FUEL OTHER THAN GASOLINE AND NOT HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF THIRTY-EIGHT THOUSAND POUNDS AND BY OWNERS OF GASOLINE POWERED FARM VEHICLES NOT HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF FIFTY THOUSAND POUNDS AND ESTABLISHING A NEW SCHEDULE FOR SUCH REGISTRATION FEES, AND TO PROVIDE THAT OWNERS OF FARM VEHICLES POWERED BY A MOTOR FUEL OTHER THAN GASOLINE AND HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF THIRTY-EIGHT THOUSAND POUNDS AND THAT OWNERS OF GASOLINE POWERED FARM VEHICLES HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF FIFTY THOUSAND POUNDS MAY BE REQUIRED TO GIVE THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT A DEPOSIT IN THE AMOUNT EQUAL TO ESTIMATED FEES THAT WOULD BE DUE UNDER SECTION 49-127, IDAHO CODE, AND THAT SUCH OWNERS SHALL FILE A QUARTERLY REPORT; AMENDING SECTION 49-147, IDAHO CODE, TO PROVIDE THAT A PERSON CONVICTED OF A MISDEMEANOR FOR VIOLATION OF CHAPTER 1, TITLE 49, IDAHO CODE, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS OR BY IMPRISONMENT OF NOT MORE THAN SIX MONTHS OR BY BOTH; AND REPEALING SECTION 49-148, IDAHO CODE, RELATING TO A PENALTY FOR A FELONY COMMITTED WHILE VIOLATING THE PROVISIONS OF CHAPTER 1, TITLE 49, IDAHO CODE.

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

SECTION 1. That Section 49-127, Idaho Code, be, and the same is hereby amended to read as follows:

49-127. OPERATING FEES -- SCHEDULES. The registration fee for operating each motor vehicle, trailer or 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 powered by a
motor fuel other than gasoline and having a maximum gross weight not in excess of thirty-eight thousand (38,000) pounds, and on all gasoline powered farm vehicles having a maximum gross weight not in excess of fifty thousand (50,000) 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>
<tr>
<td>38,001-40,000 inc.</td>
<td>$125.00</td>
</tr>
<tr>
<td>40,001-42,000 inc.</td>
<td>$135.00</td>
</tr>
<tr>
<td>42,001-44,000 inc.</td>
<td>$145.00</td>
</tr>
<tr>
<td>44,001-46,000 inc.</td>
<td>$155.00</td>
</tr>
<tr>
<td>46,001-48,000 inc.</td>
<td>$165.00</td>
</tr>
<tr>
<td>48,001-50,000 inc.</td>
<td>$175.00</td>
</tr>
</tbody>
</table>

6. 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.

7. 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 powered by a motor fuel other than gasoline and having a maximum gross weight in excess of thirty-eight thousand (38,000) pounds, and on all gasoline powered farm vehicles having a maximum gross weight in excess of fifty thousand (50,000) 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 &quot;A&quot;</th>
<th>Mills per Mile &quot;B&quot; Fuel Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-18,000</td>
<td>5.25</td>
<td>7.70</td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>5.95</td>
<td>8.20</td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>6.65</td>
<td>8.75</td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>7.35</td>
<td>9.30</td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>8.05</td>
<td>9.85</td>
</tr>
<tr>
<td>26,001-28,000</td>
<td>8.75</td>
<td>9.90</td>
</tr>
<tr>
<td>28,001-30,000</td>
<td>9.45</td>
<td>10.85</td>
</tr>
<tr>
<td>30,001-32,000</td>
<td>10.15</td>
<td>11.35</td>
</tr>
<tr>
<td>32,001-34,000</td>
<td>10.85</td>
<td>11.90</td>
</tr>
<tr>
<td>34,001-36,000</td>
<td>11.55</td>
<td>12.40</td>
</tr>
<tr>
<td>36,001-38,000</td>
<td>12.25</td>
<td>12.90</td>
</tr>
<tr>
<td>38,001-40,000</td>
<td>13.00</td>
<td>12.95</td>
</tr>
<tr>
<td>40,001-42,000</td>
<td>14.35</td>
<td>13.00</td>
</tr>
<tr>
<td>42,001-44,000</td>
<td>15.40</td>
<td>13.00</td>
</tr>
<tr>
<td>44,001-46,000</td>
<td>16.45</td>
<td>13.55</td>
</tr>
<tr>
<td>46,001-48,000</td>
<td>17.50</td>
<td>13.70</td>
</tr>
<tr>
<td>48,001-50,000</td>
<td>18.55</td>
<td>14.25</td>
</tr>
<tr>
<td>50,001-52,000</td>
<td>19.60</td>
<td>14.70</td>
</tr>
<tr>
<td>52,001-54,000</td>
<td>20.65</td>
<td>15.20</td>
</tr>
<tr>
<td>54,001-56,000</td>
<td>21.70</td>
<td>15.65</td>
</tr>
<tr>
<td>56,001-58,000</td>
<td>22.75</td>
<td>16.20</td>
</tr>
<tr>
<td>58,001-60,000</td>
<td>23.80</td>
<td>16.70</td>
</tr>
<tr>
<td>60,001-62,000</td>
<td>24.85</td>
<td>17.20</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>25.90</td>
<td>17.90</td>
</tr>
<tr>
<td>64,001-66,000</td>
<td>26.95</td>
<td>18.45</td>
</tr>
<tr>
<td>66,001-68,000</td>
<td>28.00</td>
<td>19.00</td>
</tr>
<tr>
<td>68,001-70,000</td>
<td>29.05</td>
<td>19.55</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>30.10</td>
<td>20.05</td>
</tr>
<tr>
<td>72,001-74,000</td>
<td>31.85</td>
<td>20.60</td>
</tr>
<tr>
<td>74,001-76,000</td>
<td>33.60</td>
<td>21.30</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>35.35</td>
<td>21.80</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>37.10</td>
<td>22.30</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 fuel fee as shown in Table "B."

(3) Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (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) 7 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) 7, 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 all 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 2. That Section 49-128, Idaho Code, be, and the same is hereby amended to read as follows:

49-128. QUARTERLY REPORTS -- MAINTAINING RECORDS -- PENALTIES -- DEPOSIT ON BOND TO SECURE PAYMENT OF FEES -- APPEAL. (a) Not later than the 25th day of April, 1957, and on the same day of each third calendar month thereafter, each owner of a commercial motor vehicle, trailer or semitrailer having a maximum gross weight in excess of sixteen thousand (16,000) pounds and each owner of a noncommercial vehicle having a maximum gross weight in excess of thirty thousand (30,000) pounds and each owner of a farm vehicle powered by a motor fuel other than gasoline and having a maximum gross weight in excess of thirty-eight thousand (38,000) pounds and each owner of a gasoline powered farm vehicle having a maximum gross weight in excess of fifty thousand (50,000) pounds must file with the director of the department of law enforcement a statement of the gross miles each such motor vehicle, trailer or semitrailer has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which such vehicle was registered. Each such report shall be cumulative of all miles traveled during all calendar months in said year for which such report is made.

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

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

(d) 1. If the director finds it necessary in order to insure the collection of any fees or penalties imposed upon an owner of a commercial motor vehicle, trailer or semitrailer having a maximum gross weight in excess of sixteen thousand (16,000) pounds or, an owner of a noncommercial vehicle having a maximum gross weight in excess of thirty thousand (30,000) pounds pursuant to this chapter, or an owner of a farm vehicle powered by a motor fuel other than gasoline and having a maximum gross weight in excess of thirty-eight thousand (38,000) pounds, or an owner of a gasoline powered farm vehicle having a maximum gross weight in excess of fifty thousand (50,000) pounds he may at the time and as a condition of granting a registration or as a condition of continuing a registration require an owner to deposit and keep on deposit with the director a sum equal to the estimated fees computed under subsection (d)6, of section 49-127, Idaho Code, for a period of not to exceed three (3) months. In determining the necessity for an applicant or owner to maintain a deposit the director shall consider the applicant or owner's financial capability and responsibility and the director's prior experience, if any, in collecting fees or penalties from the applicant, owner or any person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the registration.

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

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

4. Any applicant or owner required under this section to make a deposit to secure the payment of fees or penalties may by proper petition demand a hearing on the necessity of such deposit or the reasonableness of the amount required. A hearing shall be granted and held within ten (10) days after the demand therefor. The decision of the director shall become final ten (10) days after service of the order upon the applicant or owner concerned. Notice shall be served personally or by certified mail addressed to the applicant or owner at his address as it appears in the records of the director. An appeal may be taken from any decision of the department as from the decision of a justice of the peace to the district court.
SECTION 3. That Section 49-147, Idaho Code, be, and the same is hereby amended to read as follows:

49-147. PENALTY FOR MISDEMEANOR. a. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony. 

b. Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this chapter shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

SECTION 4. That Section 49-148, Idaho Code, be, and the same is hereby repealed.

Approved March 20, 1979.

CHAPTER 94
(H.B. No. 130)

AN ACT
RELATING TO CERTAIN APPLICATIONS ON WINDSHIELDS, CERTAIN WINDOWS OR HEADLAMPS OF MOTOR VEHICLES; AMENDING SECTION 49-837A, IDAHO CODE, TO CLARIFY THAT THE PROHIBITION IMPOSED BY THIS SECTION ALSO APPLIES TO PASSENGER CARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-837A, Idaho Code, be, and the same is hereby amended 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 passenger car, 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 this section 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.

SECTION 2. An emergency existing therefor, 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 20, 1979.
AN ACT
RELATING TO THE REVOCATION OF FISH AND GAME LICENSES; AMENDING SECTION 36-1402, IDAHO CODE, BY PROVIDING THAT THE MAGISTRATE TRYING THE CASE SHALL REVOKE HUNTING AND/OR FISHING PRIVILEGES FOR CERTAIN VIOLATIONS OF FISH AND GAME LAWS, AND PROVIDING A PENALTY FOR HUNTING OR FISHING WHILE PRIVILEGES ARE REVOKED.

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

SECTION 1. 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 MONEYS. (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. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting and/or fishing privileges for a period of not less than one (1) year from the date of such conviction, of any person who is convicted of any of the following offenses:

1. Taking upland game birds, migratory waterfowl, salmon, steelhead, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section 36-902(a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or permit as set forth in section 36-405(c), Idaho Code.

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.

It shall be a misdemeanor for any person to hunt or fish during
the period of time for which such privilege is revoked by order of any court of this state. Any person convicted thereof shall be fined in an amount of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) or by commitment to jail for not more than six (6) months or by both such fine and commitment. Provided further, that the period of revocation of such privileges shall be extended an additional amount of time equal to the original revocation.

For the purpose of this section, the term "conviction" shall mean a final conviction.

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

Approved March 20, 1979.

CHAPTER 96
(H.B. No. 203)

AN ACT
RELATING TO INSPECTION OF FISH AND GAME LICENSES; AMENDING SECTION 36-1201, IDAHO CODE, BY PROVIDING THAT LICENSES MUST BE IN POSSESSION AND DISPLAYED UPON DEMAND, AND PROVIDING THAT NO CONVICTION MAY BE HAD IF A THEN VALID LICENSE IS PRODUCED IN COURT.

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

SECTION 1. That Section 36-1201, Idaho Code, be, and the same is hereby amended to read as follows:

36-1201. PRODUCTION OF LICENSE--OR WILDLIFE FOR INSPECTION -- STOP AT CHECKING STATIONS -- LICENSE MUST BE ON PERSON. It is a misdemeanor for any fisherman, hunter or trapper to refuse or fail to:

(a) Inspection of license--and Wildlife. Upon request of the director, produce for inspection any wildlife in his possession or--any license;--tag-or-permit-as-may-be-required-pursuant-to--the--provisions of this title.

(b) Check Stations. Stop and report at a wildlife check station encountered on his route of travel when directed to do so by personnel on duty. Such direction may be accomplished by signs prominently displayed along the route of travel indicating those persons required to stop.

(c) License to be Carried and Exhibited on Request. Have the
proper required license on his person at all times when hunting, fishing or trapping and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. However, no person charged with violating this subsection shall be convicted if he produces in court a license, theretofore issued to him and valid at the time of his arrest.

Approved March 20, 1979.

CHAPTER 97
(H.B. No. 22, As Amended in the Senate)

AN ACT
RELATING TO THE HOSPITAL MEDICAL LIABILITY ACT; AMENDING SECTION 14, CHAPTER 162, LAWS OF 1975, AS AMENDED BY SECTION 1, CHAPTER 200, LAWS OF 1977, BY AMENDING THE AUTOMATIC REPEALING PROVISION TO REPEAL THE ACT ON AND AFTER JUNE 1, 1981; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14, Chapter 162, Laws of 1975, as amended by Section 1, Chapter 200, Laws of 1977, be, and the same is hereby amended to read as follows:

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 1975, and is hereby repealed on and after June 1, 1979 1981.

SECTION 2. An emergency existing therefor, 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 20, 1979.

CHAPTER 98
(H.B. No. 23, As Amended in the Senate)

AN ACT
RELATING TO MEDICAL MALPRACTICE INSURANCE; AMENDING SECTION 41-4101,
IDAHO CODE, BY REQUIRING CERTAIN LIABILITY INSURANCE CARRIERS TO WRITE MEDICAL MALPRACTICE INSURANCE FOR A PERIOD NOT TO EXTEND PAST JANUARY 1, 1982; AMENDING SECTION 41-4103, IDAHO CODE, TO PROVIDE THAT THE TEMPORARY JOINT UNDERWRITING ASSOCIATION SHALL TERMINATE ON JANUARY 1, 1982; AND AMENDING SECTION 41-4105, IDAHO CODE, TO PROVIDE AUTOMATIC TERMINATION OF CERTAIN INSURANCE POLICIES ON JANUARY 1, 1982.

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

SECTION 1. That Section 41-4101, Idaho Code, be, and the same is hereby amended to read as follows:

41-4101. DECLARATION OF PURPOSE. The legislature finds that an emergency exists because of the high cost and impending unavailability of medical malpractice insurance as defined herein. The purpose of this act is to assure that the public is adequately protected against losses arising out of medical malpractice by providing licensed physicians, hospitals and other health care providers with medical malpractice insurance by requiring certain liability insurance carriers to write medical malpractice insurance for a period not to extend past 12:01 a.m. on January 1, 1982, should the director of insurance find after holding a hearing that such insurance is not available in the voluntary market on a reasonably competitive basis; and to establish an association to equitably spread the risks for such insurance; and to provide for recoupment of losses resulting from the operation of the association through a stabilization reserve fund contributed to by insureds, and a favorable premium tax treatment.

It is the intent of the legislature to provide an interim solution to the high cost and impending unavailability of medical malpractice insurance. It is not anticipated that this legislation will resolve the underlying causes of the unavailability and high cost which extend beyond the insurance mechanism. It is anticipated that future legislation will be devised to deal on a more permanent basis with the underlying causes of the current emergency.

SECTION 2. That Section 41-4103, Idaho Code, be, and the same is hereby amended to read as follows:

41-4103. TEMPORARY JOINT UNDERWRITING ASSOCIATION. 1. A temporary Joint Underwriting Association is hereby created, consisting of all insurers authorized to write and engaged in writing, within this state, on a direct basis, liability insurance as defined in section 41-506(1)(c), Idaho Code, including insurers covering such perils in
multiple peril package policies. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance in this state.

2. The purpose of the association shall be to provide, for a period not to extend beyond 12:01 a.m., January 1, 1980, a market for medical malpractice insurance on a self-supporting basis without subsidy from its members, pending the enactment of appropriate remedial legislation.

3. The association shall not commence underwriting operations for physicians until the director, after due hearing and investigation, has determined that medical malpractice insurance is not available under the standards contained in section 41-1405, Idaho Code, for physicians in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be the exclusive agency through which medical malpractice insurance may be written in this state on a primary basis for physicians.

The association shall not commence underwriting operations for hospitals until the director, after due hearing and investigation, has determined that medical malpractice insurance is not readily available under the standards contained in section 41-1405, Idaho Code, for hospitals in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be authorized to issue policies of medical malpractice insurance to hospitals but need not be the exclusive agency through which such insurance may be written on a primary basis in this state.

The association shall not commence underwriting operations for other licensed health care providers until the director, after due hearing and investigation, has determined that medical malpractice insurance cannot be made available under standards contained in section 41-1405, Idaho Code, for a specific type of licensed health care provider in the voluntary market on a reasonably competitive basis. Upon such determination the association shall be the exclusive agency through which medical malpractice insurance may be written in this state on a primary basis for such specific type of health care provider.

If the director determines at any time that medical malpractice insurance can be made available in the voluntary market for either (i) physicians, (ii) hospitals, or (iii) any specific type of other licensed health care provider, the association shall thereby cease its underwriting operations for such medical malpractice insurance which he has determined can be made available in the voluntary market.

4. The association shall, pursuant to the provisions of this act and the plan of operation with respect to medical malpractice insurance, have the power on behalf of its members: (a) to issue, or to cause to be issued, policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation but not to exceed one million dollars ($1,000,000) for each
claimant under one (1) policy and three million dollars ($3,000,000) for all claimants under one (1) policy in any one (1) year; (b) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions; (c) to assume reinsurance from its members; and (d) to cede reinsurance.

SECTION 3. That Section 41-4105, Idaho Code, be, and the same is hereby amended to read as follows:

41-4105. POLICY FORMS AND RATES. 1. All policies issued by the association shall provide for a continuous period of coverage beginning with their respective effective dates and terminating automatically at 12:01 a.m. on January 1, 1979 1982, unless sooner terminated in accordance with the provisions of this act. All such policies shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by this act. No policy form shall be used by the association unless it has been filed with the director and either (a) he has approved it or (b) thirty (30) days have elapsed and he has not disapproved it as misleading or violative of public policy.

2. The association may cancel any of its policies in the event of nonpayment of any stabilization reserve fund charge by mailing or delivering to the insured at the address shown on the policy, written notice stating when, not less than ten (10) days thereafter, cancellation shall be effective.

3. The rates, rating plans, rating rules, rating classifications, and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to chapter 14, title 41, Idaho Code. All rates shall be on an actuarially sound basis, giving due consideration to the group retrospective rating plan and the stabilization reserve fund, and shall be calculated to be self-supporting. The director shall take all appropriate steps to make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

4. All policies issued by the association shall be subject to a nonprofit group retrospective rating plan to be approved by the director under which the final premium for all policy holders of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policy holders shall be given full credit for all investment income, net expenses and a reasonable management fee, on policy holder supplied funds. The standard premium (before retrospective adjustment) for each policy issued by the association shall be established for portions of the policy period coinciding with the association's fiscal year on the basis of the association's rates, rating plans, rating rules, rating
classification and territories then in effect. The maximum final premium for all policy holders of the association, as a group, shall be limited as provided in subsection 5 of section 41-4106, Idaho Code. Since the business of the association is subject to the nonprofit group retrospective rating plan required by this subdivision, there shall be a strong presumption that the rates filed and premiums for the business of the association are not unreasonable or excessive.

5. The director shall examine the business of the association as often as he deems appropriate to make certain that the group retrospective rating plan is being operated in a manner consistent with this section. If he finds that it is not being so operated, he shall issue an order to the association, specifying in what respects its operation is deficient and stating what corrective action shall be taken.

6. The association shall certify to the director the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum final premium for all policy holders of the association. Within sixty (60) days after such certification the director shall authorize the members of the association to commence recoupment of their respective shares of the deficit by deducting their share of the deficit from future premium taxes due the state of Idaho. The association shall amend the amount of its certification of deficit to the director as the values of its incurred losses become finalized and the members of the association shall amend their recoupment procedure accordingly.

7. In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in subsection 6 of this section, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in section 41-4108, Idaho Code. Any such contribution shall be reimbursed to the members by recoupment as provided in subsection 6 of this section.

Approved March 20, 1979.

CHAPTER 99
(S.B. No. 1184)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE STATE TREASURER TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; 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, 1979, through June 30, 1980:

A. TREASURY:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$274,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>76,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$352,000</strong></td>
</tr>
</tbody>
</table>

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 certificate of the State Treasurer and shall be exempted from the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 20, 1979.

CHAPTER 100
(S.B. No. 1109)

AN ACT
RELATING TO COTTAGE SITE LEASES: AMENDING SECTION 39-3609, IDAHO CODE, REQUIRING COTTAGE SITE LESSEES TO CONNECT TO DISTRICT SEWER SYSTEMS AND TO PAY CHARGES AND SPECIAL BENEFITS PAYMENTS IN LIEU OF TAX PAYMENTS, PROVIDING NOTIFICATION AND VALUATION PROCEDURES AND METHOD OF SATISFACTION OF REQUIREMENTS OF COTTAGE SITE LEASES AND LIMITING THE STATE'S OBLIGATIONS; AMENDING SECTION 39-3610, IDAHO CODE, PROVIDING PROCEDURES FOR FORFEITURE OF COTTAGE SITE LEASES; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-141A, IDAHO CODE, PROVIDING FOR A REVOLVING FUND AND APPROPRIATIONS OF AMOUNTS FOR WATER AND SEWER DISTRICTS ARISING FROM THE FORFEITURE OF COTTAGE SITE LEASES; AMENDING CHAPTER 3, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-304A, IDAHO CODE, PROVIDING FOR COLLECTION AND DISPOSITION OF
UNPAID FEES, CHARGES AND PAYMENTS OWED BY COTTAGE SITE LESSEES WHOSE LEASES ARE FORFEITED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-3609, Idaho Code, be, and the same is hereby amended to read as follows:

39-3609. COTTAGE SITE LEASES -- REQUIREMENTS -- CONSTRUCTION OF SEWAGE DISPOSAL FACILITIES -- CONNECTION TO WATER AND SEWER DISTRICT SYSTEMS -- PAYMENT OF CHARGES -- NOTIFICATION OF DEFAULTS -- SATISFACTION OF REQUIREMENTS. (1) After the effective date of this act all cottage site leases authorized by the state of Idaho shall require that each lessee must construct, at his cost and expense, sewage disposal facilities, certified by the director of the department of health and welfare as adequate, as follows:

(a) For all new cottage or house construction completed after July 1, 1971 on any cottage site the certificate shall be issued prior to occupancy.

(b) Those cottages or houses existing on the cottage sites prior to the effective date of this act shall meet those standards required by the director of the department of health and welfare for certification within two years of the effective date of this act, unless a public or private sewage collection or disposal system is being planned or constructed in which case the director of the department of health and welfare may grant extensions on a year by year basis but not exceed three such extensions for any one cottage site.

(c) Isolated dwellings on sites situated on mining, grazing or other similar types of state land board leases shall not be affected unless within two hundred (200) yards of any flowing stream or a lake.

(2) Wherever any cottage site is located within the boundaries of a district organized for water or sewer purposes, or a combination thereof, pursuant to the provisions of chapter 32, title 42, Idaho Code, as amended, the cottage site lessee shall connect his property to the sewer system of the district within sixty (60) days after written notice from the district so to do, provided, however, no cottage site lessee shall be compelled to connect his property with such sewer system unless a service line is brought by the district to a point within two hundred (200) feet of his dwelling place. All cottage site leases hereafter issued shall require, as a condition of acceptance thereof by the lessee, that the lessee will connect his property to a district sewer system as required in this subsection (2). With respect to all cottage site leases issued subsequent to July 1, 1970, filing with the department issuing the lease of evidence of connection to the district sewer system as contemplated in this subsection (2) shall be conclusive evidence of compliance by the
cottage site lessee with the requirements of subsection (1) of this section and of the provisions of the cottage site lease to provide sewage disposal facilities at the expense of the cottage site lessee. Each cottage site lessee whose cottage site is subject to connection to a district sewer system as required in this subsection (2) shall pay to the district to which the cottage site is required to be connected, in a timely manner and and when due, all connection fees and charges, all monthly rates, tolls and charges, as provided by chapter 32, title 42, Idaho Code, as amended, and all special benefits payments in lieu of tax payments provided for in subsection (3) of this section.

(3) Notwithstanding that title to a cottage site remains in the state of Idaho, each cottage site lessee shall pay to any district operating a sewer system to which the cottage site is connected as provided in subsection (2) of this section, each year in the same manner and at the same time as county taxes are paid and collected a sum of money in lieu of taxes equal to the sum which would have been paid had the cottage site been held in private ownership, hereinafter called special benefits payments. The special benefits payments shall be computed by applying the millage levy of the district to the cottage site in the ordinary course to the assessed valuation of the property as determined by the county assessor of the county in which the cottage site is located. No special benefits payments shall be imposed prior to January 1, 1980. The cottage site lessee shall have such rights of protest, hearings and appeals with respect to the valuation of the cottage site for purposes of determining the special benefits payments as if such cottage site were held in private ownership.

It shall be the duty of the county assessor to establish the value of each cottage site as compared to like property upon the request, in writing, of the district.

(4) Each water and sewer district shall immediately notify the department issuing a cottage site lease of the failure of any cottage site lessee to connect to the district sewer system, or to pay any connection fee or charge, monthly rate, toll or charge, or any special benefits payments, all as required or provided for in subsection (3) of this section. Any such notification shall set forth the amount of any such fees, charges or payments which are delinquent.

(5) Approval, pursuant to the provisions of section 39-118, Idaho Code, by the department of health and welfare of the plans and specifications of a sewer system to be constructed, acquired, improved or extended by a water and sewer district shall, as to all cottage sites connected to the district sewer system, satisfy the requirements of section 39-3611, Idaho Code.

(6) The state of Idaho, its boards, agencies or departments, shall not be liable, directly or indirectly, for any connection fees and charges, monthly rates, tolls and charges, or special benefits payments charged to cottage site lessees beyond those fees or payments
collected from new lessees pursuant to section 58-304A, Idaho Code, and placed in the revolving fund created by section 58-141A, Idaho Code.

SECTION 2. That Section 39-3610, Idaho Code, be, and the same is hereby amended to read as follows:

39-3610. FAILURE TO PROVIDE SEWAGE DISPOSAL -- PENALTIES. Failure to provide certified sewage disposal as provided in this act section 39-3609(1) or failure to connect to a district sewer system or to pay, when due, any connection fee or charge, any monthly rate, toll or charge, or any special benefits payment, all as required and provided for in subsections (2) and (3) of section 39-3609, Idaho Code, shall result in the following:

(a) Forfeiture of lease to the state of Idaho after notice and hearing reasonable notice and hearing, as shall be prescribed in rules and regulations to be adopted by the department issuing the lease pursuant to the applicable provisions of chapter 52, title 67, Idaho Code, as now or hereafter in force.

(b) Loss of sewage treatment facility credit on any transfer of lease or new lease of such site after notice and hearing before the department issuing such lease.

The department issuing any cottage site lease, upon its own motion or upon receiving notice from a water and sewer district pursuant to the provisions of section 39-3609(4), Idaho Code, of the failure of a cottage site lessee to connect to a district sewer system or to pay any connection fee or charge, any monthly rate, toll or charge, or any special benefits payments, when due, is authorized to invoke either or both remedies at its discretion or may take such other action allowed by law to enforce the provisions of the lease and the requirements of section 39-3609, Idaho Code, that each cottage site lessee connect to a district sewer system and pay all fees, charges and payments when due.

SECTION 3. That Chapter 1, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-141A, Idaho Code, and to read as follows:

58-141A. REVOLVING FUND FOR WATER AND SEWER DISTRICT -- APPROPRIATION. All moneys received by the state of Idaho pursuant to the provisions of section 58-304A, Idaho Code, representing reimbursement of unpaid connection fees or charges, monthly rates, tolls or charges, or special benefits payments due water and sewer districts by cottage site lessees pursuant to the provisions of section 39-3609, Idaho Code, shall constitute a revolving fund, which fund is hereby created. All moneys in the fund are hereby appropriated continually to the state board of land commissioners to be used for
the reimbursement of water and sewer districts of amounts of unpaid connection fees or charges, monthly rates, tolls or charges, and special benefits payments attributable to cottage site leases which were forfeited as provided in section 39-3610, Idaho Code.

SECTION 4. That Chapter 3, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-304A, Idaho Code, and to read as follows:

58-304A. FORFEITURE OF COTTAGE SITE LEASES -- NEW LEASES -- COLLECTIONS -- DISPOSITION. Upon forfeiture of a cottage site lease as provided in section 39-3610, Idaho Code, as amended, the department issuing the cottage site lease shall, as a condition of any new lease of such cottage site, collect from the new lessee an amount equal to all unpaid connection fees or charges, monthly rates, tolls or charges, and special benefits payments, as certified by the district to the department as unpaid by the cottage site lessee whose cottage site lease was forfeited. Any amounts so collected shall be immediately transmitted by the department collecting the same to the state treasurer to be placed in the revolving fund for water and sewer districts established in section 58-141A, Idaho Code, taking his receipt therefor in duplicate, filing one (1) with the state auditor and the other receipt in the office of the department.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 20, 1979.

CHAPTER 101
(S.B. No. 1045)

AN ACT RELATING TO AUDITORIUM DISTRICT HOTEL/MOTEL ROOM SALES TAX; AMENDING SECTION 67-4917C, IDAHO CODE, TO PERMIT DISTRICTS EITHER TO CONTRACT WITH THE STATE TAX COMMISSION FOR THE COLLECTION AND ADMINISTRATION OF THE TAX OR TO ADMINISTER AND COLLECT THE TAX THEMSELVES.

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

SECTION 1. That Section 67-4917C, Idaho Code, be, and the same is
hereby amended 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. A district which has levied a sales tax pursuant to section 67-4917B, Idaho Code, may contract with the state tax commission for the collection and administration of the tax 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 percent (1%) of the amount of the tax revenues collected for such monthly period for the commission's actual cost for the collection and administration of the tax. 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. Alternatively, such district shall have authority to enforce the collection of administer and collect such tax.

Approved March 20, 1979.

CHAPTER 102
(S.B. No. 1009)

AN ACT
RELATING TO LICENSING TO PRACTICE SOCIAL WORK; AMENDING SECTION 54-3209, IDAHO CODE, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 67-2614, IDAHO CODE.

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

SECTION 1. That Section 54-3209, Idaho Code, be, and the same is hereby amended to read as follows:

54-3209. FEES -- LICENSING -- DURATION OF LICENSES. Each person licensed to practice social work shall pay to the treasurer of the
state of Idaho a license fee, not to exceed fifty dollars ($50.00) as determined by the board, on July 1 of each year for the following fiscal year. Licenses shall expire on the last day of the month of June following their issuance and shall become invalid after that date. Renewal may be affected at any time during the fiscal year by the payment of the fee for the balance of the fiscal year affected in accordance with the requirements of section 67-2614, Idaho Code.

Approved March 20, 1979.

CHAPTER 103
(S.B. No. 1079)

AN ACT RELATING TO CROSS-COUNTRY SKIING; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW CHAPTER 31, TITLE 49, IDAHO CODE, STATING THE PURPOSE; PROVIDING A SHORT TITLE; PROVIDING DEFINITIONS; PROVIDING FOR PARKING PERMITS, FEES, FINES, PERMITS FOR SNOWMOBILE OWNERS, AND EXEMPTIONS; PROVIDING FOR PRINTING, DISTRIBUTION AND SALE OF PERMITS; CREATING A CROSS-COUNTRY SKIING RECREATION ACCOUNT; PROVIDING FOR DISTRIBUTION OF FEES; CREATING CROSS-COUNTRY SKIING ADVISORY COMMITTEES; AND PROVIDING FOR RULES AND REGULATIONS.

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

SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 31, Title 49, Idaho Code, and to read as follows:

CHAPTER 31
CROSS-COUNTRY SKIING

49-3101. PURPOSE. The purpose of this chapter is to establish a procedure under which cross-country skiers may participate, along with snowmobilers and others, in the establishment and maintenance of winter recreational parking locations on public and private property as described in section 49-2608, Idaho Code, and to provide a parking permit system to defray the cost of this maintenance and the establishment and maintenance of sanitation facilities, trail marking and other facilities designed to promote the health and safety of persons engaged in cross-country skiing and other winter recreational sports.
49-3102. SHORT TITLE. This act shall be known and may be cited as the "Cross-Country Skiing Act of 1979."

49-3103. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Winter recreational parking locations" mean designated parking areas established and maintained with funds acquired from the cross-country skiing account.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Department" means the department of parks and recreation of the state of Idaho.

(4) "Committees" mean the cross-country skiing advisory committees appointed in conformity with this act.

(5) "Authorized vendor" means a retail commercial enterprise, authorized by the department of law enforcement to sell the parking permits established by this chapter.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

49-3104. PARKING PERMIT -- FEE -- FINES -- PERMITS FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays a parking permit. The permit shall be permanently affixed on the side window of the vehicle nearest the driver's seat in such a manner that it is completely visible and shall be kept in a legible condition at all times.

(2) A fee of five dollars ($5.00) shall be charged for each permit.

(3) Any violation of the provisions of this section shall be a misdemeanor and be subject to a fine of ten dollars ($10.00).

(4) All snowmobile owners shall, concurrently with the receipt of a certificate of number as provided in section 49-2605, Idaho Code, receive from the department of law enforcement a parking permit as established by this chapter at no cost. Snowmobile owners holding unexpired certificates of number issued prior to the date on which permits become available may obtain a permit at no cost upon presentation of the certificate to the department of law enforcement; provided, however, that the department of law enforcement shall require the presentation of suitable identification to verify that the certificate was issued to the person requesting the permit.

(5) No parking permit shall be required under the provisions of this chapter for:

(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof; or
(b) A vehicle owned and operated by this state or by any county, city or political subdivision thereof.

49-3105. PRINTING, DISTRIBUTION AND SALE OF PERMITS. (1) The department of law enforcement shall print the permits required by this chapter and shall supervise the sale of the permits throughout the state.

(2) The department of law enforcement shall distribute and sell the permits directly or may authorize vendors thereof under agreement with and according to rules and regulations of the department. The authorized vendors shall be bonded in accordance with such rules and regulations and will receive a stipulated commission for each permit sold. The department of law enforcement may, with the advice and assistance of the county cross-country skiing advisory committee, appointed as hereinafter set forth in section 49-3108, Idaho Code, solicit the participation of qualified retail commercial enterprises engaged in the sale or rental of cross-country skiing equipment to act as authorized vendors of the permits.

49-3106. CROSS-COUNTRY SKIING RECREATION ACCOUNT. There is hereby created and established in the state treasury an account to be known as the "cross-country skiing recreation account," into which the money specified in section 49-3107, Idaho Code, shall be deposited. The board is charged with the administration of the account for the purposes specified in subsection (3) of section 49-3107, Idaho Code. All claims against the account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state, except that the board is hereby empowered to enter into agreements with the counties for the disbursement of funds to them on a project by project basis.

49-3107. DISTRIBUTION OF FEES. The moneys collected by or for the board on the sale of each permit shall be allocated as follows:

(1) The authorized vendor shall be entitled to receive a commission of twenty-five cents ($0.25) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Seventy-five cents ($0.75) shall be allotted to the department of law enforcement for the production of the permits and necessary administration expenses incurred by that department in carrying out the provisions of subsection (4) of section 49-3104, Idaho Code, which moneys shall be placed in the motor vehicle account.

(3) The balance shall be transmitted to the state treasurer for deposit to the credit of the cross-country skiing recreation account to be appropriated first for the reimbursement for costs incurred in the removal of snow from winter recreation parking locations. Any remaining monies may be appropriated to provide grants to public or nonprofit entities for the acquisition, lease, development and maintenance of sanitation facilities, trail marking and other
facilities designed to promote the health and safety of persons engaged in cross-country skiing.

49-3108. CROSS-COUNTRY SKIING ADVISORY COMMITTEES. (1) In counties where cross-country skiing activities result in additional demands for roadside parking, the boards of county commissioners may appoint committees of at least three (3) persons to serve in an advisory capacity to the commissioners on matters relating to the establishment and maintenance of winter recreational parking facilities. The persons selected should be active cross-country skiers representing cross-country ski clubs or organizations, merchants engaged in the sale or rental of cross-country skiing equipment, cross-country skiing instructors, or members of the general public actively engaged in the sport. Where park and recreational committees already exist they may be used in lieu of the appointment of new committees if each group includes at least one (1) cross-country skier.

(2) Each county advisory committee shall hold a minimum of two (2) meetings during the cross-country skiing season, one (1) to be held prior to November 15 of each year and one (1) to be held prior to January 15 of the following year. All meetings of the committee shall be open to the public.

(3) Members of the advisory committees shall receive no compensation or expenses for their services.

49-3109. RULES AND REGULATIONS. The board is authorized to establish rules and regulations concerning the administration of this chapter in accordance with the provisions of chapter 52, title 67, Idaho Code.

Approved March 20, 1979.
SECTION 1. That Section 67-5218, Idaho Code, be, and the same is hereby amended to read as follows:

67-5218. COMMITTEE ACTION. By the forty-fifth day of any regular session, the standing committee to which rules have been referred shall report to the membership of the body its findings and recommendations concerning its review of the rules. The report of the committee shall be printed in the journal. If the committee does not report by the forty-fifth day, such failure to report shall constitute legislative approval of the rules as submitted. If the committee to which any rule shall have been referred, or any member of the legislature, shall be of the opinion that such rule is violative of the legislative intent of the statute under which such rule was made, a concurrent resolution may be adopted rejecting, amending or modifying the same. Where an agency submits a rule or part of a rule which has repealed or amended an already existing rule, the rejection of the new rule by the legislature shall prevent the agency's intended repeal or amendment from remaining in effect beyond the date of the legislative action. The prior agency rule or part of the rule which was the subject of the repeal or amendment shall be reinstated, provided that no prior legislative action has been taken to reject the prior rule or part of a rule, and must only be republished in accordance with section 67-5205, Idaho Code, to remain valid and in force for want of an effective repeal or amendment thereof. Every rule promulgated within the authority conferred by law, and in accordance with the provisions of chapter 52, title 67, Idaho Code, shall be in full force and effect until the same is rejected, amended or modified by the legislature.

Approved March 20, 1979.

CHAPTER 105
(S.B. No. 1069)

AN ACT
RELATING TO GENERAL BUSINESS CORPORATIONS; REPEALING CHAPTERS 1, 3, AND 5, TITLE 30, AND SECTION 30-902, IDAHO CODE; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 1, TITLE 30, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE PURPOSES OF THE CHAPTER, TO PROVIDE FOR GENERAL POWERS OF CORPORATIONS, TO PROVIDE FOR INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, TO PROVIDE FOR THE RIGHT OF A CORPORATION TO ACQUIRE AND DISPOSE OF ITS OWN SHARES, TO PROVIDE
FOR THE DEFENSE OF ULTRA VIRES, TO PROVIDE FOR A CORPORATE NAME,
TO PROVIDE FOR A RESERVED NAME, TO PROVIDE FOR A REGISTERED NAME,
TO PROVIDE FOR RENEWAL OF A REGISTERED NAME, TO PROVIDE FOR A REGISTERED OFFICE AND A REGISTERED AGENT, TO PROVIDE FOR A CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT, TO PROVIDE FOR SERVICE OF PROCESS ON A CORPORATION, TO PROVIDE FOR AUTHORIZED SHARES, TO PROVIDE FOR ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES, TO PROVIDE FOR SUBSCRIPTIONS FOR SHARES, TO PROVIDE FOR CONSIDERATION FOR SHARES, TO PROVIDE FOR PAYMENT FOR SHARES, TO PROVIDE FOR ASSESSMENT AND SALE OF SHARES, TO PROVIDE FOR STOCK RIGHTS AND OPTIONS, TO PROVIDE FOR DETERMINATION OF AMOUNT OF STATED CAPITAL, TO PROVIDE FOR THE EXPENSES OF ORGANIZATION, REORGANIZATION AND FINANCING, TO PROVIDE FOR CERTIFICATES REPRESENTING SHARES, TO PROVIDE FOR A RESTRICTION ON TRANSFER OF SHARES, TO PROVIDE FOR FRACTIONAL SHARES, TO PROVIDE FOR LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS, TO PROVIDE FOR SHAREHOLDERS' PREEMPTIVE RIGHTS, TO PROVIDE FOR BYLAWS, TO PROVIDE FOR MEETINGS OF SHAREHOLDERS, TO PROVIDE FOR NOTICE OF SHAREHOLDERS' MEETINGS, TO PROVIDE FOR CLOSING OF TRANSFER BOOKS AND FOR FIXING A RECORD DATE, TO PROVIDE FOR A VOTING RECORD, TO PROVIDE FOR QUORUM AND VOTING REQUIREMENTS FOR SHAREHOLDERS' MEETINGS, TO PROVIDE FOR VOTING OF SHARES AND PROXIES, TO PROVIDE FOR VOTING TRUSTS AND AGREEMENTS AMONG SHAREHOLDERS, TO PROVIDE FOR A BOARD OF DIRECTORS, TO PROVIDE FOR THE NUMBER AND ELECTION OF DIRECTORS, TO PROVIDE THAT CLASSIFICATION OF DIRECTORS IS NOT ALLOWED, TO PROVIDE FOR FILLING VACANCIES, TO PROVIDE FOR THE REMOVAL OF DIRECTORS, TO PROVIDE FOR QUORUM AND VOTING REQUIREMENTS FOR DIRECTORS' MEETINGS, TO PROVIDE FOR DIRECTOR CONFLICTS OF INTEREST, TO PROVIDE FOR AN EXECUTIVE COMMITTEE AND OTHER COMMITTEES, TO PROVIDE FOR THE PLACE AND NOTICE OF DIRECTORS' MEETINGS AND OTHER COMMITTEE MEETINGS, TO PROVIDE FOR ACTION BY THE DIRECTORS WITHOUT A MEETING, TO PROVIDE FOR DIVIDENDS, TO PROVIDE FOR DISTRIBUTIONS FROM CAPITAL SURPLUS, TO PROVIDE FOR LOANS TO EMPLOYEES AND DIRECTORS, TO PROVIDE FOR LIABILITY OF DIRECTORS IN CERTAIN CASES, TO PROVIDE FOR PROVISIONS RELATING TO ACTIONS BY SHAREHOLDERS, TO PROVIDE FOR OFFICERS, TO PROVIDE FOR REMOVAL OF OFFICERS, TO PROVIDE FOR BOOKS AND RECORDS, TO PROVIDE FOR INCORPORATORS, TO PROVIDE FOR ARTICLES OF INCORPORATION, TO PROVIDE FOR FILING OF ARTICLES OF INCORPORATION, TO PROVIDE FOR THE EFFECT OF ISSUANCE OF THE CERTIFICATE OF INCORPORATION, TO PROVIDE FOR AN ORGANIZATION MEETING OF DIRECTORS, TO PROVIDE FOR THE RIGHT TO AMEND ARTICLES OF INCORPORATION, TO PROVIDE FOR A PROCEDURE TO AMEND ARTICLES OF INCORPORATION, TO PROVIDE FOR CLASS VOTING ON AMENDMENTS, TO PROVIDE FOR ARTICLES OF AMENDMENT, TO PROVIDE FOR THE EFFECT OF THE CERTIFICATE OF AMENDMENT, TO PROVIDE FOR RESTATED ARTICLES OF INCORPORATION, TO PROVIDE FOR AMENDMENT OF ARTICLES OF INCORPORATION IN REORGANIZATION PROCEEDINGS, TO PROVIDE A RESTRICTION ON REDEMPTION OR REPURCHASE OF REDEEMABLE
SHARES, TO PROVIDE FOR CANCELLATION OF REDEEMABLE SHARES BY REDEMPTION OR PURCHASE, TO PROVIDE FOR CANCELLATION OF OTHER REACQUIRED SHARES, TO PROVIDE FOR REDUCTION OF STATED CAPITAL IN CERTAIN CASES, TO PROVIDE SPECIAL PROVISIONS RELATING TO SURPLUS AND RESERVES, TO PROVIDE A PROCEDURE FOR MERGER, TO PROVIDE A PROCEDURE FOR CONSOLIDATION, TO PROVIDE A PROCEDURE FOR SHARE EXCHANGE, TO PROVIDE FOR APPROVAL BY SHAREHOLDERS, TO PROVIDE FOR ARTICLES OF MERGER, CONSOLIDATION OR EXCHANGE, TO PROVIDE FOR THE MERGER OF A SUBSIDIARY CORPORATION, TO PROVIDE FOR THE EFFECT OF A MERGER, CONSOLIDATION OR EXCHANGE, TO PROVIDE FOR THE MERGER, CONSOLIDATION OR EXCHANGE OF SHARES BETWEEN DOMESTIC AND FOREIGN CORPORATIONS, TO PROVIDE FOR THE SALE OF ASSETS IN THE REGULAR COURSE OF BUSINESS AND THE MORTGAGE OR PLEDGE OF ASSETS, TO PROVIDE FOR THE SALE OF ASSETS OTHER THAN IN THE REGULAR COURSE OF BUSINESS, TO PROVIDE FOR THE RIGHT OF SHAREHOLDERS TO DISSENT AND OBTAIN PAYMENT FOR SHARES, TO PROVIDE PROCEDURES FOR PROTECTION OF DISSENTERS' RIGHTS, TO PROVIDE FOR VOLUNTARY DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS, TO PROVIDE FOR VOLUNTARY DISSOLUTION BY CONSENT OF SHAREHOLDERS, TO PROVIDE FOR VOLUNTARY DISSOLUTION BY ACT OF THE CORPORATION, TO PROVIDE FOR PROCEDURES AFTER APPROVAL OF DISSOLUTION, TO PROVIDE FOR REVOCATION OF VOLUNTARY DISSOLUTION PROCEDURES, TO PROVIDE FOR ARTICLES OF DISSOLUTION, TO PROVIDE FOR FILING OF DISSOLUTION, TO PROVIDE FOR INVOLUNTARY DISSOLUTION, TO PROVIDE FOR NOTIFICATION TO THE ATTORNEY GENERAL, TO PROVIDE FOR VENUE AND PROCESS, TO PROVIDE FOR THE JURISDICTION OF COURTS TO LIQUIDATE ASSETS AND BUSINESS OF A CORPORATION, TO PROVIDE FOR PROCEDURE IN LIQUIDATION OF CORPORATION BY A COURT, TO PROVIDE FOR QUALIFICATIONS OF RECEIVERS, TO PROVIDE FOR FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS, TO PROVIDE FOR DISCONTINUANCE OF LIQUIDATION PROCEEDINGS, TO PROVIDE FOR A DEGREE OF INVOLUNTARY DISSOLUTION, TO PROVIDE FOR FILING A DEGREE OF DISSOLUTION, TO PROVIDE FOR DEPOSIT WITH THE STATE TREASURER OF THE AMOUNT DUE CERTAIN SHAREHOLDERS, TO PROVIDE FOR THE SURVIVAL OF REMEDY AFTER DISSOLUTION, TO PROVIDE FOR ADMISSION OF A FOREIGN CORPORATION, TO PROVIDE FOR POWERS OF A FOREIGN CORPORATION, TO PROVIDE FOR THE CORPORATE NAME OF A FOREIGN CORPORATION, TO PROVIDE FOR A CHANGE OF NAME BY A FOREIGN CORPORATION, TO PROVIDE FOR THE APPLICATION FOR A CERTIFICATE OF AUTHORITY BY A FOREIGN CORPORATION, TO PROVIDE FOR THE FILING OF THE APPLICATION FOR A CERTIFICATE OF AUTHORITY, TO PROVIDE FOR THE EFFECT OF A CERTIFICATE OF AUTHORITY, TO PROVIDE FOR A REGISTERED OFFICE AND A REGISTERED AGENT OF A FOREIGN CORPORATION, TO PROVIDE FOR A CHANGE OF A REGISTERED OFFICE OR REGISTERED AGENT OF A FOREIGN CORPORATION, TO PROVIDE FOR SERVICE OF PROCESS ON A FOREIGN CORPORATION, TO PROVIDE FOR AMENDMENT TO ARTICLES OF INCORPORATION OF A FOREIGN CORPORATION, TO PROVIDE FOR THE MERGER OF A FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, TO PROVIDE FOR AN
AMENDED CERTIFICATE OF AUTHORITY, TO PROVIDE FOR THE WITHDRAWAL OF A FOREIGN CORPORATION, TO PROVIDE FOR FILING OF AN APPLICATION FOR WITHDRAWAL, TO PROVIDE FOR THE REVOCATION OF A CERTIFICATE OF AUTHORITY, TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF REVOCATION, TO PROVIDE FOR THE APPLICATION OF THIS CHAPTER TO CORPORATIONS HERETOFORE AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, TO PROVIDE FOR TRANSACTING BUSINESS WITHOUT A CERTIFICATE OF AUTHORITY, TO PROVIDE FOR AN ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS, TO PROVIDE FOR THE FILING OF ANNUAL REPORTS, TO PROVIDE FOR FEES AND CHARGES TO BE COLLECTED BY THE SECRETARY OF STATE, TO PROVIDE FOR FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES, TO PROVIDE FOR MISCELLANEOUS CHARGES, TO PROVIDE FOR A FRANCHISE TAX PAYABLE BY DOMESTIC AND FOREIGN CORPORATIONS, TO PROVIDE FOR THE COLLECTION OF THE FRANCHISE TAX AND ITS PRIORITY OVER THE CORPORATE INCOME TAX, TO PROVIDE FOR EXEMPT CORPORATIONS, TO PROVIDE FOR NEW CORPORATIONS, THE PRORATION OF THE MINIMUM TAX, AND FOR NOTICE TO THE TAX COMMISSION, TO PROVIDE FOR THE FORFEITURE OF CORPORATE POWERS, TO PROVIDE FOR THE CONSEQUENCES OF FORFEITURE, TO PROVIDE FOR TRUSTEES FOR FORFEITED CORPORATIONS AND THE CONTINUANCE OF CERTAIN ACTIONS, TO PROVIDE FOR REINSTATEMENT OF CORPORATIONS, TO PROVIDE FOR DISSOLUTION OF CORPORATIONS TEN YEARS AFTER FORFEITURE, TO PROVIDE FOR A REFUND OF THE FRANCHISE TAX, TO PROVIDE FOR CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED IN EVIDENCE, TO PROVIDE THAT FORMS BE FURNISHED BY THE SECRETARY OF STATE, TO PROVIDE FOR GREATER VOTING REQUIREMENTS, TO PROVIDE FOR WAIVER OF NOTICE, TO PROVIDE FOR ACTION BY SHAREHOLDERS WITHOUT A MEETING, TO PROVIDE FOR LIABILITY FOR UNAUTHORIZED ASSUMPTION OF CORPORATE POWERS, TO PROVIDE FOR THE APPLICATION OF THIS ACT, TO PROVIDE FOR THE APPLICATION OF THIS ACT TO FOREIGN AND INTERSTATE COMMERCE, TO PROVIDE FOR A RESERVATION OF POWER, TO PROVIDE FOR THE EFFECT OF THE REPEAL OF PRIOR ACTS, TO PROVIDE FOR THE EFFECT OF THE INVALIDITY OF PART OF THIS ACT, AND TO PROVIDE FOR REFERENCES TO REPEALED LAWS; REPEALING SECTION 63-3025, IDAHO CODE; AMENDING SECTION 63-2025A, IDAHO CODE, TO STRIKE REFERENCES TO REPEALED SECTION 63-3025, IDAHO CODE; AMENDING SECTION 67-910, IDAHO CODE, TO INCREASE CERTAIN FEES AND TO STRIKE REFERENCE TO CERTAIN FEES CHARGED BY THE SECRETARY OF STATE; REPEALING SECTION 67-911, IDAHO CODE; REPEALING CHAPTER 6, TITLE 30, IDAHO CODE; PROVIDING EFFECTIVE DATES FOR THE SECTIONS OF THE ACT, AND THE EFFECT ON CORPORATIONS WHICH FILE FOR ARTICLES OF INCORPORATION OR A CERTIFICATE OF AUTHORITY IN FISCAL YEAR 1981.

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

SECTION 1. That Chapters 1, 3, and 5, Title 30, and Section 30-902, Idaho Code, be, and the same are 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 1, Title 30, Idaho Code, and to read as follows:

CHAPTER 1
BUSINESS CORPORATIONS

30-1-1. SHORT TITLE. This act shall be known and may be cited as the "Idaho Business Corporation Act."

30-1-2. DEFINITIONS. As used in this act, unless the context otherwise requires, the term:
(a) "Corporation" or "domestic corporation" means a corporation subject to the provisions of this act, except a foreign corporation.
(b) "Foreign corporation" means a corporation organized under laws other than the laws of this state.
(c) "Articles of incorporation" mean the original or restated articles of incorporation or articles of consolidation and all amendments thereto, including articles of merger.
(d) "Shares" mean the units into which the proprietary interests in a corporation are divided.
(e) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.
(f) "Shareholder" means one who is a holder of record of shares in a corporation and is synonymous with the term "stockholder." If the articles of incorporation or the bylaws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth (1) the classification of shareholder who may certify, (2) the purpose or purposes for which the certification may be made, (3) the form of certification and information to be contained therein, (4) the number of days before or after any record date or date of closing of the stock transfer books, by which time the certification must be received by the corporation to be effective for the record date or date of closing of the stock transfer books, and (5) such other provisions with respect to the procedure as are deemed necessary or desirable. Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.
(g) "Authorized shares" mean the shares of all classes which the corporation is authorized to issue.
(h) "Treasury shares" mean shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or
thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(i) "Net assets" mean the amount by which the total assets of a corporation exceed the total debts of the corporation.

(j) "Stated capital" means, at any particular time, the sum of
(1) the aggregate par value of all shares of the corporation having a par value that would have been issued, (2) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issuance of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law.

(k) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(l) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations, or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(m) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(n) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(o) "Employee" includes officers but not directors. A director may accept duties which make him also an employee.

(p) "Nonproductive mining corporation" means 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.

30-1-3. PURPOSES. Corporations may be organized under this act for any lawful purpose or purposes, except that, where special provision is made by law for the preparation, contents, and filing of articles of incorporation of designated classes of corporations, such
corporations shall be organized under the special provisions and not hereunder.

30-1-4. GENERAL POWERS. Each corporation shall have power:

(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.
(b) To sue and be sued, complain and defend, in its corporate name.
(c) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.
(d) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.
(e) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.
(f) To lend money and use its credit to assist its employees.
(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships, or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.
(h) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.
(i) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.
(j) To conduct its business, carry on its operations and have offices and exercise the powers granted by this act, within or without this state.
(k) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.
(l) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.
(m) To make donations for the public welfare or for charitable, scientific or educational purposes.
(n) To transact any lawful business which the board of directors shall find will be in aid of governmental policy.
(o) To pay pensions and establish pension plans, pension trusts, profit sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and
employees.

(p) To be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust or other enterprise.

(q) To have and exercise all powers necessary or convenient to effect its purposes.

30-1-5. INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS. (a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigatory (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances
of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) or (b) hereof, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under subsections (a) or (b) of this section (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in subsection (d) upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section; provided that banks, savings and loan associations and credit unions chartered under the laws of the state of Idaho may provide indemnification only by
insurance.

(h) For the purposes of this section, the term "corporation" includes, in addition to the resulting corporation, all constituent corporations and their predecessors absorbed in a consolidation or merger, which, if separate existence had continued, would have had power and authority to indemnify its directors, officers, employees, or agents.

30-1-6. RIGHT OF CORPORATION TO ACQUIRE AND DISPOSE OF ITS OWN SHARES. A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of a majority of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed pro tanto.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

(a) Eliminating fractional shares.
(b) Collecting or compromising indebtedness to the corporation.
(c) Paying dissenting shareholders entitled to payment for their shares under the provisions of this act.
(d) Effecting, subject to the other provisions of this act, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase or payment would make it insolvent.

30-1-7. DEFENSE OF ULTRA VIRES. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a shareholder against the corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation. If the unauthorized act or transfer sought to be enjoined is being, or is to be, performed or made pursuant to a contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and
enjoin the performance of such contract, and in so doing may allow to
the corporation or to the other parties to the contract, as the case
may be, compensation for the loss or damage sustained by either of
them which may result from the action of the court in setting aside
and enjoining the performance of such contract, but anticipated
profits to be derived from the performance of the contract shall not
be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly
or through a receiver, trustee, or other legal representative, or
through shareholders in a representative suit, against the incumbent
or former officers or directors of the corporation.

(c) In a proceeding by the attorney general, as provided in this
act, to dissolve the corporation, or in a proceeding by the attorney
general to enjoin the corporation from the transaction of unauthorized
business.

30-1-8. CORPORATE NAME. The corporate name:

(a) Shall contain the word "corporation," "company,"
"incorporated," or "limited," or shall contain an abbreviation of one
of such words; provided, however, that if the word "company" or its
abbreviation is used, it shall not be immediately preceded by the word
"and" or by an abbreviation of or symbol representing the word "and."

(b) Shall not contain any word or phrase which indicates or
implies that it is organized for any purpose other than one or more of
the purposes contained in its articles of incorporation.

(c) Shall not be the same as, or deceptively similar to, the name
of any domestic corporation existing under the laws of this state or
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 this act, or the name of a corporation which
has in effect a registration of its corporate name as provided in this
act, except that this provision shall not apply if the applicant files
with the secretary of state either of the following: (1) the written
consent of such other corporation or holder of a reserved or
registered name to use the same or deceptively similar name and one or
more words are added to make such name distinguishable from such other
name, or (2) a certified copy of a final decree of a court of
competent jurisdiction establishing the prior right of the applicant
to the use of such name in this state.

A corporation with which another corporation, domestic or foreign,
is merged, or which is formed by the reorganization or consolidation
of one or more domestic or foreign corporations or upon a sale, lease
or other disposition to or exchange with, a domestic corporation of
all or substantially all the assets of another corporation, domestic
or foreign, including its name, may have the same name as that used in
this state by any of such corporations if such other corporation was
organized under the laws of, or is authorized to transact business in,
this state.
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 in violation from doing business under any name assumed in violation of this section.

30-1-9. RESERVED NAME. The exclusive right to the use of a corporate name may be reserved by:
(a) Any person intending to organize a corporation under this act.
(b) Any domestic corporation intending to change its name.
(c) Any foreign corporation intending to make application for a certificate of authority to transact business in this state.
(d) Any foreign corporation authorized to transact business in this state and intending to change its name.
(e) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant. 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.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any person or corporation by filing in the office of the secretary of state a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

30-1-10. REGISTERED NAME. Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this act, provided its corporate name is not 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 any corporate name reserved or registered under this act.

Such registration shall be made by:
(a) Filing with the secretary of state (1) an application for registration executed by the corporation by an officer thereof, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its
incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged, and (2) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the secretary of state of such state or territory or by such other official as may have custody of the records pertaining to corporations; and

(b) Paying to the secretary of state a registration fee in the amount of five dollars ($5.00) for each month, or fraction thereof, between the date of filing such application and December 31 of the calendar year in which such application is filed.

Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

30-1-11. RENEWAL OF REGISTERED NAME. A corporation which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying a fee of sixty dollars ($60.00). A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year.

30-1-12. REGISTERED OFFICE AND REGISTERED AGENT. Each corporation shall have and continuously maintain in this state:

(a) A registered office which may be, but need not be, the same as its place of business.

(b) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office.

30-1-13. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT. A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(a) The name of the corporation.

(b) The address of its then registered office.

(c) If the address of its registered office is to be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent is to be changed, the name of its successor registered agent.

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be
identical.

(g) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president, or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to subsections (e) or (g) of this section and must recite that a copy of the statement has been mailed to the corporation.

30-1-14. SERVICE OF PROCESS ON CORPORATION. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then any process, notice or demand required or permitted by law to be served upon the corporation may be served by mailing copies of the process, notice or demand by registered or certified mail to the corporation addressed to its registered office and to the president or secretary of the corporation at the addresses shown on the most current annual statement filed with the secretary of state.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

30-1-15. AUTHORIZED SHARES. Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences,
limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this act or the constitution of the state of Idaho.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(a) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.
(b) Entitling the holders thereof to cumulative, noncumulative or partially cumulative dividends.
(c) Having preference over any other class or classes of shares as to the payment of dividends.
(d) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.
(e) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted or the amount of any such deficiency is transferred from surplus to stated capital.

30-1-16. ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES. If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The rate of dividend.
(b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.
(c) The amount payable upon shares in the event of voluntary and involuntary liquidation.
(d) Sinking fund provisions, if any, for the redemption or purchase of shares.
(e) The terms and conditions, if any, on which shares may be converted.

(f) Voting rights, if any.

If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file in the office of the secretary of state a statement setting forth:

(a) The name of the corporation.

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.

(c) The date of adoption of such resolution.

(d) That such resolution was duly adopted by the board of directors.

Such statement shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing such statement, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all franchise taxes and fees have been paid as in this act prescribed:

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Return the other duplicate original to the corporation or its representative.

Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

30-1-17. SUBSCRIPTIONS FOR SHARES. A subscription for shares of a
corporation to be organized must be in writing and shall be irrevocable for a period of six (6) months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The bylaws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of a subscription, or of the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of twenty (20) days after written demand has been made therefor. If mailed, such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post-office address known to the corporation, with postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

30-1-18. CONSIDERATION FOR SHARES. Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of issuance of shares upon the conversion or exchange of indebtedness or shares, the consideration for the shares so issued shall be (1) the principal sum of, and accrued interest on, the
indebtedness so exchanged or converted, or the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the indebtedness or shares so exchanged or converted.

30-1-19. PAYMENT FOR SHARES. The consideration for the issuance of shares may be paid, in whole or in part, in cash, in other property, tangible or intangible, or in labor or services actually performed for the corporation. In the case of a corporation formed after the effective date of this act, when payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and nonassessable unless provision for assessment is expressly made in the articles of incorporation and such provision for assessment is noted conspicuously on the face of the certificate representing the shares subject to assessment. The outstanding shares of corporations formed prior to the effective date of this act shall continue to be assessable unless the corporation, in its articles of incorporation, provides that the shares of the corporation are not subject to assessment. Upon transfer or reissue of such outstanding shares or upon issuance of additional shares, such shares shall be deemed fully paid and nonassessable unless provision for assessment is noted conspicuously on the face of the certificate representing the shares subject to assessment. All corporations having assessable stock shall be subject to the provisions of section 30-1-19A, Idaho Code.

Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of a corporation. In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

30-1-19A. ASSESSMENT AND SALE OF SHARES. Assessment of shares as allowed under section 30-1-19, Idaho Code shall be made for the purpose of paying expenses, conducting business or paying debts, and the corporation shall have the power to levy and collect assessments upon such shares in the manner and form and to the extent hereinafter provided.

(a) No one (1) assessment is to exceed ten percent (10%) of the corporation's stated capital, as defined in subsection (j) of section 30-1-2, Idaho Code, except in cases by law otherwise expressly provided, and excepting herefrom nonprofit corporations.

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

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

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

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

(f) If any portion of the assessment mentioned in the notice remains unpaid on the day specified therein for declaring the shares delinquent, the secretary must, unless otherwise ordered by the board of directors, cause to be published and mailed by certified mail -- return receipt or by registered mail to each shareholder holding delinquent shares, at his last known address, a notice substantially in the following form:

(Name in full. Location of registered office.)

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

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

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

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

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

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

(l) If at the sale of shares no bidder offers the amount of the assessment and costs and charges due, the same may be bid in and purchased by the corporation, through the secretary, president or any director thereof, at the amount of the assessment, charges and costs due; and said amount must be credit as paid in full on the books of the corporation, and entry of the transfer of the shares to the corporation made. While the shares remain the property of the corporation, they are not assessable, nor must any dividend be declared thereon, but all assessments and dividends must be apportioned upon the shares held by the other shareholders of the corporation.

(m) All purchases of its own shares made by the corporation vest the legal title to the same in the corporation, and the shares so purchased are held subject to the control of the shareholders, who may make such disposition of the same as they deem fit, on vote of a majority of all the remaining shares; provided, that when the bylaws so provide, the board of directors may allow a redemption of the
shares so sold upon payment of the sum for which the same was sold, together with all subsequent assessments which may be due thereon, and interest on such sums from the time they were due. Whenever any portion of the capital stock of a corporation is held by the corporation, it shall not be voted, but a majority of the remaining shares is a majority of the shares for all purposes of election or voting.

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

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

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

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

30-1-20. STOCK RIGHTS AND OPTIONS. Subject to any provisions in respect thereof set forth in its articles of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or other securities, rights or options entitling the holders thereof to purchase from the corporation shares of any class or classes. Such rights or options shall be evidenced in such manner as the board of directors shall approve and, subject to the provisions of the articles of
incorporation, shall set forth the terms upon which, the time or times
within which and the price or prices at which such shares may be
purchased from the corporation upon the exercise of any such right or
option. If such rights or options are to be issued to directors,
officers or employees as such of the corporation or of any subsidiary
thereof, and not to the shareholders generally, their issuance shall
be approved by the affirmative vote of the holders of at least
two-thirds (2/3) of the shares entitled to vote thereon or shall be
authorized by and consistent with a plan approved or ratified by such
a vote of shareholders. In the absence of fraud in the transaction,
the judgment of the board of directors as to the adequacy of the
consideration received for such rights or options shall be conclusive.
The price or prices to be received for any shares having a par value,
other than treasury shares to be issued upon the exercise of such
rights or options, shall not be less than the par value thereof.

30-1-21. DETERMINATION OF AMOUNT OF STATED CAPITAL. In case of
the issuance by a corporation of shares having a par value, the
consideration received therefor shall constitute stated capital to the
extent of the par value of such shares, and the excess, if any, of
such consideration shall constitute capital surplus.

In case of the issuance by a corporation of shares without par
value, the entire consideration received therefor shall constitute
stated capital unless the corporation shall determine as provided in
this section that only a part thereof shall be stated capital. Within
a period of sixty (60) days after the issuance of any shares without
par value, the board of directors may allocate to capital surplus any
portion of the consideration received for the issuance of such shares.
No such allocation shall be made of any portion of the consideration
received for shares without par value having a preference in the
assets of the corporation in the event of involuntary liquidation
except the amount, if any, of such consideration in excess of such
preference.

If shares have been or shall be issued by a corporation in merger
or consolidation or in acquisition of all or substantially all of the
outstanding shares or of the property and assets of another
corporation, whether domestic or foreign, any amount that would
otherwise constitute capital surplus under the foregoing provisions of
this section may instead be allocated to earned surplus by the board
of directors of the issuing corporation except that its aggregate
earned surplus shall not exceed the sum of the earned surpluses as
defined in this act of the issuing corporation and of all other
corporations, domestic or foreign, that were merged or consolidated or
of which the shares or assets were acquired.

The stated capital of a corporation may be increased from time to
time by resolution of the board of directors directing that all or a
part of the surplus of the corporation be transferred to stated
capital. The board of directors may direct that the amount of the
surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

30-1-22. EXPENSES OF ORGANIZATION, REORGANIZATION AND FINANCING. The reasonable charges and expenses of organization or reorganization of a corporation, and the reasonable expenses of and compensation for the sale or underwriting of its shares, may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares not fully paid or assessable.

30-1-23. CERTIFICATES REPRESENTING SHARES. The shares of a corporation shall be represented by certificates signed by the president or a vice president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice president and the secretary or assistant secretary upon a certificate may be facsimiles if the certificate is manually signed on behalf of a transfer agent or a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued, and if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:
(a) That the corporation is organized under the laws of this state.
(b) The name of the person to whom issued.
(c) The number and class of shares, and the designation of the series, if any, which such certificate represents.
(d) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

Each certificate representing non-voting shares shall set forth
upon the face of the certificate in the largest print on the certificate the words "non-voting."

30-1-23A. RESTRICTION ON TRANSFER OF SHARES. (a) A written restriction on the transfer or registration of transfer of shares of a corporation, if permitted by this section and noted conspicuously on the certificate representing such shares, may be enforced against the holder of the restricted shares or any successor or transferee of the holder including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the certificate, a restriction, even though permitted by this section, is ineffective except against a person with actual knowledge of the restriction.

(b) A restriction on the transfer or registration of transfer of shares of a corporation may be imposed either by the articles of incorporation or by the bylaws or by an agreement among any number of shareholders or among such holders and the corporation. No restriction so imposed shall be binding with respect to shares issued prior to the adoption of the restriction unless the holders of the shares are parties to an agreement or voted in favor of the restriction.

(c) A restriction on the transfer of shares of a corporation is permitted by this section if it:

1. Obligates the holder of the restricted shares to offer to the corporation or to any other holders of shares of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted shares; or
2. Obligates the corporation or any holder of shares of the corporation or any other person or any combination of the foregoing, to purchase the shares which are the subject of an agreement respecting the purchase and sale of the restricted shares; or
3. Requires the corporation or the holder of any class of shares of the corporation to consent to any proposed transfer of the restricted shares or to approve the proposed transferee of the restricted shares; or
4. Prohibits the transfer of the restricted shares to designated persons or classes of persons, and such designation is not manifestly unreasonable.

(d) Any restriction on the transfer of the shares of a corporation for the purpose of maintaining its status as an electing small business corporation under subchapter S of the United States internal revenue code (26 U.S.C.A. Section 1371 et seq.) is conclusively presumed to be for a reasonable purpose.

(e) Any other lawful restriction on transfer or registration of transfer of shares is permitted by this section.

(f) Except as otherwise provided in this section, the transfer of shares and the certificates representing such shares shall be governed
30-1-24. FRACTIONAL SHARES. A corporation may (1) issue fractions of a share, (2) arrange for the disposition of fractional interests by those entitled thereto, (3) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined, or (4) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of scrip, or subject to any other conditions which the board of directors may deem advisable.

30-1-25. LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS. A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

An executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

30-1-26. SHAREHOLDERS' PREEMPTIVE RIGHTS. Except to the extent limited or denied by this section or by the articles of incorporation, shareholders shall have a preemptive right to acquire unissued or treasury shares or securities convertible into such shares or carrying a right to subscribe to or acquire shares.

Unless otherwise provided in the articles of incorporation;
(a) No preemptive right shall exist
(1) to acquire any shares issued to directors, officers or employees pursuant to approval by the affirmative vote of the
holders of a majority of the shares entitled to vote thereon or
when authorized by and consistent with a plan theretofore approved
by such a vote of shareholders; or
(2) to acquire any shares sold otherwise than for cash; or
(3) to acquire any shares issued to satisfy conversion or option
rights granted by the corporation on previously authorized sales.
(b) Holders of shares of any class that is preferred or limited
as to dividends or assets shall not be entitled to any preemptive
right.
(c) Holders of shares of common stock shall not be entitled to
any preemptive right to shares of any class that is preferred or
limited as to dividends or assets or to any obligations, unless
convertible into shares of common stock or carrying a right to
subscribe to or acquire shares of common stock.
(d) Holders of common stock without voting power shall have no
preemptive right to shares of common stock with voting power.
(e) The preemptive right shall be only an opportunity to acquire
shares or other securities under such terms and conditions as the
board of directors may fix for the purpose of providing a fair and
reasonable opportunity for the exercise of such right.

30-1-27. BYLAWS. The initial bylaws of a corporation shall be
adopted by its board of directors. The power to alter, amend or
repeal the bylaws or adopt new bylaws, subject to repeal or change by
action of the shareholders, shall be vested in the board of directors
unless reserved to the shareholders by the articles of incorporation.
The bylaws may contain any provisions for the regulation and
management of the affairs of the corporation not inconsistent with law
or the articles of incorporation.

30-1-28. MEETINGS OF SHAREHOLDERS. Meetings of shareholders may
be held at such place within or without this state as may be stated in
or fixed in accordance with the bylaws. If no other place is stated or
so fixed, meetings shall be held at the registered office of the
corporation.

An annual meeting of the shareholders shall be held at such time
as may be stated in or fixed in accordance with the bylaws. If the
annual meeting is not held within any eighteen (18) month period the
district court with jurisdiction for the location of the corporation's
registered office or principal place of business may, on the
application of any shareholder, summarily order a meeting to be held.

A special meeting of the shareholders may be called by the board
of directors, the holders or not less than one-fifth (1/5) of all the
shares entitled to vote at the meeting, or such other persons as may
be authorized in the articles of incorporation or by the bylaws.

30-1-29. NOTICE OF SHAREHOLDERS' MEETINGS. Written notice stating
the place, day and hour of the meeting and, in case of a special
meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation or at such other last known address of which the corporation may have notice, with postage thereon prepaid.

30-1-30. CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE. For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty (50) days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten (10) days immediately preceding such meeting. In lieu of closing the stock transfer books, the bylaws, or in the absence of an applicable bylaw the board of directors, may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than fifty (50) days and, in case of a meeting of shareholders, not less than ten (10) days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

30-1-31. VOTING RECORD. The officer or agent having charge of the stock transfer books for shares of a corporation shall make a complete record of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each. Such record shall be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting for the purposes thereof.
Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the record of shareholders, or produce and keep it open for inspection at the meeting, as provided in this section, shall be liable to any shareholders suffering damage on account of such failure, to the extent of such damage.

30-1-32. QUORUM AND VOTING REQUIREMENTS FOR SHAREHOLDERS' MEETINGS. Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of less than one-third of the shares entitled to vote at the meeting. The shareholders present at a duly organized and convened meeting where a quorum has been present can continue to do business as a quorum until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this act or the articles of incorporation or bylaws.

30-1-33. VOTING OF SHARES -- PROXIES. (a) Each outstanding share, regardless of class, shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of shareholders, except as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one (1) vote for any share, on any matter, every reference in this act to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

(b) Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

(c) A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact.

(1) No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the shareholder executing it, except as otherwise provided in this section.

(2) The authority of the holder of a proxy to act shall not be revoked by the incompetence or death of the shareholder who executed the proxy unless, before the authority is exercised, written notice of an adjudication of such incompetence or of such death is received by the corporate officer responsible for
maintaining the list of shareholders.

(3) Except when other provision shall have been made by written agreement between the parties, the record holder of shares which he holds as pledgee or otherwise as security or which belong to another, shall issue to the pledgor or to such owner of such shares, upon demand therefor and payment of necessary expenses thereof, a proxy to vote or take other action thereon.

(4) A shareholder shall not sell his vote or issue a proxy to vote to any person for any sum of money or anything of value, except as authorized in this section and section 30-134, Idaho Code.

(5) A proxy which is entitled "irrevocable proxy" and which states that it is irrevocable, is irrevocable when it is held by any of the following or a nominee of any of the following:
   (i) A pledgee;
   (ii) A person who has purchased or agreed to purchase the shares;
   (iii) A creditor or creditors of the corporation who extend or continue credit to the corporation in consideration of the proxy if the proxy states that it was given in consideration of such extension or continuation of credit, the amount thereof, and the name of the person extending or continuing credit;
   (iv) A person who has contracted to perform services as an officer of the corporation, if a proxy is required by the contract of employment, if the proxy states that it was given in consideration of such contract of employment, the name of the employee and the period of employment contracted for;
   (v) A person designated by or under an agreement under section 30-1-34(c), Idaho Code.

(6) Notwithstanding a provision in a proxy, stating that it is irrevocable, the proxy becomes revocable after the pledge is redeemed, or the debt of the corporation is paid, or the period of employment provided for in the contract of employment has terminated, or the agreement under section 30-1-34(c), Idaho Code, has terminated; and in a case provided for in subparagraphs (5) (iii) or (iv), becomes revocable three (3) years after the date of the proxy, or at the end of the period, if any, specified therein, whichever period is less, unless the period of irrevocability is renewed from time to time by the execution of a new irrevocable proxy as provided in this section. This paragraph does not affect the duration of a revocable proxy under paragraph (1).

(7) A proxy may be revoked, notwithstanding a provision making it irrevocable, by a purchaser of shares without knowledge of the existence of the provision unless the existence of the proxy and its irrevocability are noted conspicuously on the face of the certificate representing such shares.

(d) At each election for directors every shareholder entitled to
vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one (1) candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

(e) Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such other corporation may prescribe, or, in the absence of such provision, as the board of directors of such other corporation may determine.

(f) Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

(g) Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

(h) A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledged shares shall be voted in accordance with subsection (c)(3) of this section.

(i) On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

30-1-34. VOTING TRUSTS AND AGREEMENTS AMONG SHAREHOLDERS. (a) Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten (10) years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purpose of the agreement. Such trustee or trustees shall keep a record of the holders of voting trust certificates evidencing a beneficial interest in the voting trust, giving the names and addresses of all such holders and the number and class of the shares in respect of which the voting trust certificates held by each
are issued, and shall deposit a copy of such record with the corporation at its registered office. The counterpart of the voting trust agreement and the copy of such record so deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and such counterpart and such copy of such record shall be subject to examination by any holder of record of voting trust certificates, either in person or by agent or attorney, at any reasonable time for any proper purpose.

(b) Unless otherwise provided in any such written voting trust agreement:

(1) The trustees may vote in person or by proxy.

(2) If there are two (2) or more trustees, the will of the majority shall control. If the trustees are equally divided, any court of competent jurisdiction may, upon petition filed by any of the trustees, or by any beneficiary holder of voting trust certificates, appoint an additional person to act with such trustees upon the matter on which the trustees are equally divided.

(3) Vacancies among the trustees shall be filled by the remaining trustees.

(4) A trustee shall incur no responsibility as trustee except for his own individual neglect or malfeasance.

(c) Agreements among shareholders regarding the voting of their shares shall be valid and enforceable in accordance with their terms. Such agreements shall not be subject to the provisions of this section regarding voting trusts.

30-1-35. BOARD OF DIRECTORS. All corporate powers shall be exercised by or under authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors except as may be otherwise provided in this act or the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

A director shall perform his duties as a director, including his duties as a member of any committee of the board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar
circumstances. In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented,

(b) Counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence, or

(c) A committee of the board upon which he does not serve, duly designated in accordance with a provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence,

but he shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs his duties shall have no liability by reason of being or having been a director of the corporation.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

30-1-36. NUMBER AND ELECTION OF DIRECTORS. The board of directors of a corporation shall consist of one or more members. The number of directors shall be fixed by, or in the manner provided in, the articles of incorporation or the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw providing for the number of directors, the number shall be the same as that provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders
shall elect directors to hold office until the next succeeding annual meeting. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

30-1-37. CLASSIFICATION OF DIRECTORS NOT ALLOWED. All directors shall be elected annually in accordance with the provisions of section 30-1-36, Idaho Code. There shall be no classification of directors or staggering of their terms.

30-1-38. VACANCIES. Any vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. The shareholders may elect his successor at the next annual meeting of shareholders or at any special meeting duly called for that purpose and held prior to the next annual meeting. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

30-1-39. REMOVAL OF DIRECTORS. At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

If less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

30-1-40. QUORUM AND VOTING REQUIREMENTS FOR DIRECTORS' MEETINGS. A majority of the number of directors fixed by or in the manner provided in the bylaws or in the absence of a bylaw fixing or providing for the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.
30-1-41. DIRECTOR CONFLICTS OF INTEREST. No contract or other transaction between a corporation and one or more of its directors or any other corporation, firm, association or entity in which one or more of its directors are directors or officers or are financially interested, shall be either void or voidable because of such relationship or interest or because such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes, approves or ratifies such contract or transaction or because his or their votes are counted for such purposes, if:

(a) the fact of such relationship or interest is disclosed or known to the board of directors or committee which authorizes, approves or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of such interested directors; or

(b) the fact of such relationship or interest is disclosed or known to the shareholders entitled to vote and they authorize, approve or ratify such contract or transaction by vote or written consent, in which vote or consent such interested directors may participate to the extent that they are also shareholders; or

(c) the contract or transaction is fair and reasonable to the corporation and the fact of such relationship or interest is fully and fairly disclosed or known to the corporation.

Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves or ratifies such contract or transaction.

30-1-42. EXECUTIVE AND OTHER COMMITTEES. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation shall have and may exercise all the authority of the board of directors, except that no such committee shall have authority to:

1. Declare dividends or distributions,
2. Approve or recommend to shareholders actions or proposals required by this act to be approved by shareholders,
3. Designate candidates for the office of director, for purposes of proxy solicitation or otherwise, or fill vacancies on the board of directors or any committee thereof,
4. Amend the bylaws,
5. Approve a plan of merger not requiring shareholder approval,
6. Reduce earned or capital surplus,
7. Authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the board of directors, or
8. Authorize or approve the issuance or sale of, or any contract to issue or sell, shares or designate the terms of a series of a class of shares, provided that
the board of directors, having acted regarding general authorization
for the issuance or sale of shares, or any contract therefor, and, in
the case of a series, the designation thereof, may, pursuant to a
general formula or method specified by the board by resolution or by
adoption of a stock option or other plan, authorize a committee to fix
the terms of any contract for the sale of the shares and to fix the
terms upon which such shares may be issued or sold, including, without
limitation, the price, the dividend rate, provisions for redemption,
sinking fund, conversion, voting or preferential rights, and
provisions for other features of a class of shares, or a series of a
class of shares, with full power in such committee to adopt any final
resolution setting forth all the terms thereof and to authorize the
statement of the terms of a series for filing with the secretary of
state under this act.

Neither the designation of any such committee, the delegation
thereof of authority, nor action by such committee pursuant to such
authority shall alone constitute compliance by any member of the board
of directors, not a member of the committee in question, with his
responsibility to act in good faith, in a manner he reasonably
believes to be in the best interests of the corporation, and with such
care as an ordinarily prudent person in a like position would use
under similar circumstances.

30-1-43. PLACE AND NOTICE OF DIRECTORS' MEETINGS -- COMMITTEE
MEETINGS. Meetings of the board of directors, regular or special, or
meetings of any committee designated thereby, may be held either
within or without this state.

Unless otherwise provided in the bylaws, regular or special
meetings of the board of directors or any committee designated thereby
may be held upon written notice thereof given to each director at his
last known address at least three (3) days before the meeting, which
notice shall specify the business to be transacted at, or the purposes
of, such meeting. Attendance of a director at a meeting shall
constitute a waiver of notice of such meeting, except where a director
attends a meeting for the express purpose of objecting to the
transaction of any business because the meeting is not lawfully called
or convened.

Except as may be otherwise restricted by the articles of
incorporation or bylaws, members of the board of directors or any
committee designated thereby may participate in a meeting of such
board or committee by means of a conference telephone or similar
communications equipment by means of which all persons participating
in the meeting can hear each other at the same time and participation
by such means shall constitute presence in person at a meeting.

30-1-44. ACTION BY DIRECTORS WITHOUT A MEETING. Unless otherwise
provided by the articles of incorporation or bylaws, any action
required by this act to be taken at a meeting of the directors of a
corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

30-1-45. DIVIDENDS. The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restriction contained in the articles of incorporation, subject to the following provisions:

(a) Dividends may be declared and paid in cash or property only out of the unreserved and unrestricted earned surplus of the corporation, except as otherwise provided in this section.

(b) The directors of any corporation engaged in the exploitation of wasting assets such as mines, oil or gas wells, or standing timber, or owning property having a contractually or legally fixed limited life such as a lease for years or patents, or owning other wasting assets intended for liquidation and sale in the ordinary course of business, may determine the annual net profits, income, gains and losses derived from the exploitation of such wasting assets without taking into consideration the depletion of such assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation, and without taking into consideration depreciation of plant and equipment other than to make provision for its maintenance during the life or expected life of the operation.

In the case of a corporation engaged in the exploitation of wasting assets, after the plant and equipment have been depreciated, the depreciation reserve may be used by the directors for the payment of dividends, provided that the directors may set aside out of any funds of the corporation available for dividends a reserve or reserves for any proper purpose, and may abolish such reserves by resolution. But each such dividend paid out of depletion or depreciation reserves shall be identified as a distribution of such reserves, and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(c) Dividends may be declared and paid in its own treasury shares.

(d) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

(1) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the
time such dividend is paid an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(2) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate stated value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(e) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

30-1-46. DISTRIBUTIONS FROM CAPITAL SURPLUS. The board of directors of a corporation may, from time to time, distribute to its shareholders out of capital surplus of the corporation a portion of its assets, in cash or property, subject to the following provisions:

(a) No such distribution shall be made at a time when the corporation is insolvent or when such distribution would render the corporation insolvent.

(b) No such distribution shall be made unless the articles of incorporation so provide or such distribution is authorized by the affirmative vote of the holders of a majority of the outstanding shares of each class whether or not entitled to vote thereon by the provisions of the articles of incorporation.

(c) No such distribution shall be made to the holders of any class of shares unless all cumulative dividends accrued on all preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(d) No such distribution shall be made to the holders of any class of shares which would reduce the remaining net assets of the corporation below the aggregate preferential amount payable in event of involuntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(e) Each such distribution, when made, shall be identified as a distribution from capital surplus and the amount per share disclosed to the shareholders receiving the same concurrently with the distribution thereof.
The board of directors of a corporation may also, from time to time, distribute to holders of its outstanding shares having a cumulative preferential right to receive dividends, in discharge of their cumulative dividend rights, dividends payable in cash out of the capital surplus of the corporation, if at the time the corporation has no earned surplus and is not insolvent and would not thereby be rendered insolvent. Each such distribution when made, shall be identified as a payment of cumulative dividends out of capital surplus.

30-1-47. LOANS TO EMPLOYEES AND DIRECTORS. A corporation shall not lend money to or use its credit to assist its directors without authorization in the particular case by its shareholders, but may lend money to and use its credit to assist any employee of the corporation or of a subsidiary, including any such employee who is a director of the corporation, if the board of directors decides that such loan or assistance may benefit the corporation.

30-1-48. LIABILITY OF DIRECTORS IN CERTAIN CASES. In addition to any other liabilities, a director shall be liable in the following circumstances unless he complies with the standard provided in this act for the performance of the duties of directors.

(a) A director who votes for or assents to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this act or contrary to any restrictions contained in the articles of incorporation, shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this act or the restrictions in the articles of incorporation.

(b) A director who votes for or assents to the purchase of the corporation's own shares contrary to the provisions of this act shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this act.

(c) A director who votes for or assents to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations and liabilities of the corporation shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.
Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this act, in proportion to the amounts received by them.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

30-1-49. PROVISIONS RELATING TO ACTIONS BY SHAREHOLDERS. Any action brought in this state by a shareholder in the right of a domestic or foreign corporation shall be brought in accordance with rule 23(f) of the Idaho rules of civil procedure.

30-1-50. OFFICERS. The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two (2) or more offices may be held by the same person, except the offices of president and secretary.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

30-1-51. REMOVAL OF OFFICERS. Any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

30-1-52. BOOKS AND RECORDS. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its shareholders and board of directors and shall keep at its registered office or principal place of business or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Any books, records and minutes may be in written form or in any other form capable of being converted into written form within a reasonable time.
Any person who shall have been a holder of record of shares or of voting trust certificates therefor at least six (6) months immediately preceding his demand or shall be the holder of record of, or the holder of record of voting trust certificates for, at least five percent (5%) of all the outstanding shares of the corporation, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose its relevant books and records of accounts, minutes and record of shareholders and to make extracts therefrom.

Any officer or agent who, or a corporation which, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney, so to examine and make extracts from its books and records of account, minutes and record of shareholders, for any purpose, shall be liable to such shareholder or holder of voting trust certificates in a penalty of fifty dollars ($50.00) per day for each day that such refusal continues after any such shareholder or holder of voting trust certificates, or his agent or attorney, has made and delivered to the corporation written demand for such examination or extraction, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within two (2) years sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for any such purpose, or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demand.

Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust certificates of proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder of record or a holder of record of voting trust certificates, and irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder or holder of voting trust certificates of the books and records of account, minutes and record of shareholders of a corporation.

Upon the written request of any shareholder or holder of voting trust certificates for shares of a corporation, the corporation shall mail to such shareholder or holder of voting trust certificates its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.

30-1-53. INCORPORATORS. One or more persons, or a domestic or
foreign corporation, may act as incorporator or incorporators of a
corporation by signing and delivering in duplicate to the secretary of
state articles of incorporation for such corporation.

30-1-54. ARTICLES OF INCORPORATION. The articles of incorporation
shall set forth:

(a) The name of the corporation.

(b) The period of duration, which may be perpetual.

(c) The purpose or purposes for which the corporation is
organized which may be stated to be, or to include, the transaction of
any or all lawful business for which corporations may be incorporated
under this act.

(d) The aggregate number of shares which the corporation shall
have authority to issue; if such shares are to consist of one (1)
class only, the par value of each of such shares, or a statement that
all of such shares are without par value; or, if such shares are to be
divided into classes, the number of shares of each class, and a
statement of the par value of the shares of each such class or that
such shares are to be without par value.

(e) If the shares are to be divided into classes, the designation
of each class and a statement of the preferences, limitations and
relative rights in respect of the shares of each class.

(f) If the corporation is to issue the shares of any preferred or
special class in series, then the designation of each series and a
statement of the variations in the relative rights and preferences as
between series insofar as the same are to be fixed in the articles of
incorporation, and a statement of any authority to be vested in the
board of directors to establish series and fix and determine the
variations in the relative rights and preferences as between series.

(g) If any preemptive right is to be denied to shareholders, the
provisions for such denial.

(h) Any provision, not inconsistent with law, which the
incorporators elect to set forth in the articles of incorporation for
the regulation of the internal affairs of the corporation, including
any provision restricting the transfer of shares and any provision
which under this act is required or permitted to be set forth in the
bylaws or in the articles of incorporation.

(i) The address of its initial registered office, and the name of
its initial registered agent at such address.

(j) The number of directors constituting the initial board of
directors and the names and addresses of the persons who are to serve
as directors until the first annual meeting of shareholders or until
their successors be elected and qualify.

(k) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of
incorporation any of the corporate powers enumerated in this act.

30-1-55. FILING OF ARTICLES OF INCORPORATION. Duplicate originals
of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such duplicate originals in his office.

(c) Issue a certificate of incorporation to which he shall affix the other duplicate original.

The certificate of incorporation, together with the duplicate original of the articles of incorporation affixed thereto by the secretary of state, shall be returned to the incorporators or their representative.

30-1-56. EFFECT OF ISSUANCE OF CERTIFICATE OF INCORPORATION. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act, except as against this state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

30-1-57. ORGANIZATION MEETING OF DIRECTORS. An organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers and transacting such other business as may come before the meeting. The directors calling the meeting shall give at least three (3) days' notice thereof by mail to each director so named, stating the time and place of the meeting.

30-1-58. RIGHT TO AMEND ARTICLES OF INCORPORATION. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

(a) To change its corporate name.

(b) To change its period of duration, either before or after its
period of duration has expired.

(c) To change, enlarge or diminish its corporate purposes.

(d) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.

(e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.

(f) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued.

(g) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations, and the relative rights in respect of all or any part of its shares, whether issued or unissued.

(h) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.

(i) To change the shares of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(j) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(k) To cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared.

(l) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.

(m) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.

(n) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.

(o) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.

(p) To limit, deny, or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized.
30-1-59. PROCEDURE TO AMEND ARTICLES OF INCORPORATION. Amendments to the articles of incorporation shall be made in the following manner:

(a) If shares have been issued, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the resolution and amendment may be adopted by all the incorporators or by the board of directors and the provisions for adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto. In lieu of the foregoing procedure, a resolution setting forth the proposed amendment may be submitted directly, by the holders of not less than one-tenth (1/10) of all the shares entitled to vote at the meeting, without directors' action, to a vote at a meeting of shareholders, which may be either the annual or a special meeting, in which event paragraphs (b) and (c) hereunder shall also apply, or the resolution and amendment may be adopted without any meeting if written consent thereto is given by all the shareholders entitled to vote thereon as provided in section 30-1-145, Idaho Code.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one (1) meeting.

30-1-60. CLASS VOTING ON AMENDMENTS. The holders of the outstanding shares of a class shall be entitled to vote as a class
upon a proposed amendment, whether or not entitled to vote thereon by
the provisions of the articles of incorporation, if the amendment
would:

(a) Increase or decrease the aggregate number of authorized
shares of such class.
(b) Increase or decrease the par value of the shares of such
class.
(c) Effect an exchange, reclassification or cancellation of all
or part of the shares of such class.
(d) Effect an exchange, or create a right of exchange, of all or
part of the shares of another class into the shares of such class.
(e) Change the designations, preferences, limitations or relative
rights of the shares of such class.
(f) Change the shares of such class, whether with or without par
value, into the same or a different number of shares, either with or
without par value, of the same class or another class or classes.
(g) Create a new class of shares having rights and preferences
prior and superior to the shares of such class, or increase the rights
and preferences or the number of authorized shares, of any class
having rights and preferences prior or superior to the shares of such
class.
(h) In the case of a preferred or special class of shares, divide
the shares of such class into series and fix and determine the
designation of such series and the variations in the relative rights
and preferences between the shares of such series, or authorize the
board of directors to do so.
(i) Limit or deny any existing preemptive rights of the shares of
such class.
(j) Cancel or otherwise affect dividends on the shares of such
class which have accrued but have not been declared.

30-1-61. ARTICLES OF AMENDMENT. The articles of amendment shall
be executed in duplicate by the corporation by its president or a vice
president and by its secretary or an assistant secretary, or by all of
the shareholders, or, if no shares have been issued, by all the
incorporators or directors, and verified by at least one (1) of the
parties signing such articles, and shall set forth:

(a) The name of the corporation.
(b) The amendments so adopted.
(c) The date of the adoption of the amendment by the
shareholders, or by the incorporators or the board of directors where
no shares have been issued.
(d) The number of shares outstanding, and the number of shares
entitled to vote thereon, and if the shares of any class are entitled
to vote thereon as a class, the designation and number of outstanding
shares entitled to vote thereon of each such class.
(e) The number of shares voted for and against such amendment,
respectively, and, if the shares of any class are entitled to vote
thereof as a class, the number of shares of each such class voted for
and against such amendment, respectively, or if no shares have been
issued, a statement to that effect.

(f) If such amendment provides for an exchange, reclassification
or cancellation of issued shares, and if the manner in which the same
shall be effected is not set forth in the amendment, then a statement
of the manner in which the same shall be effected.

(g) If such amendment effects a change in the amount of stated
capital, then a statement of the manner in which the same is effected
and a statement, expressed in dollars, of the amount of stated capital
as changed by such amendment.

30-1-62. FILING OF ARTICLES OF AMENDMENT. Duplicate 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
conform to law, he shall, when all fees and franchise taxes have been
paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed,"
and the month, day and year of the filing thereof.

(b) File one of such duplicate originals in his office.

(c) Issue a certificate of amendment to which he shall affix the
other duplicate original.

The certificate of amendment, together with the duplicate original
of the articles of amendment affixed thereto by the secretary of
state, shall be returned to the corporation or its representative.

30-1-63. EFFECT OF CERTIFICATE OF AMENDMENT. The amendment shall
become effective upon the issuance of the certificate of amendment by
the secretary of state, or on such later date, not more than thirty
(30) days subsequent to the filing thereof with the secretary of
state, as shall be provided for in the articles of amendment.

No amendment shall affect any existing cause of action in favor of
or against such corporation, or any pending suit to which such
 corporation shall be party, or the existing rights of persons other
than shareholders; and, in the event the corporate name shall be
changed by amendment, no suit brought by or against such corporation
under its former name shall abate for that reason.

30-1-64. RESTATED ARTICLES OF INCORPORATION. A domestic
corporation may, at any time, restate its articles of incorporation as
theretofore amended by a resolution adopted by the board of directors.

Upon the adoption of such resolution, restated articles of incorporation shall be executed in duplicate by the corporation by its
president or a vice president and by its secretary or assistant
secretary and verified by one (1) of the officers signing such
articles and shall set forth all of the operative provisions of the
articles of incorporation as theretofore amended together with a
statement that the restated articles of incorporation correctly set
forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that such restated articles of incorporation conform to law, he shall, when all fees and franchise taxes have been paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.
(b) File one of such duplicate originals in his office.
(c) Issue a restated certificate of incorporation, to which he shall affix the other duplicate original.

The restated certificate of incorporation, together with the duplicate original of the restated articles of incorporation affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the issuance of the restated certificate of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

30-1-65. AMENDMENT OF ARTICLES OF INCORPORATION IN REORGANIZATION PROCEEDINGS. (a) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

(b) In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(1) Change the corporate name, period of duration or corporate purposes of the corporation;
(2) Repeal, alter or amend the bylaws of the corporation;
(3) Change the aggregate number of shares or shares of any class which the corporation has authority to issue;
(4) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;
(5) Authorize the issuance of bonds, debentures or other
obligations of the corporation, whether or not convertible into
shares of any class or bearing warrants or other evidences of
optional rights to purchase or subscribe for shares of any class,
and fix the terms and conditions thereof; and
(6) Constitute or reconstitute and classify or reclassify the
board of directors of the corporation, and appoint directors and
officers in place of or in addition to all or any of the directors
or officers then in office.
(c) Amendments to the articles of incorporation pursuant to this
section shall be made in the following manner:
(1) Articles of amendment approved by decree or order of such
court shall be executed and verified in duplicate by such person
or persons as the court shall designate or appoint for the
purpose, and shall set forth the name of the corporation, the
amendments of the articles of incorporation approved by the court,
the date of the decree or order approving the articles of
amendment, the title of the proceedings in which the decree or
order was entered, and a statement that such decree or order was
entered by a court having jurisdiction of the proceedings for the
reorganization of the corporation pursuant to the provisions of an
applicable statute of the United States.
(2) Duplicate 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 conform to law, he shall,
when all fees and franchise taxes have been paid as in this act
prescribed:
1. Endorse on each of such duplicate originals the word
"Filed," and the month, day and year of the filing thereof.
2. File one of such duplicate originals in his office.
3. Issue a certificate of amendment to which he shall affix
the other duplicate original.
(3) The certificate of amendment, together with the duplicate
original of the articles of amendment affixed thereto by the
secretary of state, shall be returned to the corporation or its
representative.
(d) The amendment shall become effective upon the issuance of the
certificate of amendment by the secretary of state, or on such later
date, not more than thirty (30) days subsequent to the filing thereof
with the secretary of state, as shall be provided for in the articles
of amendment without any action thereon by the directors or
shareholders of the corporation and with the same effect as if the
amendments had been adopted by unanimous action of the directors and
shareholders of the corporation.

30-1-66. RESTRICTION ON REDEMPTION OR REPURCHASE OF REDEEMABLE
SHARES. No redemption or purchase of redeemable shares shall be made
by a corporation when it is insolvent or when such redemption or
purchase would render it insolvent, or which would reduce the net
assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon involuntary dissolution.

30-1-67. CANCELLATION OF REDEEMABLE SHARES BY REDEMPTION OR PURCHASE. When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case a statement of cancellation shall be filed as provided in this section, and the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so cancelled which the corporation is authorized to issue by the number of shares so cancelled.

The statement of cancellation shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing such statement, and shall set forth:

(a) The name of the corporation.
(b) The number of redeemable shares cancelled through redemption or purchase, itemized by classes.
(c) The aggregate number of issued shares, itemized by classes, after giving effect to such cancellation.
(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.
(e) The number of shares which the corporation will have authority to issue itemized by classes, after giving effect to such cancellation.

Duplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees and franchise taxes have been paid as in this act prescribed:

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.
(2) File one of such duplicate originals in his office.
(3) Return the other duplicate original to the corporation or its representative.

Upon such cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

30-1-68. CANCELLATION OF OTHER REACQUIRED SHARES. A corporation
may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased.

Upon such cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled, and the shares so cancelled shall be restored to the status of authorized but unissued shares.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

30-1-69. REDUCTION OF STATED CAPITAL IN CERTAIN CASES. A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the question of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing such statement, and shall set forth:

(1) The name of the corporation.
(2) A copy of the resolution of the shareholders approving such reduction, and the date of its adoption.
(3) The number of shares outstanding, and the number of shares entitled to vote thereon.
(4) The number of shares voted for and against such reduction, respectively.
(5) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such
reduction.
Duplicate originals of such statement shall be delivered to the
secretary of state. If the secretary of state finds that such
statement conforms to law, he shall, when all fees and franchise
taxes have been paid as in this act prescribed:
1. Endorse on each of such duplicate originals the word
"Filed," and the month, day and year of the filing thereof.
2. File one of such duplicate originals in his office.
3. Return the other duplicate original to the corporation or
its representative.

Upon the filing of such statement, the stated capital of the
corporation shall be reduced as therein set forth.
No such reduction of stated capital shall be made under the
provisions of this section which would reduce the amount of the
aggregate stated capital of the corporation to an amount equal to or
less than the aggregate preferential amounts payable upon all issued
shares having a preferential right in the assets of the corporation in
the event of involuntary liquidation, plus the aggregate par value of
all issued shares having a par value but no preferential right in the
assets of the corporation in the event of involuntary liquidation.

30-1-70. SPECIAL PROVISIONS RELATING TO SURPLUS AND RESERVES. The
surplus, if any, created by or arising out of a reduction of the
stated capital of a corporation shall be capital surplus.

The capital surplus of a corporation may be increased from time to
time by resolution of the board of directors directing that all or a
part of the earned surplus of the corporation be transferred to
capital surplus.

A corporation may, by resolution of its board of directors, apply
any part or all of its capital surplus to the reduction or elimination
of any deficit arising from losses, however incurred, but only after
first eliminating the earned surplus, if any, of the corporation by
applying such losses against earned surplus and only to the extent
that such losses exceed the earned surplus, if any. Each such
application of capital surplus shall, to the extent thereof, effect a
reduction of capital surplus.

A corporation may, by resolution of its board of directors, create
a reserve or reserves out of its earned surplus for any proper purpose
or purposes, and may abolish any such reserve in the same manner.
Earned surplus of the corporation to the extent so reserved shall not
be available for the payment of dividends or other distributions by
the corporation except as expressly permitted by this act.

30-1-71. PROCEDURE FOR MERGER. Any two (2) or more domestic
corporations may merge into one (1) of such corporations pursuant to a
plan of merger approved in the manner provided in this act.

The board of directors of each corporation shall, by resolution
adopted by each such board, approve a plan of merger setting forth:
(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) The manner and basis of converting the shares of each corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

(d) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(e) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

30-1-72A. PROCEDURE FOR SHARE EXCHANGE. All the issued or all the outstanding shares of one or more classes of any domestic corporation may be acquired through the exchange of all such shares of such class or classes by another domestic corporation pursuant to a plan of exchange approved in the manner provided in this act.

The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of exchange setting forth:

(a) The name of the corporation the shares of which are proposed to be acquired by exchange and the name of the corporation to acquire the shares of such corporation in the exchange, which is hereinafter designated as the acquiring corporation.

(b) The terms and conditions of the proposed exchange.

(c) The manner and basis of exchanging the shares to be acquired for shares, obligations or other securities of the acquiring
corporation or any other corporation, or, in whole or in part, for cash or other property.

(d) Such other provisions with respect to the proposed exchange as are deemed necessary or desirable.

The procedure authorized by this section shall not be deemed to limit the power of a corporation to acquire all or part of the shares of any class or classes of a corporation through a voluntary exchange or otherwise by agreement with the shareholders.

30-1-73. APPROVAL BY SHAREHOLDERS. (a) The board of directors of each corporation in the case of a merger or consolidation, and the board of directors of the corporation the shares of which are to be acquired in the case of an exchange, upon approving such plan of merger, consolidation or exchange, shall, by resolution, direct that the plan be submitted to a vote at a meeting of its shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty (20) days before such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger, consolidation or exchange. A copy or a summary of the plan of merger, consolidation or exchange, as the case may be, shall be included in or enclosed with such notice.

(b) At each such meeting, a vote of the shareholders shall be taken on the proposed plan. The plan shall be approved upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan shall be approved upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of shares of any such corporation shall be entitled to vote as a class if any such plan contains any provision which, if contained in a proposed amendment to articles of incorporation, would entitle such class of shares to vote as a class and, in the case of an exchange, if the class is included in the exchange.

(c) After such approval by a vote of the shareholders of each such corporation, and at any time prior to the filing of the articles of merger, consolidation or exchange, the merger, consolidation or exchange may be abandoned pursuant to provision therefor, if any, set forth in the plan.

(d) (1) Notwithstanding the provisions of subsections (a) and (b) of this section, submission of a plan of merger to a vote at a meeting of shareholders of a surviving corporation shall not be required if:

(i) The articles of incorporation of the surviving
corporation do not differ except in name from those of the corporation before the merger.

(ii) Each holder of shares of the surviving corporation which were outstanding immediately before the effective date of the merger is to hold the same number of shares with identical rights immediately after.

(iii) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable on conversion of other securities issued by virtue of the terms of the merger and on exercise of rights and warrants so issued, will not exceed by more than twenty percent (20%) the number of voting shares outstanding immediately before the merger, and

(iv) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable on conversion of other securities issued by virtue of the terms of the merger and on exercise of rights and warrants so issued, will not exceed by more than twenty percent (20%) the number of participating shares outstanding immediately before the merger.

(2) As used in this subsection (d):

(i) "Voting shares" mean shares which entitle their holders to vote unconditionally in elections of directors;

(ii) "Participating shares" mean shares which entitle their holders to participate without limitation in distribution of earnings or surplus.

30-1-74. ARTICLES OF MERGER - CONSOLIDATION OR EXCHANGE. (a) Upon receiving the approval required by sections 30-1-71, 30-1-72, 30-1-72A and 30-1-73, articles of merger, consolidation or exchange shall be executed in duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(1) The plan of merger, consolidation, or exchange;

(2) As to each corporation, either:

(i) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class; or

(ii) A statement that the vote of shareholders is not required by virtue of subsection (d) of section 30-1-73, Idaho Code;

(3) As to each corporation the approval of whose shareholders is required, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

(b) Duplicate originals of the articles of merger, consolidation
or exchange shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees and franchise taxes have been paid as in this act prescribed:

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof;
(2) File one (1) of such duplicate originals in his office; and
(3) Issue a certificate of merger, consolidation or exchange to which he shall affix the other duplicate original.
(c) The certificate of merger, consolidation or exchange together with the duplicate original of the articles affixed thereto by the secretary of state, shall be returned to the surviving, new or acquiring corporation, as the case may be, or its representative.

30-1-75. MERGER OF SUBSIDIARY CORPORATION. Any corporation owning at least ninety percent (90%) of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety percent (90%) of its shares, which is hereinafter designated as the surviving corporation.
(b) The manner and basis of converting the shares of the subsidiary corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

Articles of merger shall be executed in duplicate by the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of its officers signing such articles, and shall set forth:

(a) The plan of merger;
(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and
(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

On and after the 30th day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees and franchise taxes have been paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed" and the month, day and year of the filing thereof;
(b) File one (1) of such duplicate originals in his office, and
(c) Issue a certificate of merger to which he shall affix the other duplicate original.

The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state, shall be returned to the surviving corporation or its representative.

30-1-76. EFFECT OF MERGER, CONSOLIDATION OR EXCHANGE. A merger, consolidation or exchange shall become effective upon the issuance of a certificate of merger, consolidation or exchange by the secretary of state, or on such later date, not more than thirty (30) days subsequent to the filing thereof with the secretary of state, as shall be provided for in the plan.

When a merger or consolidation has become effective:
(a) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.
(b) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.
(c) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this act.
(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, of a public as well as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.
(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.
(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if
any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this act shall be deemed to be the original articles of incorporation of the new corporation.

When a merger, consolidation or exchange has become effective, the shares of the corporation or corporations party to the plan that are, under the terms of the plan, to be converted or exchanged, shall cease to exist, in the case of a merger or consolidation, or be deemed to be exchanged in the case of an exchange; and the holders of such shares shall thereafter be entitled only to the shares, obligations, other securities, cash or other property into which they shall have been converted or for which they shall have been exchanged, in accordance with the plan, subject to any rights under section 30-1-80, Idaho Code.

30-1-77. MERGER, CONSOLIDATION OR EXCHANGE OF SHARES BETWEEN DOMESTIC AND FOREIGN CORPORATIONS. One or more foreign corporations and one or more domestic corporations may be merged or consolidated, or participate in an exchange, in the following manner, if such merger, consolidation or exchange is permitted by the laws of the state under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this act with respect to the merger, consolidation or exchange, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(b) If the surviving or new corporation in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this act with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(1) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(2) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding; and

(3) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation, the amount, if any, to which they shall be entitled under provisions of this act with respect to the rights of dissenting shareholders.
30-1-78. SALE OF ASSETS IN REGULAR COURSE OF BUSINESS AND MORTGAGE OR PLEDGE OF ASSETS. The sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual and regular course of business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required.

30-1-79. SALE OF ASSETS OTHER THAN IN REGULAR COURSE OF BUSINESS. A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty (20) days before such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one (1) of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(c) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of a majority of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(d) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further
action or approval by shareholders.

(e) If the corporation is insolvent, the authorization required by this section may be given by the majority vote of the board of directors, without the requirement of authorization by a vote of shareholders.

30-1-80. RIGHT OF SHAREHOLDERS TO DISSENT AND OBTAIN PAYMENT FOR SHARES. (a) Any shareholder of a corporation shall have the right to dissent from, and to obtain payment for his shares in the event of any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party, except as provided in subsection (c) of this section;

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual or regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one (1) year after the date of sale;

(3) Any plan of exchange to which the corporation is a party, as the corporation the shares of which are to be acquired;

(4) Any amendment of the articles of incorporation which materially and adversely affects the rights appurtenant to the shares of the dissenting shareholder in that it:

(i) Alters or abolishes a preferential right of such shares;

(ii) Creates, alters or abolishes a right in respect of the redemption of such shares, including a provision respecting a sinking fund for the redemption or repurchase of such shares;

(iii) Alters or abolishes a preemptive right of the holder of such shares to acquire shares or other securities;

(iv) Excludes or limits the right of the holder of such shares to vote on any matter, or to cumulate his votes, except as such right may be limited by dilution through the issuance of shares or other securities with similar voting rights; or

(5) Any other corporate action taken pursuant to a shareholder vote with respect to which the articles of incorporation, the bylaws, or a resolution of the board of directors directs that dissenting shareholders shall have a right to obtain payment for their shares.

(b) (1) A record holder of shares may assert dissenters' rights as to less than all of the shares registered in his name only if he dissents with respect to all the shares beneficially owned by any one person, and discloses the name and address of the persons on whose behalf he dissents. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different
shareholders.

(2) A beneficial owner of shares who is not the record holder may assert dissenters' rights with respect to shares held on his behalf, and shall be treated as a dissenting shareholder under the terms of this section and section 30-1-31, Idaho Code, if he submits to the corporation at the time of or before the assertion of these rights a written consent of the record holder.

(c) The right to obtain payment under this section shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger.

(d) A shareholder of a corporation who has a right under this section to obtain payment for his shares shall have no right at law or in equity to attack the validity of the corporate action that gives rise to his right to obtain payment, nor to have the action set aside or rescinded, except when the corporate action is unlawful or fraudulent with regard to the complaining shareholder or to the corporation.

30-1-81. PROCEDURES FOR PROTECTION OF DISSENTERS' RIGHTS. (a) As used in this section:

(1) "Dissenter" means a shareholder or beneficial owner who is entitled to and does assert dissenters' rights under section 30-1-80, Idaho Code, and who has performed every act required up to the time involved for the assertion of such rights.

(2) "Corporation" means the issuer of the shares held by the dissenter before the corporate action or the successor by merger or consolidation of that issuer.

(3) "Fair value" of shares means their value immediately before the effectuation of the corporate action to which the dissenter objects, excluding any appreciation or depreciation in anticipation of such corporate action unless such exclusion would be inequitable.

(4) "Interest" means interest from the effective date of the corporate action until the date of payment at the average rate currently paid by the corporation on its principal bank loans, or, if none, at such rate as is fair and equitable under all the circumstances.

(b) If a proposed corporate action which would give rise to dissenters' rights under subsection (a) of section 30-1-80, Idaho Code, is submitted to a vote at a meeting of shareholders, the notice of meeting shall notify all shareholders that they have or may have a right to dissent and obtain payment for their shares by complying with the terms of this section, and shall be accompanied by a copy of sections 30-1-80 and 30-1-81, Idaho Code.

(c) If the proposed corporate action is submitted to a vote at a meeting of shareholders, any shareholder who wishes to dissent and obtain payment for his shares shall refrain from voting his shares in

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approval of such action. A shareholder who votes in favor of such action shall acquire no right to payment for his shares under this section or section 30-1-80, Idaho Code.

(d) If the proposed corporate action is approved by the required vote at a meeting of shareholders, the corporation shall mail a further notice to all shareholders who refrained from voting in favor of the proposed action. If the proposed corporate action is to be taken without a vote of shareholders, the corporation shall send to all shareholders who are entitled to dissent and demand payment for their shares a notice of the adoption of the plan of corporate action. The notice shall:

1. State where and when a demand for payment must be sent and certificates of certificated shares must be deposited in order to obtain payment;
2. Inform holders of uncertificated shares to what extent transfer of shares will be restricted from the time that demand for payment is received;
3. Supply a form for demanding payment which includes a request for certification of the date on which the shareholder, or the person on whose behalf the shareholder dissents, acquired beneficial ownership of the shares; and
4. Be accompanied by a copy of sections 30-1-80 and 30-1-81, Idaho Code. The time set for the demand and deposit shall be not less than thirty (30) days from the mailing of the notice.

(e) A shareholder who fails to demand payment, or fails (in the case of certificated shares) to deposit certificates, as required by a notice pursuant to subsection (d) of this section shall have no right under this section or section 30-1-80, Idaho Code, to receive payment for his shares. If the shares are not represented by certificates, the corporation may restrict their transfer from the time of receipt of demand for payment until effectuation of the proposed corporate action, or the release of restrictions under the terms of subsection (f) of this section. The dissenter shall retain all other rights of a shareholder until these rights are modified by effectuation of the proposed corporate action.

(f) (1) Within sixty (60) days after the date set for demanding payment and depositing certificates, if the corporation has not effectuated the proposed corporate action and remitted payment for shares pursuant to paragraph (3) of this subsection, it shall return any certificates that have been deposited, and release uncertificated shares from any transfer restrictions imposed by reason of the demand for payment.
(2) When uncertificated shares have been released from transfer restrictions, and deposited certificates have been returned, the corporation may at any later time send a new notice conforming to the requirements of subsection (d) of this section, with like effect.
(3) Immediately upon effectuation of the proposed corporate
action, or upon receipt of demand for payment if the corporate
action has already been effectuated, the corporation shall remit
to dissenters who have made demand and (if their shares are
certificated) have deposited their certificates, the amount which
the corporation estimates to be the fair value of the shares, with
interest if any has accrued. The remittance shall be accompanied
by:

(i) The corporation's closing balance sheet and statement of
income for a fiscal year ending not more than sixteen (16)
months before the date of remittance, together with the
latest available interim financial statements;
(ii) A statement of the corporation's estimate of fair value
of the shares; and
(iii) A notice of the dissenter's right to demand
supplemental payment.

(g) (1) If the corporation fails to remit as required by
subsection (f) hereof, or if the dissenter believes that the
amount remitted is less than the fair value of his shares, or that
the interest is not correctly determined, he may send the
 corporation his own estimate of the value of the shares or of the
interest and demand payment of the deficiency.
(2) If the dissenter does not file such an estimate within thirty
(30) days after the corporation's mailing of its remittance, he
shall be entitled to no more than the amount remitted.

(h) (1) Within sixty (60) days after receiving a demand for
payment pursuant to subsection (g) hereof, if any such demands for
 payment remain unsettled, the corporation shall file in an
appropriate court a petition requesting that the fair value of the
shares and interest thereon be determined by the court.
(2) An appropriate court shall be the district court in the
county of this state where the registered office of the
corporation is located. If, in the case of a merger or
consolidation or exchange of shares, the corporation is a foreign
corporation without a registered office in this state, the
petition shall be filed in the county where the registered office
of the foreign corporation was last located. If there is no known
registered office, the petition may be filed in Ada County, Idaho.
(3) All dissenters, wherever residing, whose demands have not
been settled shall be made parties to the proceeding as in an
action against their shares. A copy of the petition shall be
served on each such dissenter. If a dissenter is a nonresident,
the copy may be served on him by registered or certified mail or
by publication as provided by law.
(4) The jurisdiction of the court shall be plenary and exclusive.
The court may appoint one or more persons as appraisers to receive
evidence and recommend a decision on the question of fair value.
The appraisers shall have such power and authority as shall be
specified in the order of their appointment or in any amendment
thereof. The dissenters shall be entitled to discovery in the same manner as parties in other civil suits.

(5) All dissenters who are made parties shall be entitled to judgment for the amount by which the fair value of their shares is found to exceed the amount previously remitted, with interest.

(6) If the corporation fails to file a petition as provided in paragraph (1) of this subsection (h), each dissenting who made a demand and who has not already settled his claim against the corporation shall be paid by the corporation the amount demanded by him, with interest, and may sue therefor in an appropriate court.

(i) (1) The costs and expenses of any proceeding under subsection (h) of this section, including the reasonable compensation and expenses of appraisers appointed by the court, shall be determined by the court and assessed against the corporation, except that any part of the costs and expenses may be apportioned and assessed as the court may deem equitable against all or some of the dissenters who are parties and whose action in demanding supplemental payment the court finds to be arbitrary, vexatious, or not in good faith.

(2) Fees and expenses of counsel and of experts for the respective parties may be assessed as the court may deem equitable against the corporation and in favor of any or all dissenters if the corporation failed to comply substantially with the requirements of this section, and may be assessed against either the corporation or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith in respect to the rights provided by this section and section 30-1-80, Idaho Code.

(3) If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated and should not be assessed against the corporation, it may award to counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefitted.

(j) (1) Notwithstanding the foregoing provisions of this section, the corporation may elect to withhold the remittance required by subsection (f) of this section from any dissenter with respect to shares of which the dissenter (or the person on whose behalf the dissenter acts) was not the beneficial owner on the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action. With respect to such shares, the corporation shall, upon effectuating the corporate action, state to each dissenter its estimate of the fair value of the shares, state the rate of interest to be used (explaining the basis thereof), and offer to pay the resulting amounts on receiving the dissenter's agreement to accept them in full satisfaction.
(2) If the dissenter believes that the amount offered is less than the fair value of the shares and interest determined according to this section, he may within thirty (30) days after the date of mailing of the corporation's offer, mail the corporation his own estimate of fair value and interest, and demand their payment. If the dissenter fails to do so, he shall be entitled to no more than the corporation's offer.
(3) If the dissenter makes a demand as provided in paragraph (2) of this subsection (j), the provisions of subsections (h) and (i) of this section shall apply to further proceedings on the dissenter's demand.

30-1-82. VOLUNTARY DISSOLUTION 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 in the following manner.
(a) Articles of dissolution shall be executed in duplicate 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) Duplicate 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 duplicate originals with his approval.
(2) File and record one (1) of such duplicate originals in his office.
(3) Issue a certificate of dissolution to which he shall affix the other duplicate original.
The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, shall be retained by the incorporators or initial directors or their representative. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

30-1-83. VOLUNTARY DISSOLUTION BY CONSENT OF SHAREHOLDERS. A corporation may be voluntarily dissolved by the written consent of all
of its shareholders. The consent shall indicate on its face that signature of the shareholders constitutes authority to dissolve. It shall be executed in duplicate original by each shareholder. The corporation president, vice president, secretary or assistant secretary shall certify under oath on the consent that the consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

30-1-84. VOLUNTARY DISSOLUTION BY ACT OF CORPORATION. A corporation may be dissolved by the act of the corporation, when authorized in the following manner:
(a) 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.
(b) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this act 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 dissolving the corporation.
(c) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the resolution shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

30-1-85--30-1-86. (RESERVED)

30-1-87. PROCEDURE AFTER APPROVAL OF DISSOLUTION. (a) 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.
(b) 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.
(c) 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.

30-1-88. REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS. At any time prior to filing articles of dissolution, the corporation may elect to discontinue dissolution proceedings either by the written consent of all the shareholders or by act of the corporation in the manner provided by sections 30-1-83 or 30-1-84, Idaho Code, respectively.

30-1-89--30-1-91. (RESERVED)

30-1-92. ARTICLES OF DISSOLUTION. After the procedures prescribed by sections 30-1-83, 30-1-84, and 30-1-87, Idaho Code, have been completed, articles of dissolution shall be executed in duplicate original by the corporation by its president or vice president and by its secretary or assistant secretary, and verified by one (1) of the officers signing the articles. The articles shall include:
(a) The name of the corporation 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 notice required by section 30-1-87, Idaho Code, was 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 accordance with the distribution provision in the articles of incorporation, or if there be no such provision, among the shareholders in proportion to their respective rights and interests.
(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.

A duplicate original of the consent of the shareholders or a verified copy of resolution to dissolve shall be annexed to each duplicate original of the articles of dissolution.

30-1-93. FILING OF ARTICLES OF DISSOLUTION. Duplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all corporation fees and corporation license taxes have been paid:
(a) Endorse on each of such duplicate originals the word "Filed",
and the month, day and year of the filing thereof.

(b) File one (1) of such duplicate originals in his office.

(c) Issue a certificate of dissolution to which he shall affix the other duplicate original.

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, shall be returned to the representative of the dissolved corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this act.

30-1-94. INVOLUNTARY DISSOLUTION. A corporation may be dissolved involuntarily by a decree of the district court in an action filed by the attorney general when it is established that:

(a) The corporation procured its articles of incorporation through fraud; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

(c) The corporation has failed for thirty (30) days to appoint and maintain a registered agent in this state; or

(d) The corporation has failed for thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state a statement of such change.

30-1-95. NOTIFICATION TO ATTORNEY GENERAL. The secretary of state shall certify to the attorney general, from time to time, the names of all corporations which have given cause for dissolution as provided in this act, together with the facts pertinent thereto. Whenever the secretary of state shall certify the name of a corporation to the attorney general as having given any cause for dissolution, the secretary of state shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the attorney general shall file an action in the name of the state against such corporation for its dissolution. If, before action is filed, the corporation shall appoint or maintain a registered agent as provided in this act, or shall file with the secretary of state the required statement of change of registered office or registered agent, such fact shall be forthwith certified by the secretary of state to the attorney general and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall appoint or maintain a registered agent as provided in this act, or shall file with the secretary of state the required statement of change of registered office or registered agent, and shall pay the costs of such action, the action for such cause shall abate.
30-1-96. VENUE AND PROCESS. Every action for the involuntary
dissolution of a corporation shall be commenced by the attorney
general in the district court of the county in which the registered
office of the corporation is situated, or if there is no such
registered office, then in the district court of Ada County. Summons
shall issue and be served in the manner provided in the Idaho rules of
civil procedure.

30-1-97. JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS
OF CORPORATION. The district courts shall have full power to liquidate
the assets and business of a corporation:

(a) In an action by a shareholder when it is established:
(1) That the directors are deadlocked in the management of the
    corporate affairs and the shareholders are unable to break the
deadlock, and that irreparable injury to the corporation is being
suffered or is threatened by reason thereof; or
(2) That the acts of the directors or those in control of the
corporation are illegal, oppressive or fraudulent and that
irreparable injury to the corporation is being suffered or is
threatened by reason thereof; or
(3) That the shareholders are deadlocked in voting power, and
    have failed, for a period which includes at least two (2)
    consecutive annual meeting dates, to elect successors to directors
    whose terms have expired or would have expired upon the election
    of their successors; or
(b) In an action by a creditor:
(1) When the claim of the creditor has been reduced to judgment
    and an execution thereon returned unsatisfied and it is
established that the corporation is insolvent; or
(2) When the corporation has admitted in writing that the claim
    of the creditor is due and owing and it is established that the
corporation is insolvent.
(c) Upon application by a corporation which has commenced
voluntary dissolution proceedings as provided in this act, to have its
liquidation continued under the supervision of the court.
(d) When an action has been filed by the attorney general to
dissolve a corporation and it is established that liquidation of its
business and affairs should precede the entry of a decree of
dissolution.

Proceedings under subsections (a), (b) or (c) of this section
shall be brought in the county in which the registered office or the
principal office of the corporation is situated.

It shall not be necessary to make shareholders parties to any such
action or proceeding unless relief is sought against them personally.

30-1-98. PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT. In
proceedings to liquidate the assets and business of a corporation the
court shall have power to issue injunctions, to appoint a receiver or
receivers pendente lite, with such powers and duties as the court, from time to time may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by subscribers on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The court shall have power to allow from time to time as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

30-1-99. QUALIFICATIONS OF RECEIVERS. A receiver shall in all cases be a natural person or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

30-1-100. FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS. In proceedings to liquidate the assets and business of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not
less than four (4) months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

30-1-101. DISCONTINUANCE OF LIQUIDATION PROCEEDINGS. The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

30-1-102. DECREE OF INVOLUNTARY DISSOLUTION. In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

30-1-103. FILING OF DECREE OF DISSOLUTION. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the secretary of state. No fee shall be charged by the secretary of state for the filing thereof.

30-1-104. DEPOSIT WITH STATE TREASURER OF AMOUNT DUE CERTAIN SHAREHOLDERS. Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the state tax commission and shall be administered and distributed as abandoned property in accordance with the provisions of sections 14-506 through 14-521, Idaho Code.

30-1-105. SURVIVAL OF REMEDY AFTER DISSOLUTION. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of court when the court has not liquidated the assets and business of the corporation as provided in this act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available
to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two (2) years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two (2) years so as to extend its period of duration.

30-1-106. ADMISSION OF FOREIGN CORPORATION. No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this act to transact in this state any business which a corporation organized under this act is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this act contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state for the purposes of this act, by reason of carrying on in this state any one or more of the following activities:

(a) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.
(b) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.
(c) Maintaining bank accounts.
(d) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.
(e) Effecting sales through independent contractors.
(f) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.
(g) Creating as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.
(h) Securing or collecting debts or enforcing any rights in property securing the same.
(i) Transacting any business in interstate commerce.
(j) Conducting an isolated transaction completed within a period of thirty (30) days and not in the course of a number of repeated transactions of like nature.

30-1-107. POWERS OF FOREIGN CORPORATION. A foreign corporation which shall have received a certificate of authority under this act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this act, enjoy the same but no greater rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

30-1-108. CORPORATE NAME OF FOREIGN CORPORATION. No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:
(a) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.
(b) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or 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 this act, or the name of a corporation which has in effect a registration of its name as provided in this act except that this provision shall not apply if the foreign corporation applying for a certificate of authority files with the secretary of state any one of the following:
1. A resolution of its board of directors adopting a fictitious name for use in transacting business in this state which fictitious name is not deceptively similar to the name of any domestic corporation or of any foreign corporation authorized to transact business in this state or to any name reserved or registered as provided in this act, or
2. The written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or
3. A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of such foreign corporation to the use of such name in this state.

30-1-109. CHANGE OF NAME BY FOREIGN CORPORATION. Whenever a
foreign corporation which is authorized to transact business in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this state until it has changed its name to a name which is available to it under the laws of this state or has otherwise complied with the provisions of this act.

30-1-110. APPLICATION FOR CERTIFICATE OF AUTHORITY. A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The date of incorporation and the period of duration of the corporation.

(c) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(d) The address of the registered office of the corporation in this state, and the name of its registered agent in this state at such address.

(e) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(f) The names and respective addresses of the directors and officers of the corporation.

(g) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares and shares without par value.

(h) A statement of the aggregate number of issued shares itemized by classes, par value of shares and shares without par value.

(i) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees and franchise taxes payable as in this act prescribed.

Such application shall be made on forms prescribed and furnished by the secretary of state and shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing such application.

30-1-111. FILING OF APPLICATION FOR CERTIFICATE OF AUTHORITY. Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of its articles of incorporation and all amendments thereto, duly certified by the proper officer of the state or country under the laws of which it is incorporated.

If the secretary of state finds that such application conforms to
law, he shall, when all fees and franchise taxes have been paid as in this act prescribed:

(a) Endorse on each of such documents the word "Filed," and the month, day and year of the filing thereof.

(b) File in his office one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto.

(c) Issue a certificate of authority to transact business in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

30-1-112. EFFECT OF CERTIFICATE OF AUTHORITY. Upon the issuance of a certificate of authority by the secretary of state, the corporation shall be authorized to transact business in this state for those purposes set forth in its application subject, however, to the right of this state to suspend or to revoke such authority as provided in this act.

30-1-113. REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION. Each foreign corporation authorized to transact business in this state shall have and continuously maintain in this state:

(a) A registered office which may be, but need not be, the same as its place of business in this state.

(b) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office.

30-1-114. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION. A foreign corporation authorized to transact business in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(a) The name of the corporation.

(b) The address of its then registered office.

(c) If the address of its registered office be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent be changed, the name of its successor registered agent.

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(g) That such change was authorized by resolution duly adopted by
its board of directors.

Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty (30) days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to (e) or (g) and must recite that a copy of the statement has been mailed to the corporation.

30-1-115. SERVICE OF PROCESS ON FOREIGN CORPORATION. The registered agent so appointed by a foreign corporation authorized to transact business in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to transact business in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended, revoked or withdrawn, then any process, notice or demand required or permitted by law to be served upon the corporation may be served by mailing copies of the process, notice or demand by registered or certified mail to the corporation addressed to its registered office and to the president or secretary of the corporation at the addresses shown on the most current annual report filed with the secretary of state or as shown on any application for withdrawal of a corporation that has withdrawn from Idaho.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

30-1-116. AMENDMENT TO ARTICLES OF INCORPORATION OF FOREIGN CORPORATION. Whenever the articles of incorporation of a foreign
corporation authorized to transact business in this state are amended, such foreign corporation shall, within thirty (30) days after such amendment becomes effective, file in the office of the secretary of state a copy of such amendment duly certified by the proper officer of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in this state, nor authorize such corporation to transact business in this state under any other name than the name set forth in its certificate of authority.

30-1-117. MERGER OF FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE. Whenever a foreign corporation authorized to transact business in this state shall be a party to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty (30) days after such merger becomes effective, file with the secretary of state a copy of the articles of merger duly certified by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in this state unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this state other or additional purposes than those which it is then authorized to transact in this state.

30-1-118. AMENDED CERTIFICATE OF AUTHORITY. A foreign corporation authorized to transact business in this state shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this state other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the secretary of state.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

30-1-119. WITHDRAWAL OF FOREIGN CORPORATION. A foreign corporation authorized to transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.
(b) That the corporation is not transacting business in this state.
(c) That the corporation surrenders its authority to transact business in this state.
(d) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereafter be made on such corporation by service thereon in the manner provided in section 30-1-115, Idaho Code.
(e) A post-office address to which a copy of any process against the corporation may be served on it pursuant to the provisions of section 30-1-115, Idaho Code.
(f) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine and assess any unpaid fees or franchise taxes payable by such foreign corporation as in this act prescribed.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

30-1-120. FILING OF APPLICATION FOR WITHDRAWAL. Duplicate originals of such application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the provisions of this act, he shall, when all fees and franchise taxes have been paid as in this act prescribed:
(a) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.
(b) File one of such duplicate originals in his office.
(c) Issue a certificate of withdrawal to which he shall affix the other duplicate original.

The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

30-1-121. REVOCATION OF CERTIFICATE OF AUTHORITY. The certificate of authority of a foreign corporation to transact business in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:
(a) The corporation has failed to appoint and maintain a
registered agent in this state as required by this act; or

(b) The corporation has failed, after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this act; or

(c) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this act; or

(d) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this act.

No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless (1) he shall have given the corporation not less than sixty (60) days' notice thereof by mail addressed to its registered office in this state, and (2) the corporation shall fail prior to revocation to file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

30-1-122. ISSUANCE OF CERTIFICATE OF REVOCATION. Upon revoking any such certificate of authority, the secretary of state shall:

(a) Issue a certificate of revocation in duplicate.

(b) File one of such certificates in his office.

(c) Mail to such corporation at its registered office in this state a notice of such revocation accompanied by one of such certificates.

Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in this state shall cease.

30-1-123. APPLICATION TO CORPORATIONS HERETOFORE AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE. Foreign corporations which are duly authorized to transact business in this state at the time this act takes effect, for a purpose or purposes for which a corporation might secure such authority under this act, shall, subject to the limitations set forth in their respective certificates of authority, be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this state under this act, and from the time this act takes effect such corporations shall be subject to all the limitations, restrictions, liabilities, and duties prescribed herein for foreign corporations procuring certificates of authority to transact business in this state under this act.

30-1-124. TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY. No foreign corporation transacting business in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state, until such corporation shall have obtained a certificate of authority. No shall any action,
suit or proceeding be maintained in any court of this state by any
successor or assignee of such corporation on any right, claim or
demand arising out of the transaction of business by such corporation
in this state, until a certificate of authority shall have been
obtained by such corporation or by a corporation which has acquired
all or substantially all of its assets.

The failure of a foreign corporation to obtain a certificate of
authority to transact business in this state shall not impair the
validity of any contract or act of such corporation, and shall not
prevent such corporation from defending any action, suit or proceeding
in any court of this state.

A foreign corporation which transacts business in this state
without a certificate of authority shall be liable to this state, for
the years or parts thereof during which it transacted business in this
state without a certificate of authority, in an amount equal to all
fees and franchise taxes which would have been imposed by this act
upon such corporation had it duly applied for and received a
certificate of authority to transact business in this state as
required by this act and thereafter filed all reports required by this
act, plus all penalties imposed by this act for failure to pay such
fees and franchise taxes. The attorney general shall bring proceedings
to recover all amounts due this state under the provisions of this
section.

30-1-125. ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS.
Each domestic corporation, and each foreign corporation authorized to
transact business in this state, except for insurance companies
subject to regulation by the department of insurance under title 41,
Idaho Code, shall file, within the time prescribed by this act, an
annual report setting forth:

(a) The name of the corporation and the state or country under
the laws of which it is incorporated.

(b) The address of the registered office of the corporation in
this state, and the name of its registered agent in this state at such
address, and in case of a foreign corporation, the address of its
principal office in the state or country under the laws of which it is
incorporated.

(c) A brief statement of the character of the business in which
the corporation is actually engaged in this state.

(d) The names and respective addresses of the directors and
officers of the corporation.

(e) A statement of the aggregate number of issued shares,
itemized by classes, par value of shares, and shares without par
value.

Such annual report shall be made on forms prescribed and furnished
by the secretary of state, and the information therein contained shall
be given as of the date of the execution of the report. It shall be
executed by the corporation by its president, a vice president,
secretary, an assistant secretary, or treasurer, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by such receiver or trustee.

30-1-126. FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS. Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the 1st day of July and the 30th day of November of each year, except that the first annual report of a domestic or foreign corporation shall be filed within thirty (30) days after its certificate of incorporation or its certificate of authority, as the case may be, is issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the 30th day of November such report was deposited in the United States mail in a sealed envelope properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this act, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the forfeiture prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this act and returned to the secretary of state within thirty (30) days from the date on which it was mailed to the corporation by the secretary of state.

30-1-127. FEES, FRANCHISE TAXES AND CHARGES TO BE COLLECTED BY SECRETARY OF STATE. The secretary of state shall charge and collect in accordance with the provisions of this act:
(a) Fees for filing documents and issuing certificates.
(b) Miscellaneous charges.

30-1-128. FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:
(a) Filing articles of incorporation and issuing a certificate of incorporation, sixty dollars ($60.00).
(b) Filing articles of amendment and issuing a certificate of amendment, twenty dollars ($20.00).
(c) Filing restated articles of incorporation, twenty dollars ($20.00).
(d) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, twenty dollars ($20.00).
(e) Filing an application to reserve a corporate name, ten dollars ($10.00).
(f) Filing a notice of transfer of a reserved corporate name, ten dollars ($10.00).
(g) Filing a statement of change of address of registered office or change of registered agent, or both, ten dollars ($10.00).
(h) Filing a statement of cancellation of shares, twenty dollars
(§20.00).

(i) Filing a statement of reduction of stated capital, twenty dollars ($20.00).

(j) Filing articles of dissolution, twenty dollars ($20.00).

(k) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, sixty dollars ($60.00).

(l) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, twenty dollars ($20.00).

(m) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, twenty dollars ($20.00).

(n) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, twenty dollars ($20.00).

(o) Filing an application for withdrawal of a foreign corporation, ten dollars ($10.00).

(p) Filing any other statement or report, except an annual report, of a domestic or foreign corporation, ten dollars ($10.00).

30-1-129. MISCELLANEOUS CHARGES. The secretary of state shall charge and collect for furnishing a certified copy of any document, instrument, or paper relating to a corporation, twenty-five cents ($.25) per page and two dollars ($2.00) for the certificate and affixing the seal thereto.

30-1-130. FRANCHISE TAX PAYABLE BY DOMESTIC AND FOREIGN CORPORATIONS. Each corporation not exempted by section 30-1-132, Idaho Code, shall each year pay a franchise tax for the privilege of doing business in the corporate form. The tax shall be equal to two-tenths of one percent (0.2%) of either the corporation's net taxable Idaho income, or, in the case of corporations which file income tax returns pursuant to Subchapter S of the Internal Revenue Code, the net distributable Idaho income. The computation will be made before application of carry backs, carry forwards and credits, and will be based on the income tax reporting period which ends during the state fiscal year (July 1 - June 30) immediately preceding the fiscal year for which the franchise tax is paid.

In the event that the income tax year on which the franchise tax is based is a short period taxable year, the amount of the franchise tax shall be equal to twelve (12) divided by the number of months in the short period taxable year times the amount computed above.

\[ \frac{0.2\% \times \text{taxable or distributable Idaho income}}{\text{number of months}} \]

If the computed amount of the franchise tax be less than twenty dollars ($20.00), then the tax paid shall be twenty dollars ($20.00).
If the computed amount be greater than five hundred dollars ($500), then the tax paid shall be five hundred dollars ($500).

30-1-131. COLLECTION OF FRANCHISE TAX -- PRIORITY OVER INCOME TAX. The corporation franchise tax shall be collected by the tax commission in conjunction with the corporation income tax.

In the event that the corporate taxpayer makes an estimated payment or a partial payment on its total tax liability, the payment shall first be attributed to the corporation franchise tax and then to the corporation income tax.

The tax commission shall publish such rules and regulations as may be required to implement the collection of the corporation franchise tax.

30-1-132. EXEMPT CORPORATIONS. The corporation franchise tax shall not be collected from insurance companies subject to regulation by the department of insurance under title 41, Idaho Code, corporations which are not organized for pecuniary profit, and nonproductive mining corporations.

30-1-133. NEW CORPORATIONS -- PRORATION OF MINIMUM TAX -- NOTICE TO TAX COMMISSION. At the time of filing its articles of incorporation or its application for a certificate of authority, each corporation not exempted by section 30-1-132, Idaho Code, shall pay to the secretary of state the minimum tax for the remainder of the fiscal year, prorated quarterly; i.e., if the filing is made between July 1 and September 30 the tax shall be twenty dollars ($20.00); and if between October 1 and December 31, fifteen dollars ($15.00); if between January 1 and March 31, ten dollars ($10.00); and if between April 1 and June 30, five dollars ($5.00).

The secretary of state shall provide the names and addresses of all such new corporations to the tax commission within thirty (30) days after filing.

30-1-134. FORFEITURE OF CORPORATIONS. (a) Each corporation which fails to file its annual report on or before November 1 of the year for which it is required shall forfeit its corporate powers if a domestic corporation or its right to do business in the state of Idaho if a foreign corporation. The forfeiture shall occur on December 1 of the same year.

(b) Each corporation not exempted by section 30-1-132, Idaho Code, which fails to pay its franchise tax by October 15 of the fiscal year to which the tax relates shall forfeit its corporate powers if a domestic corporation or its right to do business in the state of Idaho if a foreign corporation. The forfeiture shall occur on December 1 of the same year.

The tax commission shall by November 15 of each year report to the secretary of state the names of all those corporations which have not
paid the franchise tax by October 15.

30-1-135. CONSEQUENCES OF FORFEITURE. (a) It shall be unlawful for any forfeited domestic or foreign corporation to exercise its corporate powers or to transact any business in this state. The attorney general or any other person may bring an action in the district court to enjoin any such unlawful exercise of powers or transaction of business.

(b) Any statutory limitation period on any claim for relief against a domestic or foreign corporation shall be tolled from the date of its forfeiture until its corporate powers or right to do business are reinstated in accordance with section 30-1-137, Idaho Code.

30-1-136. TRUSTEES FOR FORFEITED CORPORATIONS -- CONTINUATION OF ACTIONS. (a) The directors of any forfeited domestic or foreign corporation, or any other person or persons who may be appointed by any court of competent jurisdiction to perform that duty, are deemed to be trustees of the corporation and stockholders or members of the corporation whose power or right to do business is forfeited, and have full power to settle the affairs of the corporation, and to maintain or defend any action or proceeding then pending in behalf of or against the corporation, or to take such legal proceedings as may be necessary to fully settle the affairs of the corporation, and such directors or managers, as such trustees, may be sued in any of the courts of this state after such forfeiture by any person having a claim against the corporation.

(b) No action pending against any corporation at the time of forfeiture shall abate thereby, but may be prosecuted to final judgment, and may be enforced by execution with the same force and effect and in like manner as though no forfeiture had occurred.

(c) Where judgment has been entered against any corporation prior to forfeiture, an execution may be issued thereon and the property of the corporation, or that which may come into the hands of any trustee for it, may be levied upon, seized and sold to satisfy the same with like force and effect as though no forfeiture had occurred.

30-1-137. REINSTATEMENT OF CORPORATIONS. (a) A corporation whose corporate powers or right to do business were forfeited on or after December 1, 1981, may apply to the secretary of state for reinstatement. Application will be made by filing a current annual report and paying a penalty equal to ten dollars ($10.00) for each fiscal year or fraction thereof during which the corporation was in a forfeited status. Corporations which are not organized for profit shall in no event be required to pay a penalty of greater than thirty dollars ($30.00). The secretary of state shall, prior to granting reinstatement, obtain verification from the tax commission that each corporation not exempted by section 30-1-132, Idaho Code, has paid all
its franchise taxes for any years during the period of forfeiture for which an income tax return was required to be filed. The corporation shall not, as a precondition of reinstatement, be required to pay the franchise tax for any year during forfeiture in which it was not required to file a corporate income tax return. When the required taxes and penalties have been paid and the annual report has been filed, the secretary of state shall issue the corporation a certificate of reinstatement and indicate the status change on the records of his office.

(b) A corporation whose corporate powers or right to do business were forfeited prior to December 1, 1981, may apply to the secretary of state for reinstatement. Application will be made by filing a current annual report, paying a penalty equal to ten dollars ($10.00) for each fiscal year or fraction thereof during which the corporation was in a forfeited status, and paying any annual license tax which accrued pursuant to the prior law. Corporations which are not organized for profit and nonproductive mining corporations shall in no event be required to pay a penalty of greater than thirty dollars ($30.00). The secretary of state shall, prior to granting reinstatement, obtain verification from the tax commission that each corporation not exempted by section 30-1-132, Idaho Code, has paid all its franchise taxes for any years during the period of forfeiture and subsequent to fiscal year 1981 for which an income tax return was required to be filed. The corporation shall not, as a precondition of reinstatement, be required to pay the franchise tax for any year during forfeiture and subsequent to fiscal year 1981 in which it was not required to file a corporate income tax return. When the required taxes and penalties have been paid and the annual report has been filed, the secretary of state shall issue the corporation a certificate of reinstatement and indicate the status change on the records of his office.

(c) Reinstatement of a corporation shall have the following effects:

(1) From and after the granting of the reinstatement, the corporation's powers and authority to do business shall be restored.

(2) Any statutory limitation period which may have been tolled by the corporation's forfeiture shall begin to run on the date of reinstatement from the point at which it was tolled on the date of forfeiture.

(d) If the name of a reinstating corporation or one deceptively similar to it has been adopted by another corporation during the period of forfeiture, the corporation must, as a condition of reinstatement, adopt a new name or obtain the required consent, as required for a new corporation by sections 30-1-8 and 30-1-108, Idaho Code.

30-1-138. DISSOLUTION OF CORPORATIONS TEN YEARS AFTER FORFEITURE.
(a) Domestic corporations will be dissolved by operation of law on March 1 of the year following the tenth anniversary of their forfeiture, unless their corporate powers are earlier reinstated.

(b) Upon request, the secretary of state shall issue a certificate verifying the dissolution of any corporation dissolved hereunder.

(c) 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.

30-1-139. REFUND ON FRANCHISE TAX -- WHEN PERMITTED. When a corporation voluntarily dissolves and the certificate of dissolution is issued prior to the first day of a fiscal year for which the corporation has paid the franchise tax, the tax commission shall, upon presentation of the certificate of dissolution or a certified copy thereof, refund the franchise tax for that year.

When a corporation voluntarily forfeits its charter or its right to do business by failure to file its annual report, the corporation may make application to the tax commission for a refund of the franchise tax paid. Notwithstanding that the corporation is otherwise without authority to act in the corporate capacity, it may negotiate the refund warrant on its own behalf.

30-1-140. (RESERVED)

30-1-141. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED IN EVIDENCE. All certificates issued by the secretary of state in accordance with the provisions of this act, and all copies of documents filed in his office in accordance with the provisions of this act when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the secretary of state as to the existence or nonexistence of the facts relating to corporations shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

30-1-142. FORMS TO BE FURNISHED BY SECRETARY OF STATE. All reports required by this act to be filed in the office of the secretary of state shall be made on forms which shall be prescribed and furnished by the secretary of state. Forms for all other documents to be filed in the office of the secretary of state may be furnished by the secretary of state, but the use thereof, unless otherwise specifically prescribed in this act, shall not be mandatory.
30-1-143. GREATER VOTING REQUIREMENTS. Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater proportion of the shares, or of any class or series thereof, than required by this act with respect to such action, the provisions of the articles of incorporation shall control.

30-1-144. WAIVER OF NOTICE. Whenever any notice is required to be given to any shareholder or director of a corporation under the provisions of this act or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

30-1-145. ACTION BY SHAREHOLDERS WITHOUT A MEETING. Any action required by this act to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

Such consent shall have the same effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed with the secretary of state under this act.

30-1-146. UNAUTHORIZED ASSUMPTION OF CORPORATE POWERS. All persons who assume to act as a corporation prior to the issuance of the certificate of incorporation or certificate of authority shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

30-1-147. APPLICATION. The provisions of this act shall apply to all existing corporations organized under any general act of this state providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this act, where the power has been reserved to amend, repeal or modify the act under which such corporation was organized and where such act is repealed by this act. Such corporations now existing or corporations hereafter organized shall be subject to the provisions of this act, but when special provision has been made in laws existing prior hereto or hereafter enacted for the incorporation, powers, rights, conduct, duration, dissolution or government of any designated class of corporations, this act shall not apply where it is inconsistent with such special provisions. When in any such special acts reference is made to the laws governing business or private corporations, such references shall refer to this act.
30-1-148. APPLICATION TO FOREIGN AND INTERSTATE COMMERCE. The provisions of this act shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the constitution of the United States.

30-1-149. RESERVATION OF POWER. The Idaho legislature shall have power to amend, repeal or modify this act at pleasure.

30-1-150. EFFECT OF REPEAL OF PRIOR ACTS. The repeal of a prior act by this act shall not affect any right accrued or established, or any liability or penalty incurred under the provisions of such act, prior to the repeal thereof.

30-1-151. EFFECT OF INVALIDITY OF PART OF THIS ACT. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

30-1-152. REFERENCES TO REPEALED LAWS. When any act or law of the state of Idaho not repealed by this act shall refer to any act or any section of any law repealed by this act, such reference shall be deemed to refer to the section or sections of this act covering the same subject matter.

SECTION 3. That Section 63-3025, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 63-3025A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025A. TAX ON CORPORATE INCOME -- DISALLOWANCE OF FEDERAL INCOME TAX DEDUCTION. For taxable years commencing on and after January 1, 1972, a tax is hereby imposed on the taxable income of any corporation derived from sources within this state but without the deduction for federal income tax paid or accrued previously permitted by section 63-3022(c), Idaho Code, and such tax shall be computed at the rate of six and one-half percent (6.5\%); provided; however; the tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025, Idaho Code, as amended.

SECTION 5. That Section 67-910, Idaho Code, be, and the same is hereby amended to read as follows:

67-910. FEES OF SECRETARY OF STATE. The secretary of state, for services performed in his office, shall charge and collect the
following fees:
For a copy of any law, resolution, record or other document or
paper on file in his office, fifteen twenty-five cents $(15\$) (25c) per
page.
For affixing certificate and seal of the state, one two dollars
$(2.00)
\(\text{For filing articles of incorporation:}\)
a: When the authorized capital stock does not exceed
\(\$25,000\)
\(\text{For recording and indexing all papers and documents required by law to be recorded, forty cents (40c) per page.}\)
\(\text{For filing by a foreign corporation of an assumed name certificate, ten dollars ($10.00).}\)
\(\text{For filing of a name reservation, five dollars ($5.00).}\)
\(\text{For filing, recording and indexing designation of agent for foreign corporation, four dollars ($4.00).}\)
\(\text{For searching legislative journals for records of enacted and reenacted laws, and certifying to the same, ten dollars ($10.00).}\)
\(\text{For certifying and attaching certificate to any state law, published in pamphlet form, which shall include comparing the same with the enrolled act, six dollars ($6.00).}\)
For any other certificate required of the secretary of state, the fee for which is not hereinbefore prescribed, six dollars ($6.00).
For filing, recording and indexing any label or trademark, six dollars ($6.00).
For all services not hereinbefore provided for, such fees therefor as may now be prescribed by law, or as may be prescribed by the state board of examiners.

SECTION 6. That Section 67-911, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 6, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 8. (1) Sections 1, 3, 4, 5, and 6 of this act shall be in full force and effect on and after July 1, 1979.
(2) Section 7 of this act shall be in full force and effect on and after July 1, 1981.
(3) Section 2 of this act shall be in full force and effect as follows:
   (a) All parts of Section 2 of this act, except Sections 30-1-125, 30-1-126, 30-1-130, 30-1-131, 30-1-132, 30-1-133, 30-1-134, 30-1-135, 30-1-136, 30-1-137, 30-1-138, and 30-1-139, Idaho Code, shall be in full force and effect on and after July 1, 1979.
   (b) The following parts of Section 2 of this act, Sections 30-1-130, 30-1-131, 30-1-132, and 30-1-139, Idaho Code, shall be in full force and effect on and after July 1, 1980.
   (c) The following parts of Section 2 of this act, Sections 30-1-125, 30-1-126, 30-1-133, 30-1-134, 30-1-135, 30-1-136, 30-1-137, and 30-1-138, Idaho Code, shall be in full force and effect on and after July 1, 1981.
(4) If the first taxable year of a corporation which filed its articles of incorporation or its application for certificate of authority in fiscal year 1981 ends prior to July 1, 1981, it will pay the fiscal year 1982 franchise tax pursuant to the provisions of section 30-1-130, Idaho Code, relating to short period taxable years. If its first taxable year ends after July 1, 1981, it will pay the minimum franchise tax for fiscal year 1982.

Approved March 20, 1979.
CHAPTER 106
(S.B. No. 1002, As Amended)

AN ACT
RELATING TO INITIATIVE AND REFERENDUM PETITIONS; AMENDING SECTION 34-1809, IDAHO CODE, BY ADDING A PROVISION FOR REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY THE ATTORNEY GENERAL OF THE STATE OF IDAHO, AND MAKING A CERTIFICATE OF REVIEW A PREREQUISITE TO ASSIGNMENT OF A BALLOT TITLE.

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

SECTION 1. That Section 34-1809, Idaho Code, be, and the same is hereby amended to read as follows:

34-1809. REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY ATTORNEY GENERAL -- CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF BALLOT TITLE -- BALLOT TITLE. When a copy of the petition for any measure to be referred to the people of the state, either by the initiative or the referendum, shall be filed--with received by the secretary of state, as herein-provided; the secretary of state shall forthwith transmit two (2) copies a copy thereof to the attorney-general of the state and give notice to the petitioner of such transmittal. Upon receipt of the measure the attorney general may confer with the petitioner and shall, within ten (10) working days from receipt thereof, review the proposal for matters of substantive import and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the attorney general shall be advisory only and the petitioner may accept or reject them in whole or in part. The attorney general shall issue a certificate of review to the secretary of state certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall be issued whether or not the petitioner accepts such recommendations. The certificate of review shall be available for public inspection in the office of the secretary of state. Within fifteen (15) working days after notification of submittal of the petition to the attorney general, the petitioner, if he desires to proceed with his sponsorship, shall file the measure, as herein provided, together with the certificate of review with the secretary of state for assignment of a ballot title and the secretary of state shall thereupon submit to the attorney general two (2) copies of the measure filed. Within ten (10) days after receiving said copies the attorney-general shall provide a ballot title therefor and return one of said copies to the secretary of state, together with the ballot title so prepared by him. A copy of the ballot title as prepared by the attorney-general shall be
furnished by the secretary of state with his approved form of any initiative or referendum petition, as provided herein, to the person or persons or organization or organizations under whose authority the measure is initiated or referred. Said ballot title shall be used and printed on the covers of the petition when in circulation; the short title shall be printed in type not less than twenty (20) points on the covers of all such petitions circulated for signatures. The ballot title shall contain: (1) Distinctive short title in not exceeding ten (10) words by which the measure is commonly referred to or spoken of and which shall be printed in the foot margin of each signature sheet of the petition. (2) A general title which may not be distinct from the legislative title of the measure expressing in not more than one hundred (100) words the purpose of the measure. The ballot title shall be printed with the numbers of the measure on the official ballot. In making such ballot title the attorney-general shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure. Any person who is dissatisfied with the ballot title or the short title provided by the attorney-general for any measure, may appeal from his decision to the Supreme Court by petition, praying for a different title and setting forth the reason why the title prepared by the attorney-general is insufficient or unfair. No appeal shall be allowed from the decision of the attorney-general on a ballot title unless the same is taken within twenty (20) days after said ballot title is filed in the office of the secretary of state. A copy of every such ballot title shall be served by the secretary of state upon the person offering or filing such initiative or referendum petition, or appeal. The service of such decision may be by mail or telegraph and shall be made forthwith when it is received from the attorney-general by the secretary of state. Said Supreme Court shall thereupon examine said measure, hear argument, and in its decision thereon certify to the secretary of state a ballot title and a short title for the measure in accord with the intent of this section. The secretary of state shall print on the official ballot the title thus certified to him.

Approved March 21, 1979.

CHAPTER 107
(S.B. No. 1039)

AN ACT
RELATING TO THE MANDATORY REPORTING OF STATISTICS BY INSURERS
REPEALING SECTIONS 41-336A AND 41-336B, IDAHO CODE; AMENDING
CHAPTER 3, TITLE 41, IDAHO CODE, TO ADD A NEW SECTION 41-336A, IDAHO CODE, TO ESTABLISH NEW REQUIREMENTS FOR MEDICAL AND ATTORNEY MALPRACTICE REPORTS, REQUIREMENTS FOR PRODUCT LIABILITY REPORTS, AND OTHER REPORTS AS THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DIRECT.

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

SECTION 1. That Sections 41-336A and 41-336B, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-336A, Idaho Code, and to read as follows:

41-336A. STATISTICAL REPORTS. (1) As a condition of doing business in the state of Idaho each insurer transacting insurance covering:

(a) Liability for malpractice of any person licensed under chapter 18, title 54, Idaho Code;
(b) Liability for malpractice of any person licensed under chapter 1, title 3, Idaho Code;
(c) Liability for the manufacture, design, production, processing or modification of any product; or
(d) Any other risk or risks, whether liability or otherwise, that the director of the department of insurance may specify;

shall report to the director such statistics as the director may designate by rule or regulation. The statistics shall be reported to the director annually, by the first day of March, for the preceding year ending December 31.

(2) The reports required by subsection (1) above shall include, but shall not be limited to, the following for each insurer for each type of insurance for which a report is required:

(a) Number of exposures;
(b) Direct premiums written;
(c) Direct premiums earned;
(d) Direct losses paid
   (i) amount,
   (ii) number of claims;
(e) Direct losses incurred;
(f) Direct losses unpaid
   (i) amount reported,
   (ii) number of claims; and
(g) Net losses incurred but not reported.

Approved March 22, 1979.
CHAPTER 108  
(S.B. No. 1044)

AN ACT
RELATING TO CORPORATIONS FOR PROVISION OF PROFESSIONAL SERVICES;
AMENDING SECTION 30-1301, IDAHO CODE, TO PROVIDE FOR INCORPORATION
TO RENDER THE SAME OR ALLIED PROFESSIONAL SERVICES; AMENDING
SECTION 30-1303, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION
30-1304, IDAHO CODE, TO INCLUDE ALLIED PROFESSIONALS IN THOSE WHO
MAY INCORPORATE; ADDING A NEW SECTION 30-1309A, IDAHO CODE, TO
PROVIDE FOR DISSOLUTION OF THE CORPORATION AFTER DEATH OR
DISQUALIFICATION OF SOLE SHAREHOLDER; AMENDING SECTION 30-1312,
IDAHO CODE, TO PROVIDE FOR APPLICATION OF CORPORATION LAWS TO
MERGERS; AND ADDING A NEW SECTION 30-1314, IDAHO CODE, TO PROVIDE
APPLICATION TO FOREIGN CORPORATIONS.

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

SECTION 1. That Section 30-1301, Idaho Code, be, and the same is
hereby amended to read as follows:

30-1301. INTENT OF LEGISLATURE. It is the legislative intent to
provide for the incorporation of an individual or group of individuals
to render the same or allied professional services to the public for
which such individuals are required by law to be licensed or to obtain
other legal authorization.

SECTION 2. That Section 30-1303, Idaho Code, be, and the same is
hereby amended to read as follows:

30-1303. DEFINITIONS. As used in this act the following words
shall have the meaning indicated:
(1) The term "professional service" shall mean any type of
service to the public which can be rendered by a member of any
profession within the purview of his profession; which requires as a
condition precedent to the rendering of such service the obtaining of
a license or other legal authorization and which prior to the passage
of this act and by reason of law could not be performed by a
corporation. For the purpose of this chapter, the professions shall be
held to include the practices of architecture, chiropractic,
dentistry, engineering, landscape architecture, law, medicine,
ophtalmology, physical therapy, podiatry, professional geology,
psychology, certified or licensed public accountancy, social work,
surveying, and veterinary medicine. This chapter shall not be held to preclude incorporation of engineers and surveyors as provided by section 54-1235, Idaho Code.

(2) The term "professional corporation" means a corporation organized under this act for the sole and specific purpose of rendering professional service and which has as its shareholders only natural persons who themselves are duly licensed or otherwise legally authorized within the state of Idaho to render one or more of the same professional services as the corporation.

(3) The term "allied professional services" shall mean professional services which are so related in substance that they are frequently offered in conjunction with one another as parts of the same service package to the consumer.

SECTION 3. That Section 30-1304, Idaho Code, be, and the same is hereby amended to read as follows:

30-1304. WHO MAY INCORPORATE. An individual or group of individuals duly licensed or otherwise legally authorized to render the same or allied professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of the business corporation act of the state of Idaho (chapter 1 of title 30 of the Idaho Code) for the sole and specific purpose of rendering the same and specific professional service or allied professional services. This section shall not be deemed to authorize the incorporation of allied professional services where the laws of this state pertaining to specific professions or the codes of ethics or professional responsibility of any of the professions involved in such a proposed corporation prohibit such a combination of professional services.

SECTION 4. That Chapter 13, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 30-1309A, Idaho Code, and to read as follows:

30-1309A. DEATH OR DISQUALIFICATION OF SOLE SHAREHOLDER. If a corporation organized under this chapter has only one (1) shareholder, and that shareholder becomes disqualified under section 30-1309, Idaho Code, or dies, the disqualified shareholder or the personal representative of the deceased shareholder may, notwithstanding other provisions of this chapter, exercise the voting rights of the outstanding shares only for the purpose of dissolving the corporation pursuant to sections 30-1-82 through 30-1-93, Idaho Code.

SECTION 5. That Section 30-1312, Idaho Code, be, and the same is hereby amended to read as follows:
30-1312. APPLICATION OF CORPORATION LAWS -- MERGER. The business corporation act of the state of Idaho shall be applicable to a corporation organized pursuant to this act except to the extent that any of the provisions of this act are interpreted to be in conflict with the provisions thereof, and in such event the provisions of this act shall take precedence with respect to a corporation organized pursuant to the provisions of this act. A professional corporation organized under this act shall consolidate or merge only with another domestic professional corporation organized under this act to render the same specific professional service or allied professional services and a merger or consolidation with any foreign corporation is prohibited.

SECTION 6. That Chapter 13, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 30-1314, Idaho Code, and to read as follows:

30-1314. ADMISSION OF FOREIGN CORPORATIONS -- REVOCATION OF CERTIFICATE OF AUTHORITY. (a) A professional corporation organized under the laws of another jurisdiction may obtain a certificate of authority to do business in this state only if all the officers, employees, or agents who render the corporation's services in this state are licensed under the laws of Idaho to render such services.

(b) If it be determined by the appropriate professional licensing body of this state that an unlicensed officer, employee or agent of an admitted foreign professional corporation is rendering or has rendered professional services in this state in the course of his relationship with the corporation, the licensing body shall certify that fact to the secretary of state. The secretary of state shall upon receipt of such certification revoke the corporation's certificate of authority in accordance with section 30-1-122, Idaho Code.

Approved March 22, 1979.

CHAPTER 109
(S.B. No. 1120)

AN ACT
RELATING TO SOLID WASTE DISPOSAL SYSTEMS; AMENDING SECTION 31-4402, IDAHO CODE, TO CLARIFY THAT A BOARD OF COUNTY COMMISSIONERS IS NOT REQUIRED TO CONTRACT OUT FOR THE ACQUISITION, OPERATION OR MAINTENANCE OF A SOLID WASTE DISPOSAL SYSTEM, AND MAY WAIVE THE REQUIREMENT OF A BOND IF IT ELECTS TO DO SO; AMENDING SECTION
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-4402, Idaho Code, be, and the same is hereby amended to read as follows:

31-4402. AUTHORITY OF COUNTY COMMISSIONERS. The board of county commissioners in each of the several counties is hereby authorized to acquire, establish, maintain and operate such solid waste disposal systems as are necessary and to provide reasonable and convenient access to such disposal systems by all the citizens of the county. For the purpose of establishing systems for solid waste disposal, the board of county commissioners may purchase, lease, condemn or receive as gifts such areas as are suitable, or the board may exchange land with any other unit or units of government under such terms as are mutually advantageous. In order that a county may acquire sites or systems as expeditiously and advantageously as possible, a county may use funds from current revenues, may use funds made available through the issuance of bonds, or may use funds made available from county building construction funds, and the provisions of chapter 10, title 31, Idaho Code, are hereby made applicable for the acquisition of solid waste disposal systems and a solid waste disposal system is declared to be a public building within the definition of chapter 10, title 31, Idaho Code, except that notwithstanding any other provisions of law, no board of county commissioners or other public authority shall be required to contract out the establishment, acquisition, operation or maintenance of a solid waste disposal system, but if it should elect to do so, it may waive the giving of a bond or other security in connection with such contract upon such terms and conditions as it deems appropriate, and provided further that any county may itself, without contracting out to any other party, establish, acquire, operate and maintain a solid waste disposal system.

SECTION 2. That Section 31-4403, Idaho Code, be, and the same is hereby amended to read as follows:

31-4403. OPERATION AND MAINTENANCE. It shall be the duty of the board of county commissioners in each of the several counties to
acquire sites or facilities, and maintain and operate solid waste disposal systems. Such maintenance and operation may be performed through or by:

(1) Employees, facilities, equipment and supplies hired by or acquired by the board of county commissioners;
(2) Contracts entered into by the board to have the maintenance and operation performed by private persons;
(3) Contracts entered into by the board to have the maintenance and operation performed by another unit of government;
(4) Franchises, granted pursuant to law by the board, for all or any part or parts of the county;
(5) Any combination of subsections (1), (2), (3), and (4) of this section.
(6) The board of county commissioners before entering into such contracts may require such security for the performance thereof as it deems appropriate or may waive such undertaking.

SECTION 3. That Chapter 44, 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 31-4411, Idaho Code, and to read as follows:

31-4411. PREEXISTING CONTRACTS -- VALIDATION. Any contract for the acquisition, establishment, operation or maintenance of a solid waste disposal system, heretofore entered into by any public agency, and all acts and proceedings heretofore taken by the county commissioners or other contracting authority of any public agency in connection therewith, are hereby validated, ratified and declared to be binding and effective in accordance with their terms, notwithstanding any failure of such contract, or said board of county commissioners or other contracting authority to comply with the terms of this act, chapter 10, title 31, or chapter 19, title 54, Idaho Code.

SECTION 4. That Section 54-1903, Idaho Code, be, and the same is hereby amended to read as follows:

54-1903. EXEMPTIONS. This act shall not apply to: --
(a) An authorized representative of the United States government, the state of Idaho, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state.
(b) Officers of a court when they are acting within the scope of their office.
(c) Public utilities operating under the jurisdiction of the public utilities commission of the state of Idaho on construction, maintenance and development work incidental to their own business.
(d) The sale or installation of any finished products, materials
or articles of merchandise, which are not actually fabricated into and
do not become a permanent fixed part of the structure.

(e) Any construction, alteration, improvement or repair of
personal property.

(f) Any construction, alteration, improvement or repair carried
on within the limits and boundaries of any site or reservation, the

title of which rests in the federal government.

(g) Any construction or operation incidental to the construction
and repair or irrigation and drainage ditches of regularly constituted
irrigation districts or reclamation districts, except when performed
by a person required to be licensed under this act.

(h) Duly licensed architects and civil engineers when acting
solely in their professional capacity.

(i) Any construction, alteration, improvement or repair involving
an estimated cost of less than one thousand dollars ($1,000.00).

(j) Any construction, operation, alteration or maintenance of a
solid waste disposal site including those operated by, for, or at the
direction of a city or a county.

SECTION 5. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect
on and after its passage and approval.

Approved March 22, 1979.

CHAPTER 110
(S.B. No. 1097)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1316A,
IDAHO CODE, BY STRIKING A PROVISION DEALING WITH PART-TIME SERVICE
PERFORMED FOR NONPROFIT ASSOCIATIONS SUPPLYING CULTURAL SERVICES
TO A COMMUNITY; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE
THAT THE DENIAL CONTAINED THEREIN APPLIES ONLY TO WAGES EARNED FOR
SERVICES PERFORMED FOR EDUCATIONAL INSTITUTIONS; AND DECLARING AN
EMERGENCY.

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:

(a) Service performed by an individual in the employ of his spouse;
(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 father or mother;
(2) Service performed by a person under the age of eighteen (18) years in the employ of his father or mother;
(3) Service performed by an individual under the age of twenty-two (22) who is enrolled as a student in a full-time 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.

SECTION 2. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(1) If the vacancy of the position offered is due directly to a strike, lockout, 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 weeks of unemployment beginning after December 31, 1977, benefits based on wages earned for services performed 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) whether-or-not-successive terms, whether or not successive, 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, benefits based on wages earned for services performed in any other capacity for an educational institution 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 wages earned for 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 services, substantially all of which consist of participating in
sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2) successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(q)(1) Benefits shall not be paid after December 31, 1977, based on service performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence 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 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 22, 1979.

CHAPTER 111
(S.B. No. 1103)

AN ACT
RELATING TO RENEWAL OF CERTIFICATES OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AMENDING SECTION 54-1216, IDAHO CODE, TO CHANGE THE DATES FOR EXPIRATION AND RENEWAL OF REGISTRATIONS.

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

SECTION 1. 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 July 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 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 July by the payment of a renewal fee to be fixed by the board at not less than three dollars ($3.00) nor more than thirty dollars ($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 July 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 July 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 July 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 ten dollars ($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.

Approved March 22, 1979.

CHAPTER 112
(S.B. No. 1057)

AN ACT
RELATING TO LEGISLATIVE CONSIDERATION OF ADMINISTRATIVE RULES;
AMENDING SECTION 67-5218, IDAHO CODE, TO PROVIDE A PROCEDURE FOR LEGISLATIVE REVIEW OF RULES AND REGULATIONS WHICH BECOME EFFECTIVE AFTER THE FIRST DAY OF THE LEGISLATIVE SESSION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5218, Idaho Code, be, and the same is hereby amended to read as follows:

67-5218. COMMITTEE ACTION. By the forty-fifth day of any regular session following transmission by the law librarian, the standing committee to which rules have been referred shall report to the membership of the body its findings and recommendations concerning its review of the rules. The report of the committee shall be printed in the journal. If the committee does not report by the forty-fifth day following transmission or prior to adjournment sine die if adjournment is more than twenty-one (21) but less than forty-five (45) days following transmission, such failure to report shall constitute legislative approval of the rules as submitted, except that no legislative approval shall be presumed if the legislature adjourns within twenty (20) days of the transmission, and the rules shall be transmitted by the law librarian to the next succeeding regular session, before the first day. If the committee to which any rule shall have been referred, or any member of the legislature, shall be of the opinion that such rule is violative of the legislative intent of the statute under which such rule was made, a concurrent resolution may be adopted rejecting, amending or modifying the same. Every rule promulgated within the authority conferred by law, and in accordance with the provisions of chapter 52, title 67, Idaho Code, shall be in full force and effect until the same is rejected, amended or modified by the legislature.

Approved March 22, 1979.

CHAPTER 113
(S.B. No. 1038)

AN ACT
RELATING TO LAW ENFORCEMENT PLANNING COMMISSION MEMBERSHIP; AMENDING SECTION 19-5102, IDAHO CODE, BY PROVIDING FOR INCLUSION OF THE CHIEF JUSTICE OF THE STATE SUPREME COURT AND THE ADMINISTRATIVE DIRECTOR OF THE COURTS AS VOTING MEMBERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-5102, Idaho Code, be, and the same is
hereby amended to read as follows:

19-5102. COMMISSION ESTABLISHED -- CHAIRMAN -- MEMBERS. There is hereby established in the division of budget, policy planning and coordination the Idaho law enforcement planning commission, hereinafter called "the commission," in the office of the governor. The commission shall be a department as defined in chapter 53, title 67, Idaho Code. The commission shall be chaired by the governor or his designee who shall be a voting member and shall consist of the following membership from Idaho state or local governmental units, which shall reflect a reasonable geographic balance throughout the state:

(a) The attorney general, the director of the department of law enforcement, the superintendent of state police, the state adjutant general, the chairman of the board of correction, the director of that state agency responsible for youth services, and the director of the division of budget, policy planning and coordination. Each member named in this subsection (a) may appoint a permanent designee who shall serve as a voting member of the commission whenever it is impossible for the named member to attend a meeting of the commission.

(b) A member of the state legislature from each political party having three (3) or more members in both the senate and house of representatives, with said member to be selected as follows: each party caucus in each legislative chamber shall select one (1) candidate for appointment to the commission; from these candidates the speaker of the house and the president of the senate shall jointly appoint one (1) member from each political party to the commission. Of the members so appointed, at least one (1) shall be appointed from each legislative chamber, all of whom shall serve during their term or tenure in office.

(c) A city police chief to be appointed by the governor.

(d) A county sheriff to be appointed by the governor.

(e) A county commissioner to be appointed by the governor.

(f) A mayor to be appointed by the governor.

(g) A city councilman to be appointed by the governor.

(h) A county prosecuting attorney to be appointed by the governor.

(i) A state Supreme Court justice The chief justice of the state supreme court, the administrative director of the courts, a state district court judge, and a magistrate of the district court, all to be appointed by the governor. The state supreme court chief justice of the supreme court named in this subsection may appoint a designee who may serve as a voting member of the commission whenever it is impossible for the named chief justice to attend a meeting of the commission.

(j) Two (2) interested citizens appointed at large by the governor, provided that they both shall not be of the same political party.

(k) Two (2) citizen representatives of professional and community
organizations directly related to prevention of juvenile delinquency, to be appointed by the governor, provided that they both shall not be the same political party.

(1) In addition, there shall be advisory to the commission, as ex officio, nonvoting members of the commission, the United States district attorney for Idaho and the special agent in charge of the Idaho division of the federal bureau of investigation, the executive director of the association of Idaho cities, and the executive director of the Idaho commissioners and clerks.

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

Approved March 22, 1979.

CHAPTER 114
(S.B. No. 1171)

AN ACT
RELATING TO THE BONDING LIMITS OF ELEMENTARY SCHOOL DISTRICTS;
AMENDING SECTION 33-1103, IDAHO CODE, BY INCLUDING DISTRICTS OPERATING ONLY AN ELEMENTARY SCHOOL WITH OTHER DISTRICTS ALLOWED TO ISSUE BONDS IN THE AMOUNT OF TWENTY-FIVE PER CENTUM OF THE ASSESSED VALUATION.

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

SECTION 1. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS TO AUTHORIZE ISSUANCE. For the purposes of this chapter the following definitions shall have the meanings specified: "Assessed valuation" means the amount of the last preceding equalized assessment of all taxable property within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. "Aggregate outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. "Issue," "issued," or
"issuance" mean a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

An elementary school district which employs not less than six (6) teachers, or a school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed twenty-five per centum (25%) of the assessed valuation thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten per centum (10%) of the assessed valuation thereof less the aggregate outstanding indebtedness. The assessed valuation, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 33-401--33-406, Idaho Code.

The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the Constitution of the State of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time within two (2) years from the date of such election.

Approved March 22, 1979.
CHAPTER 115
(S.B. No. 1200)

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, 1979, THROUGH JUNE 30, 1980; AND 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, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personel Costs</td>
<td>General Account</td>
<td>$1,076,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Library Services and Construction Account</td>
<td>768,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Historical Preservation Account</td>
<td>89,200</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>Miscellaneous Receipts Account</td>
<td>$62,902</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$3,341,400</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, 1979, through June 30, 1980:

<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. STATE GRANTS AND LIBRARY CONSTRUCTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>$303,000</td>
<td>$303,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Services and Construction Account</td>
<td>317,000</td>
<td>317,000</td>
<td></td>
<td></td>
<td>$620,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$620,000</td>
<td>$620,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### IDAHO SESSION LAWS

**C. 115 '79**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. ADMINISTRATION AND DEVELOPMENT:</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>$90,500</td>
<td>$140,700</td>
<td>$6,900</td>
<td>$19,500</td>
<td>$231,200</td>
</tr>
<tr>
<td>Library Services Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Account</td>
<td>10,800</td>
<td>1,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$101,300</strong></td>
<td><strong>$143,500</strong></td>
<td></td>
<td></td>
<td><strong>$253,700</strong></td>
</tr>
<tr>
<td><strong>C. PUBLIC 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>$259,400</td>
<td>$13,700</td>
<td>$62,500</td>
<td>$405,600</td>
<td></td>
</tr>
<tr>
<td>Library Services Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Account</td>
<td>44,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>4,600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$259,400</strong></td>
<td><strong>$13,700</strong></td>
<td></td>
<td></td>
<td><strong>$474,700</strong></td>
</tr>
<tr>
<td><strong>D. BLIND &amp; PHYSICALLY HANDICAPPED:</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>$125,400</td>
<td>$9,500</td>
<td>$50,000</td>
<td>$184,900</td>
<td></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$125,400</strong></td>
<td><strong>$9,500</strong></td>
<td></td>
<td></td>
<td><strong>$194,900</strong></td>
</tr>
<tr>
<td><strong>E. NETWORK PROGRAMS:</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>Pacific Northwest Regional Commission Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>$486,100</strong></td>
<td><strong>$168,700</strong></td>
<td><strong>$67,100</strong></td>
<td></td>
<td><strong>$1,623,300</strong></td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

**A. HISTORICAL PRESERVATION AND EDUCATION:**

| FROM:                        |                     |                            |                   |                                 |        |
| General Account              | $357,600            | $93,300                    | $8,900            | $2,500                          | $462,300 |
| State Historical Society Foundation Account | 18,000          | 65,400                     | 7,000             | 3,000                           | 93,400 |
| Historical Preservation Account | 141,000        | 303,500                    |                   |                                 | 400,000 |
| **TOTAL**                    | **$516,600**        | **$462,200**               | **$85,900**       |                                 | **$1,404,500** |

**B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:**

| FROM:                        |                     |                            |                   |                                 |        |
| General Account              | $34,500             | $24,000                    | $1,800            |                                 | $60,300 |
| State Historical Society Foundation Account | 39,200          | 104,000                    | 4,400             | $100,000                        | 247,600 |
| Historical Preservation Account | 10,000          |                            |                   |                                 | 10,000  |
| **TOTAL**                    | **$73,700**         | **$138,000**               | **$6,200**        | $100,000                        | **317,900** |

**GRAND TOTAL**              | **$590,300**        | **$500,200**               | **$22,100**       |                                 | **$1,718,400** |

Approved March 22, 1979.
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 FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979 through June 30, 1980.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,342,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>565,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>11,000</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>3,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,921,900</td>
</tr>
</tbody>
</table>

FROM:

| General Account               | $ 493,500     |
| Miscellaneous Receipts Account| 9,000         |
| Electrical Board Account      | 1,289,700     |
| Plumbing Board Account        | 530,400       |
| Idaho Building Code Account   | 596,300       |
| General Interaccount Account  | 3,000         |
| TOTAL                         | $2,921,900    |

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<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>$ 44,700</td>
<td>$ 5,600</td>
<td>$ 2,400</td>
<td></td>
<td>$ 52,700</td>
</tr>
<tr>
<td>Electrical Board Account</td>
<td>49,600</td>
<td>4,500</td>
<td>2,700</td>
<td></td>
<td>56,800</td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>45,300</td>
<td>3,400</td>
<td>2,900</td>
<td></td>
<td>51,600</td>
</tr>
<tr>
<td>Plumbing Board Account</td>
<td>28,600</td>
<td>2,700</td>
<td>1,500</td>
<td></td>
<td>32,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts</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</td>
<td>$9,000</td>
<td>$0</td>
<td></td>
<td></td>
<td>$9,000</td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$168,200</td>
<td>$28,200</td>
<td>$9,300</td>
<td></td>
<td>$205,900</td>
</tr>
</tbody>
</table>

B. UNIFORM BUILDING BUREAU:
FROM:
Idaho Building Code Account
$416,900 $127,800 $544,700

C. ELECTRICAL BUREAU:
FROM:
Electrical Board Account $1,000,800 $230,600 $1,232,900

D. PLUMBING BUREAU:
FROM:
Plumbing Board Account $408,000 $86,600 $497,600

E. SAFETY AND LABOR RELATIONS BUREAU:
FROM:
General Account $348,200 $92,600 $440,800

GRAND TOTAL $2,342,100 $565,800 $11,000 $3,000 $2,921,900

Approved March 22, 1979.
CHAPTER 117  
(S.B. No. 1047)  

AN ACT  
RELATING TO CERTIFICATION OF VALUATION FOR PROPERTY TAX PURPOSES;  
AMENDING SECTION 63-919, IDAHO CODE, TO PROVIDE THAT CERTIFICATION  
of VALUATIONS SHALL BE MADE IN JANUARY RATHER THAN IN MARCH.  

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

SECTION 1. That Section 63-919, Idaho Code, be, and the same is  
hereby amended to read as follows:  

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

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

Approved March 22, 1979.  

CHAPTER 118  
(S.B. No. 1138)  

AN ACT  
RELATING TO FROZEN DESSERTS AND NOVELTIES; AMENDING SECTION 37-1201,  
IDAHO CODE, BY PROVIDING THAT THE DIRECTOR OF THE DEPARTMENT OF
AGRICULTURE SHALL DEFINE FROZEN DESSERTS AND FROZEN NOVELTIES BY REGULATION; AMENDING SECTION 37-1202, IDAHO CODE, BY STRIKING REFERENCE TO STATUTORY DEFINITIONS OF FROZEN DESSERTS AND FROZEN NOVELTIES.

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

SECTION 1. That Section 37-1201, Idaho Code, be, and the same is hereby amended to read as follows:

37-1201. DEFINITIONS. For the purpose and within the meaning of this act, the following terms shall have the following definitions unless the context clearly indicates otherwise: the term "frozen desserts and frozen novelties" shall be defined as provided in regulations promulgated by the director of the department of agriculture.

1. "Froze...desserts and frozen novelties" means ice cream, ice milk, fruit sherbet, and water ices as defined in this act, and such other dessert food products as the director of the department of agriculture may by regulation prescribe.

2. "Milk products" means pure, clean and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

3. "Ice cream" means the pure, clean frozen product made from a combination of two or more of the following ingredients: milk products, eggs, water, and sugar, with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material; it contains not more than one-half of one per centum (1/2%) by weight of stabilizer; not less than ten per centum (10%) by weight of milk fat and not less than twenty per centum (20%) by weight of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for purpose of flavoring, then it shall contain not less than eight per centum (8%); by weight of milk fat and not less than sixteen per centum (16%); by weight of total milk solids; except for such reduction in milk fat and in total milk solids as is due to the addition of such flavoring; but in no such case shall it contain less than eight per centum (8%); by weight of milk fat nor less than sixteen per centum (16%); by weight of total milk solids; in no case shall any ice cream contain less than one and six tenths (1-6/10) pounds of total food solids per gallon; nor weigh less than four and one half (4 1/2) pounds net per gallon.

4. "Ice milk" means the pure, clean frozen product made from a combination of two (2) or more of the following ingredients: milk products, eggs, water, and sugar with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material; it contains not more than


7.—Neither-ice-cream-nor-ice-milk-when-sold-by-the-manufacturer-shall-contain-more-than-one-hundred-thousand—(100,000)—bacteria—per-gram:

SECTION 2. That Section 37-1202, Idaho Code, be, and the same is hereby amended to read as follows:

37-1202. LABELING AND ADVERTISING FROZEN DESSERTS AND FROZEN NOVELTIES. (a) All packages and containers used in the sale and distribution of frozen desserts or frozen novelties shall bear a label. The label shall plainly give the name of the product as-defined-in--the-preceding-section;—or-as-defined-in-regulations-promulgated-by-the-director-of-the-department-of-agriculture, and if a trade or brand name is used, the name of the product shall be in letters at least one-half the size of the letters of such brand or trade name. The label shall also bear the name and address of the manufacturer or distributor.

(b) Wherever any frozen desserts or frozen novelties are sold or dispensed over counters, through machines, or in any other manner than in labeled cartons, packages or containers, the seller or dispenser thereof shall in his advertising or his offer to sell or dispense such product plainly display the name of the product as-defined-in-section-37-1201—Idaho-Code;—as-defined-in-regulations-promulgated-by-the-director-of-the-department-of-agriculture-in-letters-at-least-one-half-of-the-size-of-the-letters-of-the-trade-or-brand-name. When any frozen
dessert or frozen novelty is sold or dispensed, other than in packages or containers, without any advertising or the use of a trade or brand name, the seller or dispenser thereof shall conspicuously display at the counter, machine or place where the product is sold or dispensed, a sign with letters at least four (4) inches high describing the product so sold or dispensed.

Approved March 22, 1979.

CHAPTER 119
(S.B. No. 1098)

AN ACT
RELATING TO THE DISTRIBUTION AND EXHIBITION OF MOTION PICTURE FILMS IN THIS STATE; PROVIDING A SHORT TITLE; PROVIDING DEFINITIONS; PROHIBITING BLIND BIDDING; PROHIBITING PAYMENT OF MINIMUM GUARANTEES ON PERCENTAGE PICTURES; PROVIDING INFORMATION ON TRADE SCREENINGS; PROHIBITING ADVANCES AS SECURITY; PROVIDING FOR UNENFORCEABILITY OF CONTRACT CONTAINING SUCH PROVISIONS; PROVIDING A PENALTY; AND PROVIDING SEVERABILITY.

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

SECTION 1. This act shall be known and may be cited as the "Motion Picture Fair Bidding Act."

SECTION 2. As used in this act:
(1) "Blind bidding" means bidding, negotiating, offering terms, making an invitation to bid, or agreeing to terms for the purpose of entering into a license agreement prior to a trade screening of the motion picture that is the subject of the agreement.
(2) "Distributor" means any person engaged in the business of renting, selling or licensing motion pictures to exhibitors.
(3) "Exhibitor" means any person engaged in the business of operating a theatre in this state.
(4) "License agreement" means any contract between a distributor and an exhibitor for the exhibition of a motion picture by the exhibitor of this state.
(5) "Theatre" means any establishment in which motion pictures are exhibited regularly to the public for a charge.
(6) "Trade screening" means the showing of a motion picture by a distributor, and such showing shall be open to any exhibitor interested in exhibiting the motion picture.
SECTION 3. No distributor shall engage in blind bidding.

SECTION 4. It shall be unlawful for any license agreement which provides for a fee or other payment to the distributor based in whole or in part on the attendance or the box office receipts at a theatre within the state to contain or be conditioned upon a guarantee of a minimum payment to the distributor.

(2) Any provision, agreement or understanding which provides for such a guarantee shall be void, and any purported waiver of the prohibition in subsection (1) of section 4 of this act shall be void and unenforceable.

SECTION 5. If bids are solicited from exhibitors for the purpose of entering into a license agreement, the bid shall include in the invitation to bid the date, time and location of the trade screening of the motion picture that is the subject of the invitation to bid.

SECTION 6. (1) It shall be unlawful for any license agreement for the exhibition of a motion picture at a theatre within the state to contain or be conditioned upon a provision, agreement or understanding that the exhibitor shall advance any funds prior to the exhibition of the picture as security for the performance of the license agreement or to be applied to payments under such agreement.

(2) Any provision, agreement or understanding which provides for such an advance shall be void, and any purported waiver of the prohibition in subsection (1) of section 6 of this act shall be void and unenforceable.

SECTION 7. Any provision of an invitation to bid or a license agreement that waives any of the prohibitions of or fails to comply with this act is void and unenforceable.

SECTION 8. It shall be unlawful for any person to willfully violate any provision of this act. Any such violation shall constitute a misdemeanor.

SECTION 9. If any provision of this act, or the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

Approved March 26, 1979.
CHAPTER 120
(S.B. No. 1034, As Amended in the House)

AN ACT
RELATING TO THE ACQUISITION, USE, OR DISPOSAL OF SCHOOL PROPERTY;
AMENDING SECTION 33-601, IDAHO CODE, BY STRIKING REFERENCES TO
POSTING IN ACCORDANCE WITH SECTION 33-401, IDAHO CODE, AND
PROVIDING THAT PROPERTY, REAL AND PERSONAL, MAY BE SOLD ON TERMS
AND CONDITIONS DETERMINED AT THE DISCRETION OF THE BOARD OF
TRUSTEES.

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
subsections g and h of 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 subsection of this subdivision, 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. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be posted and published twice, and proof thereof made, in accordance with subsections g and h of 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 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 provisions of subsection (b) of this paragraph 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 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.

Approved March 27, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE LEGISLATIVE COUNCIL, TO
BE EXPENDED FOR THE DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE
CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE
30, 1980; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE JOINT
SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE, TO BE EXPENDED FOR THE DESIG-
NATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<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>
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</tr>
<tr>
<td>General Account</td>
<td>$201,400</td>
<td>$30,500</td>
<td>$1,700</td>
<td>$233,600</td>
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<tr>
<td>B. LEGISLATIVE MANAGEMENT:</td>
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<tr>
<td>General Account</td>
<td>$18,500</td>
<td>$47,300</td>
<td></td>
<td>$65,800</td>
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<tr>
<td>General Interaccount  Account</td>
<td>3,000</td>
<td></td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td>$18,500</td>
<td>$2,800</td>
<td></td>
<td>$21,300</td>
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<tr>
<td>TOTAL</td>
<td>$167,800</td>
<td>$53,100</td>
<td></td>
<td>$220,900</td>
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<td>C. DATA CENTER:</td>
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<td></td>
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<tr>
<td>General Account</td>
<td>$98,200</td>
<td>$167,800</td>
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<td>$266,000</td>
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<td>TOTAL</td>
<td>$318,100</td>
<td>$251,400</td>
<td>$1,700</td>
<td>$571,200</td>
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</tbody>
</table>

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House
Appropriations Committee the following amounts, to be expended for the design-
ated programs according to the expense classes designated therein from the
listed accounts for the period July 1, 1979, through June 30, 1980:

<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. LEGISLATIVE AUDITOR:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL</td>
<td>FOR OPERATING</td>
<td>FOR CAPITAL</td>
<td>TOTAL</td>
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<tr>
<td>----------------------</td>
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<tr>
<td>General Account</td>
<td>$214,900</td>
<td>$38,600</td>
<td>$1,200</td>
<td>$254,700</td>
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<tr>
<td>General Interaccount</td>
<td>$269,000</td>
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<td></td>
<td>$269,000</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>$28,100</td>
<td>$38,600</td>
<td>$1,200</td>
<td>$551,800</td>
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**B. LEGISLATIVE FISCAL OFFICE:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
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<tbody>
<tr>
<td>General Account</td>
<td>$222,800</td>
<td>$24,000</td>
<td></td>
<td>$246,800</td>
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</table>

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

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
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<tr>
<td>General Account</td>
<td>$14,700</td>
<td>$12,800</td>
<td></td>
<td>$27,500</td>
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</table>

**GRAND TOTAL**

|               | $749,500      | $75,400       | $1,200      | $826,100  |

Approved March 27, 1979.
CHAPTER 122  
(S.B. No. 1102, As Amended)

AN ACT

RELATING TO INSURANCE LICENSEES' LICENSE AND FILING FEES; AMENDING SECTION 41-334, IDAHO CODE, TO PROVIDE INCREASE OF SERVICE OF PROCESS FEES; AMENDING SECTION 41-401, IDAHO CODE, TO PROVIDE INCREASES OF FEES CHARGED FOR FILINGS WITH DEPARTMENT OF INSURANCE; AMENDING SECTION 41-3028, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAID BY MUTUAL BENEFIT ASSOCIATIONS; AMENDING SECTION 41-3118, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAYABLE BY COUNTY MUTUAL FIRE INSURERS; AMENDING SECTION 41-3244, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAYABLE BY FRATERNAL BENEFIT SOCIETIES; AMENDING SECTION 41-3433, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAYABLE BY MEDICAL SERVICE CORPORATIONS; AMENDING SECTION 41-3922, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAYABLE BY HEALTH MAINTENANCE ORGANIZATIONS; AMENDING SECTION 41-4005, IDAHO CODE, TO PROVIDE AN INCREASE IN FEES PAYABLE BY SELF-FUNDED INSURANCE PLANS.

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

SECTION 1. That Section 41-334, Idaho Code, be, and the same is hereby amended to read as follows:

41-334. SERVING PROCESS -- TIME TO PLEAD. (1) Duplicate copies of legal process against an insurer for whom the director is attorney, shall be served upon him either by a person competent to serve a summons or by registered or certified mail. At the time of service the plaintiff shall pay to the director five ten dollars ($5,010.00), taxable as costs in the action.

(2) The director shall forthwith send one (1) of the copies of the process, by registered or certified mail with return receipt requested, to the person designated for the purpose by the insurer in its most recent such designation filed with the director.

(3) The director shall keep a record of the day of service upon him of all legal process. No proceedings shall be had against the insurer, and the insurer shall not be required to appear, plead, or answer until the expiration of thirty (30) days after the date of service upon the director.

(4) Process served upon the director and copy thereof forwarded as in this section provided shall for all purposes constitute valid and binding service thereof upon the insurer.

SECTION 2. That Section 41-401, Idaho Code, be, and the same is hereby amended to read as follows:
41-401. FEE SCHEDULE. The director shall collect in advance, and persons so served shall pay to him in advance, fees, licenses, and miscellaneous charges as follows:

(1) Certificate of authority of insurer:
   (a) Filing application for original certificate of authority:
      (i) Filing financial statement.......................... $50.00 200.00
      (ii) Filing and certifying charter or articles of incorporation and by-laws (and in addition the director shall collect from a foreign insurer, for filing its charter or articles with the secretary of state, the same fees as required therefor of a like domestic insurer).............. 10.00
      (iii) Filing appointment of director as process agent................. 20.00
   (b) Issuance of original certificate of authority... 50-00 100.00
   (c) Annual continuation of certificate of authority. 50-00 100.00
   (d) Reinstatement of certificate of authority (section 41-324, Idaho Code).................................................. 50-00 100.00
   (e) Certified copy of certificate of authority...... 3-00 10.00

(2) Charter documents:
   (a) Filing and certifying amendment of charter or articles of incorporation, in addition to fees, if any, required for filing same with secretary of state............................................. 10.00 25.00
   (b) Filing amendment to by-laws.............................................. 5.00 10.00

(3) Annual statement: Filing, other than as part of application for original certificate of authority................................................. 50-00 100.00

(4) Agents, brokers, solicitors, and consultants:
   (a) Agent's license, including also disability insurance when written by property, casualty, or surety insurer otherwise represented by the general lines agent, or by a life insurer otherwise represented by a life agent:
      (i) Filing application for original license, and including issuance of license, if issued:
         For Life Insurance license.......................... 50-00 10.00
         For General Lines license.......................... 50-00 10.00
      (ii) Annual continuation of agent's license... 50-00 10.00
      (iii) Original appointment of agent, each insurer......................... 5-00 10.00
      (iv) Annual continuation of appointment, each insurer 5.00
      (v) Temporary license.............................................. 5.00 10.00
      (vi) Vending machines (section 41-1060, Idaho Code), each machine, each year............................ 10-00 25.00

   (b) Broker's license:
      (i) Filing application for original license, and including issuance of license, if issued:
         For Life Insurance license.......................... 10-00 100.00
         For General Lines license.......................... 10-00 100.00
      (ii) Annual continuation of license................. 10-00 100.00

   (c) Solicitor's license:
(i) Filing application for original license, and including issuance of license, if issued... 5:00 10.00
(ii) Annual continuation of license... 5:00 10.00

(d) Consultant's license:
(i) Filing application for original license, and including issuance of license, if issued... 25:00 100.00
(ii) Annual continuation of license... 25:00 100.00

(e) Examination for license:
(i) Agents, adjusters, brokers, solicitors -- application for each examination and each time taken, other than as to variable contracts... 5:00 25.00
(ii) Variable contracts, application for examination and each time taken... 10:00 25.00
(iii) Consultants -- application for examination and each time taken... 40:00 50.00

(5) Duplicate license certificate -- agents, brokers, solicitors, consultants or adjusters... 5:00 10.00

(6) Surplus lines broker's license, application for original license, including issuance of license, if issued... 25:00 100.00

Annual continuation of license... 25.00

(7) Adjuster's license, application for original license, including issuance of license, if issued... 25:00 100.00

Annual continuation of license... 25.00

(8) Rating organization, triennial license fee... 25:00 100.00

(9) Examining bureau, quadrennial license fee... 25:00 100.00

(10) Organization and financing of insurer:
(a) Filing application for solicitation permit... 25:00 100.00
(b) Issuance of solicitation permit... 25:00 100.00

(11) Miscellaneous services:
(a) Director's certificate under seal (except certificates of authority or certified copies thereof or licenses)... 2:00 10.00

(b) For each copy of document filed in his office, a reasonable cost as fixed by the director

(c) For valuing life insurance, actual cost of the valuation but not to exceed one cent (1¢) for each one thousand dollars ($1,000) of insurance

(d) For receiving and forwarding copy of summons or other process served upon the director, as process agent of an insurer or nonresident agent, broker, or consultant... 5:00 10.00.

SECTION 3. That Section 41-3028, Idaho Code, be, and the same is hereby amended to read as follows:

41-3028. ANNUAL TAX STATEMENT -- TAXES -- LICENSE FEES -- EXPIRATION DATE OF LICENSES. 1. Annual tax statement and tax. All mutual benefit associations licensed to transact business in this state shall file with the director of the department of insurance
annually on or before the first day of March of each year, a
statement, under oath, showing the amount of all gross premiums, dues
and other payments, except membership fees, received by said
association on risks in this state during the year ending December
thirty-first next preceding, and shall pay to the department of
insurance a tax of three per cent (3%) on the amount of such gross
premiums, dues and other payments received, except membership fees, in
excess of premiums, dues and other payments, returned to members.

Domestic associations shall also file with the director of the
department of insurance, on or before the first day of March of each
year, a statement, under oath, showing the amount of all gross
premiums, dues and other payments, except membership fees, received by
said association during the year ending December 31 next preceding, on
risks in states in which the association is not licensed and shall pay
to the department of insurance a tax of three per cent (3%) on the
amount of such gross premiums, dues and other payments, except
membership fees, in excess of premiums, due and other payments
returned to members: provided, that if such association has fifty per
cent (50%) or more of its gross assets invested as provided in
paragraph 3 of this section the reduced tax of one per cent (1%) provided
for therein shall apply to said gross premiums.

2. Payment of tax--Property tax--Penalty for failure to pay tax.
Within thirty (30) days thereafter such association shall pay or cause
to be paid to the department of insurance the tax herein required,
which payment of tax when made shall be in lieu of all other taxes
upon premiums and upon the personal property of such association and
the assets thereof: provided, that all real property, if any, of such
associations, shall be listed, assessed and taxed the same as real
property of like character of individuals.

An association failing or refusing to render such statement and
pay the required tax within the time specified shall be liable to a
fine of ten dollars ($10.00) for each additional day of delinquency
and the taxes and fine may be collected by distraint and recovered in
an action instituted by the attorney-general. The director of the
department of insurance shall withhold or revoke the license of any
delinquent association until the taxes and fine are paid.

3. Reduced tax for association making local investments. Any
association licensed to transact business in this state having fifty
per cent (50%) or more of its gross assets either deposited in banks
or trust companies in this state, or in savings and loan associations
in this state, or in bonds of this state or any of the incorporated
cities, counties, townships, school districts or other municipal
corporations thereof, or in taxable real estate within this state, or
in first mortgages upon improved, unencumbered real estate, within
this state, shall pay a tax of one per cent (1%) upon such gross
premiums, dues and other payments except membership fees, received
from its members located in this state and on risks outside this state
upon which no premium tax is paid or payable to another state, in lieu
of the tax provided in the previous sections-(subsections).

4. Fees and licenses. Every association doing business in this state shall pay to the department of insurance the following fees in advance:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For annual license</td>
<td>$50.00</td>
</tr>
<tr>
<td>For each agent's annual license</td>
<td>$25.00</td>
</tr>
<tr>
<td>For filing and certifying articles of incorporation</td>
<td>$50.00</td>
</tr>
<tr>
<td>For filing and certifying each amendment to articles of incorporation</td>
<td>$10.00</td>
</tr>
<tr>
<td>For filing constitution and by-laws and amendments thereto</td>
<td>$25.00</td>
</tr>
<tr>
<td>For filing annual statement</td>
<td>$25.00</td>
</tr>
<tr>
<td>For recording all instruments or for making copies thereof per folio of one hundred (100) words</td>
<td>$0.20</td>
</tr>
<tr>
<td>For affixing seal and certifying papers</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

All licenses shall expire annually on the 31st day of March.

SECTION 4. That Section 41-3118, Idaho Code, be, and the same is hereby amended to read as follows:

41-3118. FEE SCHEDULE. (1) County mutual fire insurer shall pay to the director fees as follows:

(a) For filing application for original certificate of authority, including filing of all accompanying documents... $50.00
(b) Issuance of original certificate of authority... $50.00
(c) Annual continuation of certificate of authority... $50.00
(d) Filing articles of incorporation, where not included in (a) above... $50.00
(e) Filing amendment of articles of incorporation, where not included in (a) above... $10.00
(f) Filing constitution and/or by-laws, where not included in (a) above... $25.00
(g) Filing amendment to constitution and/or by-laws, where not included in (a) above... $10.00
(h) Filing annual statement, where not included in (a) above... $50.00
(i) Director's certificate under seal... $50.00
(j) For each copy of document filed in the director's office, per each folio of one hundred (100) words... $0.20

(2) The director shall transmit and report all fees so collected by him as provided in section 41-406, Idaho Code (deposit, report or fees, licenses, taxes).

SECTION 5. That Section 41-3244, Idaho Code, be, and the same is hereby amended to read as follows:

41-3244. FEE SCHEDULE. (1) The director shall collect in advance from fraternal benefit societies the following licenses and fees, in
addition to fees connected with the licensing of agents as otherwise provided for in this code:

(a) For the society's original license ..................... $50.00
   (i) Annual continuation of license ..................... 50.00
   (ii) Reinstatement of license ..................... 50.00
(b) Filing annual statement, a minimum fee of fifty dollars ($50.00), or and twenty-five dollars ($25.00) for each two hundred (200) certificates (or major fraction thereof) in force in the state of Idaho as shown in the annual statement, whichever amount is greater.
(c) Filing certified copy of society's articles of incorporation ................................................................. $10.00 50.00
(d) Filing certified copy of amendment of articles of incorporation ............................................................. 5.00 10.00
(e) Filing society's power of attorney for service of process ................................................................. 2.00 10.00
(f) Receiving and forwarding certified copy of summons or other process served upon the director, to be paid by the party requiring such service ................................................................. 2.00 10.00
(g) Director's certificate under seal, other than on licenses ................................................................. 1.00 10.00
(h) For each copy of document filed in the director's office, a reasonable charge as fixed by the director, and for affixing the director's seal ................................................................. 2.00 10.00
(2) The director shall transmit and report all fees so collected by him as provided in section 41-406, Idaho Code (deposit, report of fees, licenses, taxes).

SECTION 6. That Section 41-3433, Idaho Code, be, and the same is hereby amended to read as follows:

41-3433. FEE SCHEDULE. (1) Every service corporation shall pay to the director fees in advance as follows:
   (a) For filing application for initial certificate of authority by newly formed corporation, or after expiration or revocation of previous certificate of authority ..................... $25.00 50.00
   (b) Issuance of initial certificate of authority, or each annual continuation or renewal thereof ..................... 25.00 50.00
   (c) Filing and certifying articles of incorporation ................................................................. 10.00 50.00
   (d) Filing and certifying amendments to articles of incorporation ................................................................. 5.00 10.00
   (e) Filing by-laws and amendments thereto ................................................................. 5.00 10.00
   (f) Filing annual statement of financial condition ................................................................. 10.00 50.00
   (g) For affixing seal and certifying documents other than the certificate hereinafore provided for ..................... 1.00 10.00
   (h) For each copy of a document filed in his office, per each folio of one hundred (100) words ................................................................. 20
by him hereunder, as provided in section 41-406, Idaho Code (deposit, report of fees, licenses, taxes).

SECTION 7. That Section 41-3922, Idaho Code, be, and the same is hereby amended to read as follows:

41-3922. FEES. (1) Every health maintenance organization subject to this act shall pay to the director the following fees:
   (a) For filing an application for a certificate of authority, fifty dollars ($50.00);
   (b) For issuance of initial certificate of authority, fifty dollars ($50.00);
   (c) For each annual continuation or renewal of the certificate of authority, fifty dollars ($50.00);
   (d) For filing and certifying articles of incorporation, ten fifty dollars ($1050.00);
   (e) For filing and certifying amendments to articles of incorporation, five ten dollars ($510.00);
   (f) For filing by-laws and amendments thereto, five ten dollars ($510.00);
   (g) For filing annual statement of financial condition, ten fifty dollars ($1050.00);
   (h) For affixing seal and certifying documents other than the certificate hereinafore provided for, one ten dollars ($110.00).

(2) The director shall transmit and account for all fees received by him hereunder, as provided in section 41-109406, Idaho Code.

SECTION 8. That Section 41-4005, Idaho Code, be, and the same is hereby amended to read as follows:

41-4005. APPLICATION FOR REGISTRATION -- FEE. (1) Application for registration of a self-funded plan shall be made to the director, on forms furnished and designed by him for the purpose of eliciting information as to whether the plan is qualified for registration. The application shall be signed and verified by at least one (1) of the employers and one (1) of the trustees. If the employer or trustee is a corporation, the verification shall be by a duly authorized corporate officer.

(2) The application shall be accompanied by:
   (a) A copy of the trust agreement under which the trust fund is to exist and operate;
   (b) A copy of the proposed written statement of benefits referred to in section 41-4004(5), Idaho Code;
   (c) A financial statement of the trust fund, if already in existence and operating on the effective date [July 1, 1974] of this act, as of a date not more than forty-five (45) days prior to the date of filing the application. The statement shall be
certified by an independent accountant, or by an accountant whose certification is acceptable to the director;
(d) A written statement of reasonably projected income and disbursements of the trust fund for the twelve (12) month period commencing with date of application and showing also the amount reserved as of the end of such period for claims incurred and not paid or incurred and not reported;
(e) A copy of any study made of the proposed self-funded plan by any consultant for the information or guidance of employer or employees; and
(f) Such other relevant documentation and information as the director may reasonably require.
(3) At time of filing the application the applicant shall pay to the director a nonrefundable filing fee of twenty-five fifty dollars ($25.0050.00). The director shall promptly remit all such fees to the state treasurer for credit to the general fund of the state.

Approved March 27, 1979.

CHAPTER 123
(S.B. No. 1101)

AN ACT
RELATING TO CREDIT UNION DIVIDENDS; AMENDING SECTION 26-2130, IDAHO CODE, TO PROVIDE THAT CERTAIN DIVIDENDS BE PAID ON A PROPORTIONAL BASIS TO BE DETERMINED BY THE DIRECTORS.

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

SECTION 1. That Section 26-2130, Idaho Code, be, and the same is hereby amended to read as follows:

26-2130. DIVIDENDS. After allocations to required reserves, the board of directors may at the end of any dividend period duly established, declare a dividend from undivided earnings as the bylaws may provide.

Dividends shall be paid on all fully paid shares outstanding at the close of the dividend period, but shares which become fully paid during the dividend period shall be entitled to a proportional part of the dividend calculated--from--the--first--day--of--the--month following--such--payment--in--full as determined by the board of directors.

Dividend credit for a month may be accrued on shares as provided by the board of directors. No dividends shall be paid on shares which
are withdrawn during the dividend period. No dividend shall be declared or paid at a time when the corporation is insolvent, or its net assets are less than its stated capital, or when the payment thereof would render the corporation insolvent or reduce its net assets below its stated capital.

Approved March 27, 1979.

CHAPTER 124
(S.B. No. 1142)

AN ACT
RELATING TO PUBLIC WORKS CONTRACTS; AMENDING SECTION 54-1926, IDAHO CODE, TO PROVIDE THAT PUBLIC BODIES REQUIRING MORE THAN FIFTY PER CENT PERFORMANCE BOND NOT WITHHOLD MORE THAN FIVE PER CENT OF THE AMOUNT PAYABLE AS RETAINAGE, AND PROVIDING THAT RELEASE OF THE RETAINAGE BE MADE WITHIN THIRTY DAYS AFTER ACCEPTANCE OF THE PROJECT.

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

SECTION 1. That Section 54-1926, Idaho Code, be, and the same is hereby amended to read as follows:

54-1926. PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES -- REQUIREMENTS FOR BONDS. Before any contract for the construction, alteration, or repair of any public building or public work or improvement of the state of Idaho, or of any county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or of any officer, board, commission, institution, or agency of the foregoing, is awarded to any person, he shall furnish to the state of Idaho, or to such county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or to such officer, board, commission, institution, or agency thereof, bonds which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond in any amount to be fixed by the contracting body, but in no event less than 50 fifty per cent (50%) of the contract amount conditioned upon the faithful performance of the contract in accordance with the plans,
specifications and conditions thereof. Said bond shall be solely for the protection of the public body awarding the contract.

(2) A payment bond in an amount to be fixed by the contracting body but in no event less than 50 fifty per cent (50%) of the contract amount, solely for the protection of persons supplying labor or materials to the contractor or his subcontractors in the prosecution of the work provided for in such contract.

(3) Public bodies requiring a performance bond or payment bond in excess of fifty per cent (50%) of the total contract amount shall not be authorized to withhold from the contractor any amount exceeding five per cent (5%) of the total amount payable to the contractor as retainage. Further, the public body shall release to the contractor any retainage for those portions of the project accepted by the contracting public body and the contractors as complete within thirty (30) days after such acceptance.

Each bond shall be executed by a surety company or companies duly authorized to do business in this state. In the case of contracts of the state or a department, board, commission, institution, or agency thereof the aforesaid bonds shall be payable to the state, or particular state agency where authorized. In case of all other contracts subject to this act, the bonds shall be payable to the public body concerned.

Said bonds shall be filed in the office of the department, board, commission, institution, agency or other contracting body awarding the contract.

Nothing in this section shall be construed to limit the authority of the state of Idaho or other public body hereinabove mentioned to require a performance bond or other security in addition to these, or in cases other than the cases specified in this act.

It shall be illegal for the invitation for bids, or any person acting or purporting to act, on behalf of the contracting body to require that such bonds be furnished by a particular surety company, or through a particular agent or broker.

Approved March 27, 1979.

CHAPTER 125
(H.B. No. 225)

AN ACT
RELATING TO SALES TAX EXEMPTIONS; AMENDING SECTION 63-3622, IDAHO CODE, BY CLARIFYING THE USE IN IDAHO OF MOTOR VEHICLES AND TRAILERS TITLED IN OTHER STATES; AND DECLARING AN EMERGENCY.
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 subjectation of said 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 (h), (k), (l) and (p) of this section.

(e) The sale, use or purchase of tangible personal property, which property is pollution control equipment required in order to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards. This exemption does not include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(f) All sales of irrigation equipment and supplies, except hand tools as defined in subsection (d) of this section, to be used for agricultural production purposes, whether or not such equipment and supplies are to become a part of real estate and whether or not installed by the farmer, a contractor or subcontractor.

(g) The sale or purchase of containers in the following categories:
   1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
   2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.
   3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(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 point outside this state and (2) said motor vehicles and trailers will be registered titled and licensed immediately under the laws of another state, will not be used in this state more than three--(3)--months twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be registered--and--licensed titled under the laws of this state; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

(w) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(x) The sale of tangible personal property relating to funeral services by a licensed funeral establishment.

(y) 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.

(z) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

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

Approved March 27, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 the designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

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<th>PROGRAM</th>
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<th>FOR CAPITAL OUTLAY</th>
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Approved March 27, 1979.
CHAPTER 127
(H.B. No. 148)

AN ACT
RELATING TO REGIONAL AIRPORT AUTHORITY; AMENDING CHAPTER 8, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-805B, IDAHO CODE, TO PROVIDE A MEANS FOR THE WITHDRAWAL OF A COUNTY FROM A REGIONAL AIRPORT AUTHORITY, TO PROVIDE FOR AN ELECTION SUBMITTING THE QUESTION OF SUCH WITHDRAWAL TO THE ELECTORS OF THE REGIONAL AIRPORT AUTHORITY, TO PROVIDE THE MANNER OF HOLDING SUCH ELECTION AND ACCOMPLISHING SUCH WITHDRAWAL, TO PROVIDE FOR APPORTIONMENT OF EXISTING INDEBTEDNESS OF THE REGIONAL AIRPORT AUTHORITY UPON SUCH WITHDRAWAL, AND TO SPECIFY REPRESENTATION UPON THE BOARD OF TRUSTEES AFTER SUCH WITHDRAWAL.

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

SECTION 1. That Chapter 8, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-805B, Idaho Code, and to read as follows:

21-805B. WITHDRAWAL FROM EXISTING AUTHORITY -- ELECTION -- INDEBTEDNESS APPORTIONMENT -- TRUSTEE REPRESENTATION. Subsequent to the organization of a regional airport authority, the electors of any county which has joined the regional airport authority may call for an election to have such county withdraw from the authority in the manner, and subject to the provisions, herein in this section provided:

(1) Such election for withdrawal may be called for by the submission to the board of trustees of the regional airport authority of petitions containing the statements and information hereinafter set forth, signed by not less than five percent (5%) of the qualified electors of each county which is a member of the authority, as defined in section 34-402, Idaho Code, existing as of the date of submission of such petitions to the county clerks for verification as hereinafter provided.

(2) Prior to submitting such petition for withdrawal to the board of trustees of the regional airport authority, the electors submitting such petition shall obtain from the county clerks of each county which is a member of the authority, and submit to the board of trustees with such petitions, a verification of the validity of the signatures upon such petitions; a verification as to which of such signatures are those of electors qualified in accordance with the provisions of section 34-402, Idaho Code, at the time of the submission of the petition; and a certification as to the total number of qualified electors existing in the county as of the date of the submission of
such petition to the clerk.

(3) The petitions submitted shall specify the county whose withdrawal from the authority is sought, and shall contain the names, addresses and dates of signing of each of the electors signing such petition, and the following statements: that the persons signing are bona fide residents of a county within the authority and electors qualified under the provisions of section 34-402, Idaho Code; that the persons signing desire to have an election held to determine whether or not the county specified in the petition should withdraw from the regional airport authority; and that the persons signing understand that if such withdrawal should become effective following an election, the taxpayers and property of the county withdrawing would remain liable following such withdrawal for that county's proportionate share of all bonded, warrant, and other indebtedness incurred by the regional airport authority prior to the time of such withdrawal as determined by the board of trustees in accordance with the provisions herein provided.

(4) Upon receiving such petitions and the verifications and certifications from the county clerks of each county which is a member of the authority, the board of trustees shall, at its next regularly scheduled meeting, determine the percentage that the assessed valuation of the county whose withdrawal is petitioned bears to the total assessed valuation figures utilized in the authority's most recent ad valorem budget certification, and shall forward such petitions, county clerks' verifications and certifications, and assessed valuation percentage determination to the Idaho transportation department with a request that the Idaho transportation department enter an order directing the board of county commissioners of each county which is a member of the authority to hold an election for the purpose of determining whether or not the withdrawal petitioned for should be approved or disapproved.

(5) Upon receipt of such petitions, county clerks' verifications and certifications, assessed valuation percentage computation, and request from the regional airport authority, the Idaho transportation department shall, within ten (10) days of receipt thereof, enter and forward to the board of county commissioners of each county which is a member of the authority an order directing such boards of county commissioners to conduct an election within their counties, in the manner herein described, to determine whether or not such withdrawal from the regional airport should be approved, and to canvass the returns thereof, and to certify the results of such canvass to the Idaho transportation department and the regional airport authority. Such order shall direct that such election shall be held within sixty (60) days from the date of such order; shall specify the amount of the existing regional airport authority indebtedness for which the county will remain liable should withdrawal be approved; and shall order that such information be set forth on the notice of election and ballot to be prepared by the counties.
(6) Upon receipt of such order from the Idaho transportation department, the county commissioners of each county which is a member of the authority shall enter an order directing that an election shall be held within the county within sixty (60) days of the date of the order from the Idaho transportation department to determine whether or not the withdrawal from the regional airport authority petitioned for should be approved. Such election shall thereafter be conducted in the following manner by the county commissioners; notice thereof shall be published in a newspaper of general circulation within the county once a week for three (3) consecutive weeks immediately preceding the holding of the election. Such notice shall specify that the purpose thereof is to determine whether or not the county specified in the petition should withdraw from the regional airport authority; shall designate the polling places within the county where electors may vote upon such question; shall specify the times during which the polling places will be open; shall specify that persons wishing to vote must possess the qualifications of electors set forth in section 34-402, Idaho Code; and shall state that if such withdrawal becomes effective, the taxpayers and property of the county whose withdrawal is approved shall remain liable following such withdrawal for the percentage of all bonded, warrant, and other indebtedness of the regional airport authority determined by the board of trustees and certified to the Idaho transportation department as hereinabove provided, existing as of the date of such election. The county commissioners shall arrange for such polling places; appoint the necessary election judges and other personnel required to conduct such election; and shall conduct such election at the time and at the polling places specified in the notice thereof. At its next regularly scheduled meeting following the holding of such election the boards of county commissioners shall canvass and certify the results thereof to the Idaho transportation department and the regional airport authority. All costs and expenses incurred in conducting such election shall be paid by the counties conducting such election.

(7) The ballot used in such election shall indicate the percentage of the existing liability of the authority for which the county taxpayers and property of the withdrawing county shall remain liable if withdrawal from the authority is approved, and the question to be submitted to the voters by such ballot shall be whether or not the county specified should withdraw from the regional airport authority, and shall be followed by a box in which the voter may express his choice, either yes or no, by marking an "X" in the appropriately designated box.

(8) If a majority of the voters voting at such election shall vote in the affirmative for the withdrawal of the county from the regional airport authority, the board of trustees of the regional airport authority at their next regular meeting following certification of such election results to them by the boards of county commissioners, shall determine the total amount of all bonded,
warrant, and other indebtedness of the authority existing as of the date of such election, and shall certify the amounts of all such indebtednesses, and to whom owed, to the Idaho transportation department within ten (10) days following such meeting. If the certifications from the boards of county commissioners shall indicate that a majority of the voters voting at such election voted in the negative on the question of whether such counties should withdraw from the authority, the board of trustees need not make such determination or certification to the Idaho transportation department.

(9) If the Idaho transportation department receives a certification from the boards of county commissioners that such election has been held, that the votes thereof have been canvassed, and that a majority of the persons voting at such election have voted in the affirmative to have such county withdraw from the regional airport authority, the Idaho transportation department shall upon receipt of certification from the board of trustees of the regional airport authority of the amount of bonded, warrant, and other indebtedness of the authority existing as of the date of such election, enter and deliver to the board of county commissioners of each county which is a member of the authority and the board of trustees of the regional airport authority an order that the electors having voted in the affirmative for such withdrawal, the county specified is detached from the regional airport authority. Such order shall further itemize the total bonded, warrant, and other indebtedness of the regional airport authority existing as of the date of such election, and shall order that the county detached from the authority is, and shall remain, liable for the percentage of such indebtedness previously determined by the order of the Idaho transportation department ordering such election, and such detached county shall thereafter remain liable to the regional airport authority for the amount determined by applying the percentage so determined to the existing indebtedness so determined.

(10) Notwithstanding the detachment of such county from the regional airport authority, the board of trustees of the regional airport authority shall annually thereafter, until the full amount owing by such detached county is paid, determine and certify annually to the board of county commissioners of such detached county the dollar amount necessary to be raised by an ad valorem tax on all property within the county to pay such detached county's share of all bonded, warrant, and other indebtedness existing as of the date of the election approving such detachment as herein set forth. The county commissioners of such detached county shall thereafter compute the amount of ad valorem tax necessary to raise the amount so certified and shall levy and collect such tax in the same manner as other ad valorem taxes levied by the county. After such detachment the detached county and the property therein shall not be subject to taxation by the regional airport authority for the future operations of the regional airport authority or for the repayment of any
indebtedness incurred by the authority subsequent to the date of the election approving such detachment.

(11) Nothing in this act shall be construed as impairing the validity of any bonds or warrants of the regional airport authority outstanding at the time of the detachment of any county therefrom pursuant to the provisions of this section; nor shall the detachment of any county from the regional airport authority pursuant to the provisions of this section in any way affect the rights of holders of general obligation bonds issued by the regional airport authority at any time when the detached county was a participating member of the regional airport authority.

(12) From and after entry of the order of detachment by the Idaho transportation department the office of trustee of any trustee elected from a legislative district lying wholly within such detached county shall terminate, and the trustee occupying such office shall thereafter have no authority to sit as a member of the board of trustees of the authority. Any trustee elected from a legislative district lying partly within such detached county and partly within other counties remaining within the authority shall retain his office as a member of the board of trustees of the authority, but shall from the date of the entry of the order by the Idaho transportation department ordering such detachment represent only that area in the legislative district from which he was elected which lies within counties remaining in the authority after such detachment.

Approved March 27, 1979.

CHAPTER 128
(H.B. No. 152)

AN ACT
RELATING TO REGIONAL AIRPORT AUTHORITIES; AMENDING CHAPTER 8, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-814, IDAHO CODE, TO PROVIDE A MEANS WHEREBY A REGIONAL AIRPORT AUTHORITY MAY BE DISSOLVED, TO PROVIDE THE METHOD WHEREBY DISSOLUTION SHALL OR MAY BE AFFECTED, AND TO PROVIDE FOR THE MEANS OF WINDING UP THE FINANCIAL MATTERS OF THE DISTRICT UPON DISSOLUTION.

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

SECTION 1. That Chapter 8, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-814, Idaho Code, and to read as follows:
21-814. DISSOLUTION OF AUTHORITY. A regional airport authority shall be, or may be, dissolved in accordance with the provisions herein provided:

(a) If following the withdrawal pursuant to the provisions of section 21-805B, Idaho Code, of any county from a previously organized regional airport authority there shall remain in such authority less than three (3) counties, such regional airport authority shall be dissolved in accordance with the provisions herein set forth in subdivision (b) in the same manner as though the election for dissolution therein specified had been held and approved.

(b) The board of trustees of any regional airport authority may, at any regularly scheduled meeting, approve by majority vote, the calling of an election within the counties comprising the authority, to determine whether or not the regional airport authority should be dissolved, upon a finding by a majority of the board that there no longer exists any worthwhile reason for the regional airport authority's continuing in existence.

(1) Upon the determination by majority vote that it desires to call an election to determine whether or not the regional airport authority should be dissolved, the board of trustees of such authority shall further determine the percentage that the assessed valuation of each county within the authority bears to the total assessed valuation of all counties within the authority, based upon the assessed valuation used in the authority's last certification of dollar amounts to the counties for ad valorem tax purposes, and shall forward to the Idaho transportation department the board's certification that such dissolution election has been called for and the board's computation of the percentage that the assessed valuation of each county within the authority bears to the total assessed valuation of all counties within the authority.

(2) Upon receiving such certification from the board of trustees of the regional airport authority, the Idaho transportation department shall within ten (10) days from receipt thereof enter an order directing the county commissioners of each of the counties within such regional airport authority to hold an election upon a date specified in such order, not more than sixty (60) days from the date of issuance thereof, for the purpose of determining whether or not the regional airport authority should be dissolved. Such order shall specify the percentage that the assessment valuation of each county within the authority bears to the total assessed valuation of all counties within the authority, as determined by the board of trustees, and shall direct that the notice of election and questions to be submitted to the voters shall indicate that if dissolution be approved, each of the counties shall remain liable for such counties respective percentage of all bonded, warrant, and other indebtedness existing.
at the time of dissolution, or thereafter incurred for the purposes of winding up the affairs of the authority.

(3) Upon receipt of such order from the Idaho transportation department, the county commissioners of each county within the regional airport authority shall enter an order directing that an election shall be held within such county on the date specified in such order to determine whether or not the regional airport authority shall be dissolved. Such election shall be conducted in the manner set forth in subsections (6) and (7), section 21-805B, Idaho Code, except that the notice of election and the question submitted to the voters shall specify that the question to be determined is whether or not the regional airport authority should be dissolved, rather than whether or not a specified county should withdraw from the authority.

(4) At the next regularly scheduled meeting following such election, the boards of county commissioners of the respective counties, having held such elections shall canvass and certify the results thereof to the Idaho transportation department and the regional airport authority.

(5) If a majority of all of the voters voting at such elections in all of the counties within the regional airport authority shall vote in the affirmative for the dissolution of the regional airport authority, the board of trustees of the regional airport authority at their next regular meeting following receipt of certification of such election results to them by the respective boards of county commissioners shall determine the total amount of all bonded, warrant, and other indebtedness of the authority existing as of the date of such election, and shall certify the amounts of all such indebtednesses and to whom owed to the Idaho transportation department within ten (10) days following such meeting. If the certification from the county commissioners shall indicate that a majority of the voters in all of the counties voting at such election have voted in the negative on the question of whether the authority should be dissolved, the board of trustees need not make such determination or certification to the Idaho transportation department.

(6) If the Idaho transportation department receives a certification from the county commissioners of each of the respective counties that such election has been held, and the votes thereof canvassed, and it appears from such certifications that a majority of all of the persons voting at such elections within all such counties have voted in the affirmative to have the regional airport authority dissolved, the Idaho transportation department shall upon receipt of certification from the board of trustees of the regional airport authority of the amount of bonded, warrant, and other indebtedness of the authority existing as of the date of such election, enter and deliver to the respective county commissioners of each county within such
authority an order that a majority having voted for dissolution of
the regional airport authority it is dissolved. Such order shall
further itemize the total bonded, warrant, and other indebtedness
of the regional airport authority existing as of the date of such
dissolution, and shall order that each county within the
authority, including any that may still owe a portion of the
liability after having previously withdrawn, shall remain liable
for the percentage of such indebtedness previously determined by
the order of the transportation department and each such county
shall thereafter remain liable to the regional airport authority
for the amount determined by applying the percentages so
determined to the existing indebtedness so determined together
with any other necessary expenses which may thereafter be incurred
for the purpose of winding up the business of the regional airport
authority.

(7) After the entry of such order of dissolution by the Idaho
transportation department, the board of trustees of the regional
airport authority shall have no right or authority to incur any
additional expenses in conducting and carrying on the business of
the authority except those necessary to wind up the affairs of the
authority. In winding up the affairs of the authority, the board
of trustees shall continue to exercise all of the rights and
powers granted to them by law to the extent necessary to wind up
the authority's affairs including the right to determine and
certify annually to the respective boards of county commissioners
of the counties obligated to pay therefor under the order of the
Idaho transportation department the dollar amounts necessary to be
raised by ad valorem taxes on all property within such counties to
pay such counties share of all bonded, warrant, and other
indebtednesses existing as of the date of the dissolution of such
authority, and all necessary expenses incurred thereafter in
winding up the affairs of the authority. The county commissioners
of each such county shall thereafter compute the amount of ad
valorem tax necessary to raise the amount so certified and shall
levy and collect such taxes in the same manner as other ad valorem
taxes levied by the county.

(8) When all bonded, warrant, and other indebtednesses of the
regional airport authority existing as of the date of the
dissolution of election have been paid, together with all
necessary expenses incurred in winding up the affairs thereof, the
board of trustees of the regional airport authority shall refund
to the counties having constituted such authority each county's
pro rata share of any money or other assets of the authority which
have not been disbursed; such pro rata share to be based upon the
same percentage that the counties were required to pay upon the
indebtednesses of the regional airport authority in winding up its
affairs.

(9) Upon completion of the winding up of the affairs of the
regional airport authority, the board of trustees thereof shall certify such fact to the Idaho transportation department; and upon receipt of such certification the Idaho transportation department shall enter and forward to the counties its order that the affairs of the regional airport authority have been wound up; that the board of trustees of the regional airport authority is dissolved; and that all powers of the board of trustees are terminated as of the date of such order.

(10) All dollar certification amounts previously certified to the counties included within the regional airport authority prior to its dissolution which remain uncollected or undisbursed to the regional airport authority at the time of the entry of the order by the Idaho transportation department winding up the affairs of the regional airport authority and terminating its board of trustees shall be retained by such counties and placed in their general fund.

(11) Nothing in this act shall be construed as impairing the validity of any bonds or warrants of the regional airport authority outstanding at the time of the entry of the order of dissolution of the authority by the Idaho transportation department pursuant to the provisions of this section; nor shall the dissolution of the regional airport authority pursuant to the provisions of this section in any way affect the rights of holders of general obligation bonds issued by the regional airport authority prior to the time of the entry of such order of dissolution.

Approved March 27, 1979.

CHAPTER 129
(H.B. No. 78)

AN ACT
RELATING TO SICK LEAVE FOR EMPLOYEES OF SCHOOL DISTRICTS; AMENDING SECTION 33-1216, IDAHO CODE, TO PROVIDE THAT ANY ACCUMULATED SICK LEAVE EARNED PRIOR TO JULY 1, 1976, SHALL BE USED BEFORE ANY ACCUMULATED SICK LEAVE EARNED SUBSEQUENT TO JULY 1, 1976.

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

SECTION 1. That Section 33-1216, Idaho Code, be, and the same is hereby amended to read as follows:

33-1216. SICK AND OTHER LEAVE. (a) At the beginning of each new
employment year and thereafter as necessary during the employment year, each certificated and noncertificated employee of any school district, including charter districts, shall be entitled to sick leave with full pay of one (1) day for each month of service, or major portion thereof as projected for the employment year, subject to the limitations provided by this chapter. The local board of trustees shall not provide compensation for unused sick leave. This shall not prohibit the local board of trustees from establishing a policy providing retirement severance pay.

(b) The board of trustees may require proof of illness adequate to protect the district against malingering and false claims of illness. Any accumulated sick leave earned prior to July 1, 1976, shall be used before the use of any accumulated sick leave earned subsequent to July 1, 1976.

Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of illness or death of members of the families of such employees, for professional conferences and workshops, and for such other purposes as the board may determine.

(c) Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of absence during a period for which the employee is paid by workmen's compensation. In addition the board may supplement the workmen's compensation payment by an amount not to exceed an amount which when combined with the workmen's compensation payment would be equal to the amount the employee would have been paid if he had not been injured. Time for which a person is paid workmen's compensation shall not be allowed as sick leave.

(d) The board of trustees of any school district, including any specially chartered district, may also grant a leave of absence to any certificated employee of such district for service to a professional educational organization of which such certificated employee is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding one (1) year. During the period of any such leave of absence the said certificated employee shall receive the same compensation and receive or accrue such other rights and benefits that he would have been entitled to or have received or accrued had he been present and working for the school district, and he shall remain an active member of the public employee retirement system of Idaho; provided that such professional educational organization shall first pay to the said school district an amount equal to any and all compensation, contributions to the public employee retirement system of Idaho and any other amounts paid to or accrued in the name of said employee during such period.

Approved March 27, 1979.
CHAPTER 130
(H.B. No. 102)

AN ACT
RELATING TO THE POSTING AND PUBLISHING OF NOTICES BY SCHOOL DISTRICTS;
AMENDING SECTION 33-401, IDAHO CODE, BY CLARIFYING THE DISTRICTS' RESPONSIBILITY TO POST AND PUBLISH NOTICES FOR THE ANNUAL MEETING OF ELEMENTARY DISTRICTS, INTENT TO DISCONTINUE A SCHOOL, ANNUAL BUDGET HEARING, CALL FOR BIDS FOR ACQUISITION, USE OR DISPOSAL OF PROPERTY, AND CONTRACTING FOR TRANSPORTATION SERVICES.

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-ELECTION-ELECTIONS REQUIREMENTS. 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. Notice of annual meeting of elementary school districts as provided for in section 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511, Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall be given by posting and publishing as outlined in subsection b of this section except that posting shall be for not less than ten (10) days, and publishing shall be once in a newspaper printed, or of general circulation in the county in which such district may lie and having general circulation within such district.

g. Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, Idaho Code, and contracting for transportation services as provided for in section 33-1510, Idaho Code, shall be given by publishing twice, not less than one (1) week apart 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. The notice inviting bids shall set a date and place for opening bids. The first publication of the notice shall be at least two (2) weeks before the date of opening the bids.

h. 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 27, 1979.

CHAPTER 131
(H.B. No. 184)

AN ACT
RELATING TO THE PRACTICE OF PHARMACY; TO PROVIDE FOR A STATEMENT OF
LEGISLATIVE PURPOSE CLARIFYING THE LAW RELATING TO THE PRACTICE OF PHARMACY; REPEALING CHAPTER 22, TITLE 37, AND CHAPTER 17, A, B, C, 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 RECIPROCITY, TO PROVIDE FOR RENEWAL OF LICENSES, TO PROVIDE FOR A CONTINUING PHARMACY EDUCATION PROGRAM, TO PROVIDE FOR GROUNDS FOR DISCIPLINE, 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; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the intention of the legislature in adopting this act to remove any ambiguities in the law relating to the practice of pharmacy caused by the inclusion of chapters A17, B17 and C17 in the compilation of statutes found in title 54, Idaho Code, and to
declare that chapter B17, title 54, Idaho Code, was the act passed by the Second Regular Session of the Forty-fourth Legislature.

SECTION 2. That Chapter 22, Title 37, and Chapter 17, A, B, C, Title 54, Idaho Code, be, and the same are hereby repealed.

SECTION 3. 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 offering 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 vacancy.

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 criminal code of this state.

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 internship 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 practice of pharmacy.
(g) Have paid the fees specified by the board of pharmacy 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 examination in this state, under like circumstances and conditions.

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 legislature makes the following findings and declarations:
(a) Because of the continuous introduction of new therapeutic and diagnostic agents and the changing concepts 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.
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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 further information as the board may deem necessary.
   (3) Certificates of registration issued by the board pursuant to this act shall not be transferable or assignable.
   (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 specifically authorized to require that the portion of the facility to which such certificate of registration applies be operated 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 outlets 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 diagnosis 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 penalties enumerated in section 54-1728, Idaho Code.
   (2) Reinstatement of a certificate that has been suspended, 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 prescription 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 4. 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
subsection (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 provided by section
54-1738, Idaho Code.

SECTION 5. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect
on and after its passage and approval.

Approved March 27, 1979.

CHAPTER 132
(H.B. No. 44)

AN ACT
RELATING TO EXEMPTION FROM WORKMEN'S COMPENSATION COVERAGE; AMENDING
SECTION 72-212, IDAHO CODE, TO PROVIDE THAT VOLUNTEER SKI
PATROLLERS ARE EXEMPT FROM COVERAGE.

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

SECTION 1. That Section 72-212, Idaho Code, be, and the same is
hereby amended to read as follows:

72-212. EXEMPTIONS FROM COVERAGE. None of the provisions of this
law shall apply to the following employments unless coverage thereof
is elected as provided in section 72-213, Idaho Code.

(1) Household domestic service.

(2) Casual employment.

(3) Employment of outworkers.

(4) Employment of members of an employer's family dwelling in his household.

(5) Employment which is not carried on by the employer for the sake of pecuniary gain.

(6) Employment as the owner of a sole proprietorship; employment of a working member of a partnership; employment of an officer of a corporation who at all times during the period involved owns not less than ten per cent (10%) of all of the issued and outstanding voting stock of the corporation and is also a director thereof.

(7) Employment for which a rule of liability for injury, occupational disease, or death is provided by the laws of the United States.

(8) Agricultural pursuits. Agricultural pursuits, as used herein, shall include the raising or harvesting of any agricultural or horticultural commodity including the raising, pelting, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife raised in captivity, on inclosed lands and public ranges.

(9) Pilots of agricultural spraying or dusting planes. Employment as a pilot of an aircraft, used to apply fertilizers and pesticides, as defined in section 22-2209, Idaho Code, to agricultural crops, when actually operating an aircraft, shall be exempt from the provisions of the workmen's compensation law, if: the employer files with, and has written approval by, the industrial commission, prior to employing a pilot for the purpose of engaging in the application of pesticides to agricultural crops by aircraft, proof of coverage of an insurance policy that will provide to the employed pilot of such aircraft while actually operating an aircraft, benefits in an amount of not less than: twenty-five thousand dollars ($25,000) accidental death and dismemberment, ten thousand dollars ($10,000) medical expense payments, and five hundred dollars ($500) per month disability income for a minimum of forty-eight (48) months.

(10) Associate real estate brokers and real estate salesmen. Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(11) Volunteer ski patrollers.

Approved March 27, 1979.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-4902, Idaho Code, be, and the same is hereby amended to read as follows:

19-4902. COMMENCEMENT OF PROCEEDINGS -- VERIFICATION -- FILING -- SERVICE. A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction took place. An application may be filed at any time within five (5) years from the expiration of the time for appeal or from the determination of an appeal or from the determination of a proceeding following an appeal, whichever is later. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The Supreme Court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the prosecuting attorney.

Approved March 27, 1979.
36-1301. POWER AND DUTY OF OFFICERS -- OFFICIAL BADGE -- WHO MAY WEAR -- SEPARABILITY. (a) Authorized Officers. The director, all conservation officers and other classified department employees, and all sheriffs, deputy sheriffs, forest supervisors, marshals, police officers, state forest department officers, and national forest rangers shall have statewide jurisdiction and it is hereby made their duty to enforce the provisions of the Idaho fish and game code.

(b) Authority and Limitations as Peace Officers. All conservation officers and all who receive certification from the Idaho peace officer standards and training advisory council shall have all the authority given by statute to peace officers of the state of Idaho. All other classified employees appointed by the director shall have the power of peace officers limited to:

1. The enforcement of the provisions of title 36, Idaho Code, and commission regulations promulgated pursuant thereto.
2. The arrest of persons having domestic animals unlawfully in their possession.
3. The enforcement of the provisions of chapter 25, title 39, Idaho Code (watercraft regulations), provided that such authority is exercised in cooperation with sheriffs of the respective counties.
4. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of title 36, Idaho Code.

(c) Additional Authority and Duties. Said officers and employees shall have additional peace officer power, but not constituting an obligation beyond their regular course of duty, relative to:

3. The enforcement of the provisions of sections 18-3906 and 18-7031, Idaho Code, relating to littering.

(d) Official Badge -- Who May Wear. It is a misdemeanor for any person who is not at the time a classified employee or conservation officer, duly authorized and commissioned by the director, to wear or exhibit in public an official badge of the department of fish and game of the state of Idaho.

Approved March 27, 1979.
AN ACT
RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; REPEALING SECTION 34-1812, IDAHO CODE; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812A, TO PROVIDE FOR ARGUMENTS CONCERNING INITIATIVES AND REFERENDUM MEASURES; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812B, IDAHO CODE, TO PROVIDE FOR SUBMISSION OF REBUTTAL ARGUMENTS; AND AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812C, IDAHO CODE, TO PROVIDE FOR VOTERS' PAMPHLETS.

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 repealed.

SECTION 2. That Chapter 34, 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 34-1812A, Idaho Code, and to read as follows:

34-1812A. ARGUMENTS CONCERNING INITIATIVE AND REFERENDUM MEASURES. Any voter or group of voters may on or before July 20 prepare and file an argument, not to exceed five hundred (500) words, for or against any measure. Such argument shall not be accepted unless accompanied by the name and address or names and addresses of the person or persons submitting it, or, if submitted on behalf of an organization, the name and address of the organization and the names and addresses of at least two (2) of its principal officers.

If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the secretary of state shall select one (1) of the arguments for printing in the voters' pamphlets. In selecting the argument the secretary of state shall be required to give priority in the order named to the arguments of the following:

(1) The proponent of the initiative or referendum petition.
(2) Bona fide associations of citizens.
(3) Individual voters.

SECTION 3. That Chapter 34, 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 34-1812B, Idaho Code, and to read as follows:
34-1812B. SUBMISSION OF REBUTTAL ARGUMENTS. When the secretary of state has received the arguments which will be printed in the voters' pamphlet, the secretary of state shall immediately send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding two hundred and fifty (250) words. The rebuttal arguments must be filed no later than August 1. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 4. That Chapter 34, 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 34-1812C, Idaho Code, and to read as follows:

34-1812C. VOTERS' PAMPHLET. Not later than September 25 before any regular general election at which an initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed a voters' pamphlet which shall contain the following:

(1) A complete copy of the title and text of each measure with the number and form in which the ballot title thereof will be printed on the official ballot;
(2) A copy of the arguments and rebuttals for and against each state measure;

The secretary of state shall mail a copy of the voters' pamphlet to every household in the state. Sufficient copies of the voters' pamphlet shall also be sent to each county clerk. The county clerk and the secretary of state shall make copies of the voters' pamphlet available upon request.

The voters' pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 6 x 9 inches in size;
(b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type;
(c) It shall be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

Approved March 27, 1979.
CHAPTER 136
(H.B. No. 236)

AN ACT
RELATING TO THE POSTING OF PRICES OF BEER; AMENDING SECTION 23-1029, IDAHO CODE, BY ALLOWING THE AMENDMENT OF ORIGINALLY FILED SCHEDULE OF PRICES WITHIN A TIME LIMIT AND PROVIDING THE METHOD OF AMENDMENT.

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

SECTION 1. That Section 23-1029, Idaho Code, be, and the same is hereby amended to read as follows:

23-1029. POSTING OF PRICES. Each licensed wholesaler, brewer and dealer engaged in selling beer for resale within this state, shall file with the director a written schedule of prices to be charged by him for beer sold within this state for resale therein, which schedule of prices shall be uniform for the same class of buyers in the same trade area within this state, and shall set forth;

(a) all brands and types of products offered for sale;

(b) the delivered sale price thereof in the several trade areas of the state to the various classes of buyers; and

(c) any allowance granted for returned containers.

Such schedule of prices so filed may be changed or modified from time to time by filing with the director a new schedule of prices, not less than ten (10) days prior to the last day of the filing calendar month, becoming effective on the first day of the succeeding calendar month.

Such schedule of prices so filed may not be withdrawn prior to--its-effective-date;--and--upon within ten (10) days of its effective date. An amendment of the prior filing shall show the posting changes of the particular brand and product affected. The amendment shall be in the form of a statement to the director detailing the reasons for the amendment. The amendment submitted to the director shall be prima facie evidence of its correctness; and failure of the director to act upon denial of the amendment within ten (10) days shall constitute its adoption. Upon becoming effective the schedule shall remain in effect as follows:

(i) an increase in prices, for a minimum period of thirty (30) days;

(ii) a reduction in prices, for a minimum period of six (6) months. All price schedules, so filed, shall be subject to public inspection and shall not be considered confidential. Upon the filing of the original schedule of prices, and after the effective date of any schedule of prices amendatory thereto, all prices therein stated shall be strictly adhered to, and any departure or variation therefrom shall constitute the giving of aid or
assistance prohibited by the provisions of section 23-1033, Idaho Code. Amendatory-schedules-shall-require-the-approval-information-required-in-the-above-subsections-(a)-(b)and-(e):

Approved March 27, 1979.

CHAPTER 137
(H.B. No. 242)

AN ACT
RELATING TO TRANSFER OF A BEER BREWER'S, DEALER'S, WHOLESALER'S OR RETAILER'S LICENSE; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1005A, IDAHO CODE, PROVIDING FOR THE TRANSFER OF A BEER BREWER'S, DEALER'S, WHOLESALER'S OR RETAILER'S LICENSE, REQUIRING APPROVAL OF THE TRANSFER BY THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT, PROVIDING FOR THE TRANSFER OF A BEER BREWER'S, DEALER'S, WHOLESALER'S OR RETAILER'S LICENSE BETWEEN LOCATIONS, AND PROVIDING FOR FEES.

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 23-1005A, Idaho Code, and to read as follows:

23-1005A. TRANSFER OF LICENSE -- FEE -- APPLICATION FOR APPROVAL.
(a) No brewer, dealer or wholesaler of beer license issued pursuant to section 23-1003, Idaho Code, or any beer retailer license issued pursuant to section 23-1010, Idaho Code, may be transferred to another person, including an executor, administrator, or trustee in bankruptcy of the estate of the licensee, unless the transferee shall first have obtained the approval of the director to such transfer upon application containing substantially the same information required of an applicant for a brewer's, dealer's, wholesaler's or retailer's beer license, as the case may be. If the transferee possesses all the qualifications and none of the disqualifications for such license, the director shall approve the transfer, which approval shall be attached and made a part of the license. The fee for each transfer of a brewer's, dealer's, wholesaler's or retailer's beer license shall be twenty dollars ($20.00), which fee shall accompany the application for transfer.
(b) Application for a transfer of any beer license from one location to another shall be made to the director on forms prescribed
and furnished by the director. The director shall approve such transfer upon submission of the application and receipt by the director of a transfer fee of twenty dollars ($20.00).

Approved March 27, 1979.

CHAPTER 138
(H.B. No. 90)

AN ACT
RELATING TO THE APPROPRIATION OF WATER; AMENDING SECTION 42-217, IDAHO CODE, TO PROVIDE AN ABBREVIATED LIST OF ITEMS THAT MUST BE ADDRESSED ON THE PROOF OF APPLICATION TO BENEFICIAL USE.

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

SECTION 1. That Section 42-217, Idaho Code, be, and the same is hereby amended to read as follows:

42-217. PROOF OF APPLICATION TO BENEFICIAL USE. On or before the date set for the beneficial use of waters diverted appropriated under the provisions of this chapter, the person or persons using such water permit holder shall submit proof that they have a statement that he has used such water for the beneficial purpose for which the diversion of such water was intended allowed by the permit. Such proof shall state: The statement shall include:

1. The name and post-office address of such user the permit holder.

2. The use to which such water has been applied the permit number.

3. The amount used together with a statement of the manner in which the quantity of water was determined and the qualifications of the person making such determination A description of the extent of the use.

4. The place of such use; and if for irrigation, the description by legal subdivisions of the land so irrigated The source of the water used.

5. The name of the canal or ditch or other works by which such water is conducted to such place of use.

6. The relation or understanding upon which the right to take water from such works is based.

7. The source of supply from which such water is diverted.

8. The date of the priority which such user is prepared to establish; and;
9. Such other information as shall be required by the blank form furnished by the department.

Such written proof as may be required to be submitted by such user shall be upon forms furnished by the department of water resources; and such statements shall be sworn to by such user.

Upon receipt of such proof by the department of water resources the department shall examine, or cause to be examined:

1. The place where such water is used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.

2. The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other purposes.

The department or the person making such examination under the direction of the department shall prepare and file a report of the investigation: provided, that whenever irrigation systems cover more than twenty-five thousand (25,000) acres, proof of beneficial use may be made by the persons, company or corporation constructing the irrigation works on behalf of the project, and in such cases, the lands upon which the water has been used need not be described by legal subdivisions, but may be described generally as the lands under the irrigation system, and it shall only be necessary to show in such cases that the quantity of water beneficially applied for irrigation has been applied within the limits of the project.

Approved March 27, 1979.

CHAPTER 139
(H.B. No. 107)

AN ACT
RELATING TO CHECKSCALERS; AMENDING SECTION 38-1215, IDAHO CODE, TO PROVIDE THAT CHECKSCALERS EMPLOYED BY THE STATE OF IDAHO SHALL BE NONCLASSIFIED EMPLOYEES.

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

SECTION 1. That Section 38-1215, Idaho Code, be, and the same is hereby amended to read as follows:

38-1215. CHECKSCALERS -- APPOINTMENT -- CHECKSCALING CRITERIA -- REPORT -- BOND. The director of the department of lands shall, with
approval of the board, appoint such qualified licensed scalers as checkscalers as may be needed to perform checkscaling within the state. Checkscalers employed by the state of Idaho shall be nonclassified employees, and shall be exempt from the provisions of chapter 53, title 67, Idaho Code. Criteria for conducting such checkscaling and a minimum number of logs and/or volume to be considered adequate for a valid checkscale shall be determined by the board, and shall guide the appointed scaler in performance of his checkscaling duties. The cost of all checkscales other than in the regular course of the checkscaler's duties shall be paid by the person requesting the same or by the party in error where the checkscaler finds and determines scaling error outside the allowable limits set by the board. All checkscaling costs shall be determined by using the costs of checkscaling at the time of request as determined by the board. The checkscaler shall make a report of his findings to the board within a reasonable time after each checkscale and said report shall be accepted as prima facie evidence of the facts stated in such report. Any person directly affected by said report shall be entitled to receive a copy of said report as soon as the checkscale has been completed.

All checkscalers appointed by the board shall obtain and execute a bond to the board for the benefit of those businesses and/or persons using the services of the checkscaler covering the performance of his checkscaling duties, which bond shall be in the sum of one thousand dollars ($1,000), executed by a qualified surety, duly authorized to do business in this state, upon the condition that said applicant, if said bond be issued to him, shall conduct his checkscaling duties without fraud or fraudulent misrepresentation and will faithfully perform his duties as a checkscaler for those persons using his services; said bond to be reissued annually on or before the 1st day of July each year, and said bond shall be filed with the board.

The premium on said checkscalers' bonds shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "state scaling fund account."

Approved March 27, 1979.
TO CONTRACT FOR FIRE PROTECTION SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-868, Idaho Code, and to read as follows:

31-868. CONTRACTS FOR FIRE PROTECTION. The boards of county commissioners in their respective counties shall have the authority and power to enter into contracts with a city or a fire protection district for the provision of fire protection services in areas of the county not otherwise receiving fire protection.

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

Approved March 27, 1979.
CHAPTER 141
(H.B. No. 273)

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, 1979, THROUGH JUNE 30, 1980.

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

SECTION 1. It is legislative intent that the expenditures for the Public Utilities Commission not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

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<tr>
<td>Personnel Costs</td>
<td>$1,337,500</td>
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<td>Operating Expenditures</td>
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<td>Capital Outlay</td>
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<td>TOTAL</td>
<td>$2,163,100</td>
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<tr>
<td>General Account</td>
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<tr>
<td>TOTAL</td>
<td>$2,163,100</td>
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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, 1979, through June 30, 1980:

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<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
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<tr>
<td>A. UTILITIES REGULATION:</td>
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<tr>
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<td>GRAND TOTAL</td>
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Approved March 27, 1979.
CHAPTER 142
(H.B. No. 247)

AN ACT
RELATING TO SALES TAX EXEMPTIONS; AMENDING SECTION 63-3622, IDAHO CODE, TO EXEMPT FROM THE SALES TAX, SALES TO AND PURCHASES BY FOREST PROTECTIVE ASSOCIATIONS, AND DEFINING FOREST PROTECTIVE ASSOCIATIONS; AND DECLARING AN EMERGENCY.

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 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 (h), (k), (l) and (p) of this section.

(e) The sale, use or purchase of tangible personal property, which property is pollution control equipment required in order to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards. This exemption does not include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(f) All sales of irrigation equipment and supplies, except hand tools as defined in subsection (d) of this section, to be used for agricultural production purposes, whether or not such equipment and supplies are to become a part of real estate and whether or not installed by the farmer, a contractor or subcontractor.

(g) The sale or purchase of containers in the following categories:
   1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.
   2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.
   3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(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, forest protective associations 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.

4. Forest protective associations as used herein shall mean associations whose purpose is the furnishing, operating and maintaining of a protective system for the detection, prevention and suppression of forest or range fires. Forest protective associations shall include only those associations with which the state of Idaho has contracted or become a member of pursuant to Chapter 1, Title 38, Idaho Code.

(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 point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

(w) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as
maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(x) The sale of tangible personal property relating to funeral services by a licensed funeral establishment.
(y) 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.
(z) Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for not more than one (1) year or by both such fine and imprisonment.

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

Approved March 27, 1979.

CHAPTER 143
(H.B. No. 253)

AN ACT
RELATING TO INCOME TAXES; ALLOWING AN ADDITIONAL DEDUCTION IN 1978 ONLY FOR CONTRIBUTIONS MADE TO AN INDIVIDUAL RETIREMENT ACCOUNT TO THE SAME EXTENT THAT SUCH DEDUCTIONS ARE ALLOWED FOR FEDERAL TAXES; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1 . A contribution to an individual retirement account, established pursuant to the Internal Revenue Code, which is made on or
before the due date (including extensions) of an individual's Idaho income tax return for any tax year commencing during 1978 only may be taken as a deduction on the taxpayer's 1978 return in the same manner and to the same extent as it is deductible on his federal return for the same period.

SECTION 2. An emergency existing 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, 1979.

Approved March 27, 1979.

CHAPTER 144
(H.B. No. 258)

AN ACT
RELATING TO THE ANNUAL RATIO STUDY ON PROPERTY TAXES; PROVIDING A MORATORIUM ON THE RATIO STUDY REQUIRED TO BE PERFORMED BY THE STATE TAX COMMISSION BY SECTION 33-1014, IDAHO CODE, ON TAXES IMPOSED ON PROPERTY SHOWN ON THE 1979 TAX ROLL ONLY.

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

SECTION 1. The provisions of section 33-1014, Idaho Code, requiring the tax commission to annually ascertain the ratio between the market value for assessment purposes of real property and the assessed valuation of real property in each county and from the ratio to ascertain the adjusted value of all property in each county, shall not apply to values established on the 1979 tax rolls only. There shall instead be a moratorium upon the ratio study for 1979 values only, and the provisions of section 33-1014, Idaho Code, shall be inoperative except that the executive officer of the state tax commission shall provide, on or before the fourth Monday of August of each year, the information required to be provided to the state board of education by the provisions of section 33-1014, Idaho Code.

Approved March 27, 1979.
CHAPTER 145
(H.B. No. 235)

AN ACT
RELATING TO THE ISSUANCE OF EMPLOYEE PERMITS BY THE DIRECTOR OF LAW
ENFORCEMENT FOR EMPLOYEES OF BREWERS, DEALERS, OR WHOLESALERS
SELLING BEER, AND EMPLOYEES OF IMPORTERS OR DISTRIBUTORS OF WINE;
REPEALING SECTIONS 23-1032 AND 23-1324, IDAHO CODE; AND AMENDING
SECTION 23-1331, IDAHO CODE, TO STRIKE REFERENCE TO EMPLOYEE
PERMITS.

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

SECTION 1. That Section 23-1032, Idaho Code, be, and the same is
hereby repealed.

SECTION 2. That Section 23-1324, Idaho Code, be, and the same is
hereby repealed.

SECTION 3. That Section 23-1331, Idaho Code, be, and the same is
hereby amended to read as follows:

23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES
AND PERMITS. The director may suspend, revoke, or refuse to renew a
retail wine license, wine by the drink license, wine distributor's
license, or wine importer's license issued pursuant to the terms of
this act for any violation of or failure to comply with the provisions
of this act or rules and regulations promulgated by the director or
the state tax commission pursuant to the terms and conditions of this
act. The director may suspend, revoke, or refuse to renew an employee
permit issued pursuant to the terms of section 23-1324, Idaho Code;
for failure of such employee to comply with the provisions of this act
or the rules and regulations promulgated by the director. Procedures
for the suspension, revocation or refusal to grant or renew licenses
issued under this act shall be in accordance with the provisions of
chapter 52, title 47, Idaho Code.

Approved March 27, 1979.

CHAPTER 146
(H.B. No. 115)

AN ACT
RELATING TO DISABILITIES UNDER THE FIREMEN'S RETIREMENT FUND; AMENDING
SECTION 72-1429F, IDAHO CODE, TO ESTABLISH A NEW STANDARD OF
DISABILITY FOR NONSERVICE RELATED DISABILITIES; AMENDING SECTION 72-1430H, IDAHO CODE, TO ESTABLISH A NEW STANDARD OF DISABILITY FOR SERVICE RELATED DISABILITIES AFTER A TWO YEAR PERIOD; AMENDING SECTION 72-1433C, IDAHO CODE, TO ESTABLISH A NEW STANDARD OF DISABILITY FOR NEWLY HIRED FIREMEN FOR SERVICE RELATED DISABILITIES AFTER A TWO YEAR PERIOD; AMENDING SECTION 72-1433D, IDAHO CODE, TO ESTABLISH A NEW STANDARD OF DISABILITY FOR NEWLY HIRED FIREMEN FOR NONSERVICE RELATED DISABILITIES; ADDING A NEW SECTION 72-1434, IDAHO CODE, TO PROVIDE FOR REVIEW OF DISABILITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1429F, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429F. PENSION PAYMENT -- RETIREMENT OF INCAPACITATED FIREMEN AFTER FIVE-AND-ONE-HALF OR TWENTY YEARS FOR NONSERVICE. (1) Any paid fireman with not less than five (5) years' active service as defined in subsection (H) of section 72-1402, 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 two per cent (2%) of the average paid fireman's salary or wage, as defined in section 72-1411, Idaho Code, in this state for each year's active service or a monthly sum equal to two per cent (2%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432, Idaho Code. "Totally incapacitated" as used in this section means the inability to perform work in any remunerative employment. It is not necessary for a person to be absolutely helpless or entirely unable to do anything worthy of compensation to be considered totally incapacitated. If the person is so incapacitated that substantially all the avenues of gainful employment are reasonably closed to him, his condition is within the meaning of "totally incapacitated." In evaluating whether a person is totally incapacitated, the medical factor of permanent impairment and nonmedical factors such as age, sex, education, economic and social environment, and training and usable skills shall be considered.

(2) Any paid fireman with not less than twelve-and-one-half (12 1/2) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act and who shall be dismissed or retired by his or her employer because incapacitated not in the performance of duty in a degree which prohibits efficient service, as defined under the provisions of...
(3) In the event said fireman has twenty-one (21) or more years' service, and has otherwise met the requirements of section 72-1433A, Idaho Code, if applicable, the monthly sum shall be the same amount as would be payable in the case of voluntary retirement.

(4) (3) The monthly benefits provided for in this section shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(5) (4) 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: (i) the fire fighter is mentally or physically totally 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 2. That Section 72-1430H, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430H. PENSION PAYMENT -- RETIREMENT OF FIREMAN INCAPACITATED IN THE PERFORMANCE OF DUTY. (1) 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, limited to a maximum of two (2) years, and during such disability shall be paid from the said fund the monthly retirement sum to which he would be entitled if he elected to retire, but in no event less than a monthly sum equal to sixty-five per cent (65%) of the average paid fireman's salary or wage as defined in section 72-1411, Idaho Code, in this state or a monthly sum equal to sixty-five per
cent (65%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432, Idaho Code, which said monthly sum shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

Upon application of a firefighter or his or her department head for a service disability retirement, and prior to said retirement, a medical examination of said firefighter shall be given by a medical committee consisting of a physician named by the director of the state insurance fund, a physician named by the firefighter claiming benefits, and a third physician designated by the first two (2) physicians so named. If the medical committee, by a majority opinion certifies in writing, that: (1) the firefighter is physically incapacitated for the efficient performance of the duties as a paid firefighter, as defined under the provisions of subsection (G), section 72-1402, Idaho Code, in the service of the city, town or fire district, (2) such incapacity is likely to be permanent, (3) the member should be retired, and (4) there is medical evidence of probative value including reports of clinical findings (such as the individual's medical history, physical status examinations), laboratory findings, diagnosis and treatment prescribed and response of such treatment, the director may approve such application for retirement as provided herein.

If the disabled fireman is still retired at the conclusion of the two (2) year period, the director shall determine whether the disability renders the disabled fireman totally incapacitated. "Totally incapacitated" as used in this section means the inability to perform work in any remunerative employment. It is not necessary for a person to be absolutely helpless or entirely unable to do anything worthy of compensation to be considered totally incapacitated. If the person is so incapacitated that substantially all the avenues of gainful employment are reasonably closed to him, his condition is within the meaning of "totally incapacitated." In evaluating whether a person is totally incapacitated, the medical factor of permanent impairment and nonmedical factors such as age, sex, education, economic and social environment, and training and usable skills shall be considered. If the disabled fireman is totally incapacitated, then payments shall continue at the rate prescribed in this section during the period of total incapacity. A medical committee may be summoned to determine total incapacity as provided above.

(2) If the disabled fireman is less than totally incapacitated at the end of the two (2) year period, but has a disability which reduces his presumed ability to engage in gainful activity, payments shall be made to the disabled fireman during the period of his disability as hereinafter provided. The director shall determine the percentage of disability suffered by the disabled fireman as compared to the whole man. A medical committee, comprised as prescribed in this section, may
be summoned to determine the percentage of disability suffered by the disabled fireman. The disabled fireman shall receive a disability benefit equal to the percentage that his disability bears to a totally incapacitated person.

SECTION 3. That Section 72-1433C, Idaho Code, be, and the same is hereby amended to read as follows:

72-1433C. PENSION PAYMENT -- RETIREMENT OF FIREMAN INCAPACITATED IN THE PERFORMANCE OF DUTY. (1) 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, limited to a maximum of two (2) years, 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.

If the disabled fireman is still retired at the conclusion of the two (2) year period, the director shall determine whether the disability renders the disabled fireman totally incapacitated. "Totally incapacitated" as used in this section means the inability to perform work in any remunerative employment. If the disabled fireman is totally incapacitated, then payments shall continue at the rate prescribed in this section during the period of total incapacity. A
medical committee may be summoned to determine total incapacity as provided above.

(2) If the disabled fireman is less than totally incapacitated at the end of the two (2) year period, but has a disability which reduces his presumed ability to engage in gainful activity, payments shall be made to the disabled fireman during the period of his disability as hereinafter provided. The director shall determine the percentage of disability suffered by the disabled fireman as compared to the whole man. A medical committee, comprised as prescribed in section 72-1430H, Idaho Code, may be summoned to determine the percentage of disability suffered by the disabled fireman. The disabled fireman shall receive a disability benefit equal to the percentage that his disability bears to a totally incapacitated person.

SECTION 4. That Section 72-1433D, Idaho Code, be, and the same is hereby amended to read as follows:

72-1433D. PENSION PAYMENT -- RETIREMENT OF INCAPACITATED FIREMAN AFTER--FIVE--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. "Totally incapacitated" as used in this section means the inability to perform work in any remunerative employment. It is not necessary for a person to be absolutely helpless or entirely unable to do anything worthy of compensation to be considered totally incapacitated. If the person is so incapacitated that substantially all the avenues of gainful employment are reasonably closed to him, his condition is within the meaning of "totally incapacitated." In evaluating whether a person is totally incapacitated, the medical factor of permanent impairment and nonmedical factors such as age, sex, education, economic and social environment, and training and usable skills shall be considered.

(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 (6) of section 72-1402, Idaho
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.

(3) The monthly benefits provided for in this section shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(4) (3) 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 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 5. 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 72-1434, Idaho Code, and to read as follows:

72-1434. REVIEW OF DISABILITY. Upon application of a fireman receiving a disability benefit, whether service or nonservice connected, or upon the director on his own motion, the disability shall be reviewed by the director to determine whether a change of condition has occurred which would justify increasing or decreasing the disability benefit. The director may make such order as is appropriate. Such review shall only occur once every three (3) years after the date of the first disability payment.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 27, 1979.
AN ACT

RELATING TO MERGER OF THE FIREMEN'S RETIREMENT FUND WITH THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1351, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1352, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF ALL ASSETS, LIABILITIES, DUTIES, OBLIGATIONS AND RIGHTS OF THE FIREMEN'S RETIREMENT FUND TO THE EMPLOYEE SYSTEM ON A DATE CERTAIN; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1353, IDAHO CODE, TO PROVIDE FOR CONTRIBUTIONS TO THE EMPLOYEE SYSTEM BY BOTH EMPLOYERS AND EMPLOYEES AFTER A DATE CERTAIN; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1354, IDAHO CODE, TO PROVIDE FOR MEMBERSHIP RIGHTS AND DUTIES; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1355, IDAHO CODE, TO PROVIDE FOR A LIMIT ON SEPARATION BENEFITS; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1356, IDAHO CODE, TO PROVIDE FOR BENEFITS PAYABLE; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1357, IDAHO CODE, TO PROVIDE FOR ADDITIONAL CONTRIBUTIONS FOR EXCESS COSTS; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1358, IDAHO CODE, TO PROVIDE FOR MEMBERSHIP IN THE SOCIAL SECURITY SYSTEM BY PAID FIREMEN AFTER A DATE CERTAIN; APPROPRIATING MONEYS FROM THE PUBLIC EMPLOYEE RETIREMENT FUND TO THE BOARD, AND EXEMPTING THE APPROPRIATION FROM THE STANDARD APPROPRIATIONS ACT OF 1945, AND FROM SECTION 67-3516, IDAHO CODE; PROVIDING DIRECTIONS FOR THE DIRECTOR OF THE STATE INSURANCE FUND; REPEALING SECTIONS 72-1403 AND 72-1416, IDAHO CODE, EFFECTIVE OCTOBER 1, 1980; AND DECLARING AN EMERGENCY FOR SECTION 9 OF THE ACT.

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

SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1351, Idaho Code, and to read as follows:

59-1351. DEFINITIONS. As used in this act, each of the terms defined shall have the meaning given in this section or in section 59-1302, Idaho Code, unless a different meaning is clearly required by the context.

(a) "Board" means the retirement board of the employee system.

(b) "Fireman member" means a person or beneficiary receiving
benefits or establishing the right to receive benefits from the firemen's retirement fund on October 1, 1980.

(c) "Firemen's retirement fund" means the retirement system created by and existing through chapter 14, title 72, Idaho Code.

(d) "Employee system" means the retirement system created and existing through chapter 13, title 59, Idaho Code.

(e) "Employer" means a city or fire district who employs paid firemen and who are participating in the firemen's retirement fund on October 1, 1980.

(f) "Paid fireman" means an employee who engages in fire fighting, emergency or hazardous duties or other duties required of and by his employer.

SECTION 2. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1352, Idaho Code, and to read as follows:

59-1352. TRANSFER OF ALL ASSETS, LIABILITIES, DUTIES, OBLIGATIONS AND RIGHTS OF THE FIREMEN'S RETIREMENT FUND TO THE EMPLOYEE SYSTEM. All of the funds, assets, liabilities, duties, obligations and rights provided for by chapter 14, title 72, Idaho Code, shall be transferred to, and integrated with, the employee system on October 1, 1980. Benefits payable to firemen members shall become the obligation of the employee system on October 1, 1980. Cash on hand in the firemen's retirement fund shall be deposited to the credit of the public employee retirement fund as provided in section 59-1331, Idaho Code.

SECTION 3. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1353, Idaho Code, and to read as follows:

59-1353. CONTRIBUTIONS. Employers shall deduct, withhold and remit contributions from the salaries of paid firemen, and make employer contributions, as provided in chapter 13, title 59, Idaho Code, on and after October 1, 1980.

SECTION 4. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1354, Idaho Code, and to read as follows:

59-1354. MEMBERSHIP RIGHTS AND DUTIES. Except as provided in section 59-1356, Idaho Code, on and after October 1, 1980, the rights, benefits, memberships, payments, duties and obligations of paid firemen with respect to membership and participation in the employee
system shall be governed by the provisions of chapter 13, title 59, Idaho Code.

SECTION 5. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1355, Idaho Code, and to read as follows:

59-1355. LIMIT ON SEPARATION BENEFIT. When a fireman member terminates employment and seeks return of his or her accumulated contributions, he or she shall be entitled to interest on such contributions after October 1, 1980.

SECTION 6. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1356, Idaho Code, and to read as follows:

59-1356. BENEFITS PAYABLE. The combined rights and benefits of firemen members as of October 1, 1980, shall not be less than the rights and benefits they would have received from the firemen's retirement fund and social security, had the fund not been integrated with the employee system. In making any calculation or benefit payment required by this section, the primary social security benefit accrued at time of retirement and payable at age sixty-five (65), which accrues solely because of active service as a fireman member after October 1, 1980, shall be considered as a benefit provided by the employee system from and after a fireman member's 65th birthday. The entire amount of social security benefits payable as a fireman member and accrued after October 1, 1980, shall be deducted from the benefit payable from the employee system, unless the fireman member has provided the employee system with documented evidence of employment as other than a fireman; provided, however, if the fireman member has provided the employee system with documented evidence of employment other than as a fireman, then the deduction shall be limited to only those social security benefits in excess of the social security benefits payable as a result of the employment other than as a fireman, irrespective of when such benefits accrued.

SECTION 7. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1357, Idaho Code, and to read as follows:

59-1357. EXCESS COSTS -- ADDITIONAL CONTRIBUTIONS. (1) In addition to employee and employer contributions required by chapter 13, title 59, Idaho Code, additional contributions shall be required to fund the provisions of section 59-1356, Idaho Code. These costs
shall be borne by employers and by the state of Idaho as hereinafter provided.

(a) 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, is hereby perpetually appropriated to the public employee retirement fund for the purpose of this act.

(b) The board shall conduct studies from time to time of the benefits prescribed by section 59-1356, Idaho Code, and the benefits prescribed by chapter 13, title 59, Idaho Code, to determine the additional contributions required to fund the rights conferred by this act, above and beyond the initial contribution from the fire insurance premium tax. If such studies indicate the value of the benefits exceeds the required contributions otherwise prescribed, the board shall establish an additional contribution rate necessary to bring the amounts into balance. The cost of such additional contribution shall be borne equally by the employers through additional contributions and the state of Idaho through the fire insurance premium tax. In addition to appropriation of the fire insurance premium tax contained in subsection (1) (a) of this section, the amount of the gross receipts by the state of the tax on fire insurance premiums, as provided by section 41-402, Idaho Code, necessary to match dollar for dollar the additional contribution required of employers is hereby perpetually appropriated to the public employee retirement fund for the purpose of this act. If the matching funds herein provided equal one hundred percent (100%) of the gross receipts from the fire insurance premium tax, the employers shall contribute the balance of the monies required to meet the required contribution rate. The additional contribution rate shall be ten percent (10%) of the pay period salary of each paid fireman until next determined by the board.

(2) Nothing herein contained shall prevent the board from contracting with employers to provide a schedule of contributions which will retire any excess cost over a given period of time, not to exceed fifty (50) years. In the event that such agreements are reached, the amount of the fire insurance premium tax necessary to match additional employer contributions is continuously appropriated for that purpose.

SECTION 8. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1358, Idaho Code, and to read as follows:

59-1358. MEMBERSHIP IN SOCIAL SECURITY. The provisions of this act are expressly conditioned on paid firemen becoming members of the federal social security system. If on or before October 1, 1980, paid firemen have not elected coverage by the provisions of the federal
social security act, this act shall be unenforceable and null and void.

SECTION 9. The sum of $32,000 is hereby appropriated from the public employee retirement fund to the board for the purpose of providing actuarial services, operating expenses and personnel costs attendant to the transfer and merger of the firemen's retirement fund into the employee system as prescribed in this act. This appropriation is expressly exempt from the standard appropriations act of 1945 and section 67-3516, Idaho Code.

SECTION 10. The director of the state insurance fund is hereby authorized and directed to cooperate with and furnish necessary information to the board to accomplish the purposes of this act.

SECTION 11. That Sections 72-1403 and 72-1416, Idaho Code, be, and the same is hereby repealed on October 1, 1980.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, section 9 of this act shall be in full force and effect on and after its passage and approval.

Approved March 27, 1979.
CHAPTER 148
(H.B. No. 270)

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, 1979,
THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<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 &amp;</td>
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<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>BENEFIT</td>
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<tr>
<td>TOTAL</td>
<td>$12,679,000</td>
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FROM:

- General Account $1,157,800
- General Interaccount Account $7,569,100
- Permanent Building Account $488,900
- Personnel Commission Account $991,400
- Federal Surplus Property Revolving Account $207,700
- Risk Retention Account $2,162,000
- Employee Group Insurance Account $102,100

TOTAL $12,679,000

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, 1979, through June 30,
1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<td>I. DEPARTMENTAL ADMINISTRATION:</td>
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<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
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<td><strong>III. GENERAL SERVICES -- ADMINISTRATION:</strong></td>
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<td>$715,000</td>
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<td>General Interaccount Account</td>
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<td>$12,679,000</td>
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</table>

Approved March 27, 1979.
CHAPTER 149  
(H.B. No. 84)  

AN ACT  
RELATING TO ELECTIONS FOR RETENTION OR NONRETENTION OF MAGISTRATES;  
AMENDING SECTION 1-2206, IDAHO CODE, TO PROVIDE THE TIME FOR  
HOLDING INSTITUTES FOR MAGISTRATES, AND TO DELETE EXEMPTIONS FOR  
PERSONS WHO PREVIOUSLY SERVED IN SPECIFIED POSITIONS; AMENDING  
SECTION 1-2207, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF  
MAGISTRATES, REMOVAL WITHIN THE FIRST EIGHTEEN MONTHS, AND REMOVAL  
THEREAFTER; AND AMENDING SECTION 1-2220, IDAHO CODE, TO PROVIDE  
THAT MAGISTRATES SHALL STAND FOR OFFICE IN THE FIRST GENERAL  
ELECTION NEXT SUCCEEDING THE EXPIRATION OF EIGHTEEN MONTHS IN  
OFFICE.  

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

SECTION 1. That Section 1-2206, Idaho Code, be, and the same is  
hereby amended to read as follows:  

1-2206. MAGISTRATES -- QUALIFICATIONS -- INSTITUTE -- EXCEPTIONS  
OFFICE APPOINTIVE. (1) A magistrate shall be a qualified elector of  
the county for which he is appointed and shall reside there so long as  
he serves as magistrate, except that qualified nonresidents may be  
appointed as magistrates when no qualified resident elector is  
available.  

(2) No person shall be eligible for appointment to the office of  
magistrate unless he is a graduate of a high school or has attained  
the equivalent of a high school education as indicated by the  
possession of a certificate of equivalency issued by the state  
department of education based upon the record made on the general  
education development test.  

(3) Magistrates shall not take office for the first time as  
magistrates until they have attended an institute on the duties and  
functioning of the magistrate's office to be held under the  
supervision of the Supreme Court, unless such attendance is waived by  
the Supreme Court. All magistrates shall be entitled to their actual  
and necessary expenses while attending institutes. The Supreme Court  
will establish the institute to which this subsection refers and will  
provide that the institute be held every-two-(2)-years-between-the  
time-of-the-general-election-and-December-31-of--that--year;--and-the  
Supreme--Court--may-establish-an-institute at such other times and for  
such other purposes as it deems necessary and may require the  
attendance of magistrates.  

(4)--Notwithstanding--the--provisions--of--subsection--2--of--this  
section;--all--probate-judges;--judges-of-the-peace-and-policemen;  
holding-office-after-the-second-Monday--of--January;--1969;--shall--be
SECTION 2. That Section 1-2207, Idaho Code, be, and the same is hereby amended to read as follows:

1-2207. MAGISTRATES -- TERM -- REMOVAL -- VACANCIES. (1) The term of office of an appointed magistrate shall be two (2) years. The term of office of an elected magistrate shall be four (4) years. The term of office of a magistrate shall begin on the second Monday of January of the odd-numbered year next succeeding his appointment or election.

(2) Vacancies in the office of magistrate shall be filled by appointment pursuant to section 1-2205, Idaho Code.

(3) Any magistrate appointed pursuant to section 1-2205, Idaho Code, and subsection (2) of this section, shall exercise the authority of a magistrate from the date of taking office. A magistrate appointed after the effective date of July 1, 1979 of this act may be removed from office within eighteen (18) months of his appointment by majority vote of all the voting members of the district magistrates commission at any time prior to the expiration of the appointed term without cause at the discretion of the members of the magistrates selection commission in accordance with procedures to be established by rules of the Supreme Court.

(4) Upon expiration of the eighteen (18) month period established in subsection (3) of this section, a magistrate may be removed from office for cause before the expiration of the term to which he was appointed or elected after a hearing before the district judges of the judicial district sitting en banc and upon a majority vote of the district judges for removal for cause, in accordance with procedures to be established by rules of the Supreme Court or as otherwise provided by law.

(5) Vacancies in the office of magistrate shall be filled by appointment for the unexpired term.

SECTION 3. That Section 1-2220, Idaho Code, be, and the same is hereby amended to read as follows:

1-2220. RETENTION OR NONRETENTION OF MAGISTRATE BY VOTE. Any magistrate appointed pursuant to the provisions of section 1-2205, Idaho Code, and section 1-2207(2), Idaho Code, shall stand for office in the first general election next succeeding the expiration of the eighteen (18) month period established pursuant to section 1-2207, Idaho Code. Any magistrate may, not less than sixty (60) days prior to the holding of the general election next preceding the expiration of an initial two (2) year term of office, or the expiration of an appointment to fill not less than two (2) years of the balance of an unexpired term of an elected magistrate, file in the office of the county clerk of the county for which he is a resident magistrate,
accompanied by a filing fee of forty dollars ($40.00), a declaration of candidacy to succeed himself. If a declaration is not so filed by any magistrate, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided, except that any magistrate who does not file shall be ineligible for appointment within the same judicial district until two (2) years following the expiration of his last term of office have expired. If such a declaration is filed, his name shall be submitted at the next general election to the voters eligible to vote within the county for which he is appointed, on a nonpartisan judicial ballot, without party designation, which shall read:

"Shall Magistrate .... (Here insert the name of the magistrate) of .... (Here insert the name of the county) County of the .... (Here insert the judicial district number) Judicial District be retained in office?" (Here provision is to be made for voting "Yes" or "No.")

The votes shall be canvassed as provided in chapter 12, title 34, Idaho Code.

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 1-2205, Idaho Code, except that the magistrate not retained in office shall be ineligible for appointment within the same judicial district until two (2) years following the expiration of his last term of office have expired.

If a majority of those voting on the question vote for retaining him in office, the county clerk shall issue him a certificate of election as provided in section 34-1209, Idaho Code, and said magistrate shall, unless removed for cause, remain in office for an additional term of four (4) years, and at the expiration of each such four (4) year term shall be eligible for retention in office by election in the manner herein prescribed.

Approved March 27, 1979.
CHAPTER 150
(S.B. No. 1099)

AN ACT
RELATING TO MANDATORY AUTO LIABILITY INSURANCE; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 49-243 THROUGH 49-246, IDAHO CODE, TO DEFINE TERMS; TO PROVIDE PROCEDURES FOR ACQUIRING A CERTIFICATE OF LIABILITY INSURANCE AND PERMITTING THE POSTING OF A BOND OR CASH WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; TO PROVIDE THAT A CERTIFICATE OR PROOF OF LIABILITY INSURANCE SHALL BE CARRIED IN A MOTOR VEHICLE; AND TO PROVIDE FOR FALSE CERTIFICATES.

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

SECTION 1. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 49-243 through 49-246, Idaho Code, and to read as follows:

49-243. DEFINITIONS. For the purpose of this act, the term "motor vehicle" is any self-propelled vehicle required to be registered for use on the public roads or highways under the laws of the state of Idaho except those vehicles required to be licensed under section 49-127, Idaho Code.

For the purposes of this act, the term "certificate of liability insurance" shall mean a certificate of liability insurance issued by an insurance company authorized to do business in this state and signed by a manager or officer of said company, or signed by an agent of said company as described in chapter 10, title 41, Idaho Code, or a certificate of liability insurance issued by the director of the department of insurance which demonstrates current insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle or motor vehicles described therein in an amount not less than that required by section 49-1521, Idaho Code, and also demonstrates the current existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued by the director of the department of insurance pursuant to section 49-1534, Idaho Code, for each motor vehicle to be registered. Such certificate of liability insurance shall set forth the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there be one, or a statement that all vehicles owned by a person or entity are covered by insurance. For purposes of this section the term "certificate of liability insurance" shall also include the original contract of liability insurance or
copy thereof, demonstrating the current existence of the liability insurance described above.

For the purposes of this act, the term "proof of liability insurance" means documents or facts that demonstrate liability insurance, as required by section 49-1534, Idaho Code, has been obtained, is valid, and in effect at the time.

49-244. CERTIFICATE OF LIABILITY INSURANCE -- HOW ACQUIRED. A certificate of liability insurance to be effective must be issued by an insurance or surety company authorized to do business in this state or by an authorized agent of such company or by the director of the department of insurance of this state. The certificate of liability insurance shall be in a form prescribed by the director of the department of insurance. Upon purchase or renewal of such policy of insurance or upon request of its insured, an insurance or surety company or its authorized agent shall issue a certificate of liability insurance and give the same to its insured. An insurance or surety company or its authorized agent shall not charge a fee for any such certificate of liability insurance.

A motor vehicle owner who prefers to post an indemnity bond or cash with the director of the department of insurance in lieu of obtaining a policy of liability insurance may do so. In the case of a cash deposit, the motor vehicle owner shall deposit not less than twenty thousand dollars ($20,000) for the first vehicle to be registered and ten thousand dollars ($10,000) for each other vehicle to be registered up to a maximum of sixty thousand dollars ($60,000) for five (5) or more vehicles. A person obtaining a judgment against the motor vehicle owner arising out of the operation, maintenance or use of the motor vehicle to be registered may have the court where the judgment is rendered order the director of the department of insurance to pay to the judgment creditor or creditors such amount or amounts as are designated by said court but not to exceed a payment of more than ten thousand dollars ($10,000) for any one (1) person or twenty thousand dollars ($20,000) for any one (1) accident. In the case of an indemnity bond, such bond shall guarantee that any loss resulting from liability imposed by law for bodily injury, death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance and use of the motor vehicle sought to be registered shall be paid within thirty (30) days. Such indemnity bond shall guarantee payment in an amount not less than ten thousand dollars ($10,000) for any one (1) person or twenty thousand dollars ($20,000) for any one (1) accident for each vehicle to be registered up to a maximum of sixty thousand dollars ($60,000) for five (5) or more vehicles.

Any bond given in connection with this act shall be, and shall be construed to be, a continuing instrument and shall cover the period for which the motor vehicle is to be registered. Such bond shall be on a form approved by the director of the department of insurance with a
49-245. CERTIFICATE OR PROOF OF LIABILITY INSURANCE TO BE CARRIED IN MOTOR VEHICLE. A certificate or proof of liability insurance shall be in the possession of the operator of every motor vehicle or present in every motor vehicle at all times when said vehicle is operated within this state. The certificate or proof of liability insurance shall be provided for inspection to any peace officer upon request to the operator of any motor vehicle. A violation of this section shall be a misdemeanor, provided that no person shall be convicted of violating this section if that person produces at any time prior to conviction the certificate or proof of liability insurance covering the motor vehicle that person is accused of operating in violation of this section, where such certificate or proof of liability insurance demonstrates the existence of liability insurance described in section 49-1521, Idaho Code, which was in effect at the time of occurrence of the violation of this section.

49-246. FALSE CERTIFICATE -- PENALTY. It shall be unlawful for anyone to alter, falsify, forge, counterfeit, or issue or make any certificate of liability insurance except as provided for in this act. A violation of this statute shall be a misdemeanor.

Approved March 29, 1979.
particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person can not be examined as a witness in the following cases:

1. A husband can not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, nor does this exception apply to any case of lewd and lascivious conduct or attempted lewd and lascivious conduct where either party would otherwise be protected by this privilege.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

3. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, that:
   (A) Nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.
   (B) After the death of a patient, in any action involving the validity of any will or other instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property or incurring any financial obligation, such physician or surgeon may testify to the mental or physical condition of such patient and in so testifying may disclose information acquired by him concerning such patient which was necessary to enable him to prescribe or act for such deceased.
   (C) That where any person or his heirs or representatives brings an action to recover damages for personal injuries or death, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said injured or deceased person and whose testimony is material in the action may testify.
(D) That if the patient be dead and during his lifetime had not given such consent, the bringing of an action by a beneficiary, assignee or payee or by the legal representative of the insured, to recover on any life, health or accident insurance policy, shall constitute a consent by such beneficiary, assignee, payee or legal representative to the testimony of any physician who attended the deceased.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interests would suffer by disclosure.

6. Any certificated counselor, psychologist or psychological examiner, duly appointed, regularly employed and designated in such capacity by any public or private school in this state for the purpose of counseling students, shall be immune from disclosing, without the consent of the student, any communication made by any student so counseled or examined in any civil or criminal action to which such student is a party. Such matters so communicated shall be privileged and protected against disclosure.

7. Any parent, guardian or legal custodian shall not be forced to disclose any communication made by their minor child or ward to them concerning matter in any civil or criminal action to which such child or ward is a party. Such matters so communicated shall be privileged and protected against disclosure; excepting, this section does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this section apply to any case of physical injury to a minor child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, guardian or legal custodian.

Approved March 29, 1979.
19-3002. HUSBAND AND WIFE AS WITNESSES. Neither husband nor wife are competent witnesses for or against each other in a criminal action or proceeding to which one or both are parties, except:

1. With the consent of both, or
2. In cases of criminal violence upon one by the other; or acts of physical injury upon a child of either the husband or the wife where the injury has been caused as a result of physical abuse or neglect by one or both of the parents; or to acts or attempted acts of lewd conduct with a minor child; or
3. In cases of desertion or nonsupport of wife or child by the husband.

Approved March 29, 1979.

CHAPTER 153
(S.B. No. 1157)

AN ACT
RELATING TO TRANSFER OF EQUIPMENT TO THE CORRECTIONAL INDUSTRIES COMMISSION; AMENDING CHAPTER 4, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-415A, IDAHO CODE, TO AUTHORIZE TRANSFERS OF CERTAIN AGRICULTURAL AND LIVESTOCK PRODUCTION EQUIPMENT TO THE CORRECTIONAL INDUSTRIES COMMISSION.

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

SECTION 1. That Chapter 4, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-415A, Idaho Code, and to read as follows:

20-415A. TRANSFER OF EQUIPMENT. In addition to the transfers authorized in section 20-415, Idaho Code, the state board of correction is hereby authorized to transfer equipment, supplies and other property presently used in the agricultural and livestock production operation maintained by the board to the correctional industries commission. The transfers authorized by this section may be effectuated at any time or times subsequent to the effective date of this act and may be made without return consideration being tendered by the industries commission.

Approved March 29, 1979.
CHAPTER 154
(S.B. No. 1107, As Amended)

AN ACT
RELATING TO THE WATER RESOURCE BOARD REVOLVING DEVELOPMENT FUND; AMENDING SECTION 42-1754, IDAHO CODE, TO ALLOW THE REVOLVING DEVELOPMENT FUND TO BE USED TO ESTABLISH RESERVE ACCOUNTS OR GUARANTEE FUNDS; AMENDING SECTION 42-1756, IDAHO CODE, TO MODIFY THE METHOD OF REPAYMENT IN THE CASE OF RESERVE ACCOUNTS OR GUARANTEE FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-1754, Idaho Code, be, and the same is hereby amended to read as follows:

42-1754. ALLOCATION OF FUND. The Idaho water resource board revolving development fund shall be allocated for use:
(a) To the board for a project which it deems to be "in the public interest" and which, in its opinion, further implements any extant Idaho state water plan, in such amounts as are necessary for preparation of a feasibility study of the project, engineering services in preparing designs and specifications, and for construction of the project.
(b) As loans from the revolving development fund which may be approved by the board and made to irrigation districts, canal or irrigation companies, water users' associations, municipal or private corporations, or, in special cases when approved by the board, to individuals to finance project costs, provided, however, that no loans shall be made to finance feasibility studies except as a part of overall project costs.
(c) To establish reserve accounts or guarantee funds in the state treasury to aid in the funding of water projects. Interest earned on such moneys invested by the state treasurer shall be paid into the water resource board revolving development account.
(d) To the board to finance joint ventures for project construction with federal agencies, neighboring states, legal subdivisions of the state, private corporations, or other organizations, and including the costs of feasibility studies, investigations, and other preparatory expenses, for purposes consistent with those for which the fund is established, and the board is authorized to use the fund for these purposes.
(e) To the board to finance feasibility studies, investigations, and other preparatory expenses for projects it intends
to fund through the sale of revenue bonds or through use of funds from other sources.

SECTION 2. That Section 42-1756, Idaho Code, be, and the same is hereby amended to read as follows:

42-1756. LOANS FROM 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 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 account is available for the loan; and
(7) That the loan does not exceed five hundred thousand dollars ($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 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; provided that repayment to reserve accounts or guarantee funds shall be made as provided by order of 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 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 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 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 29, 1979.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE TAX COMMISSION; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE TAX COMMISSION TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; DESIGNATING MONEYS FOR THE PURPOSES ENUMERATED IN SECTIONS 63-117 THROUGH AND INCLUDING SECTION 63-125, IDAHO CODE; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE BOARD OF TAX APPEALS TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; AND EXPRESING LEGISLATIVE INTENT REGARDING A "TAX ADMINISTRATOR II" POSITION.

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 State Tax Commission not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

<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>Highway Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,779,500</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 from the listed accounts for the period July 1, 1979, through June 30, 1980:

<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>$ 569,400</td>
<td>$ 125,500</td>
<td>$ 200</td>
<td></td>
<td>$ 694,900</td>
</tr>
<tr>
<td>Highway Account</td>
<td>41,200</td>
<td>13,400</td>
<td>$ 200</td>
<td></td>
<td>54,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 610,600</td>
<td>$ 139,100</td>
<td>$ 200</td>
<td></td>
<td>$ 749,900</td>
</tr>
</tbody>
</table>
B. AUDIT & COLLECTIONS:
FROM:
General Account $2,789,900 $1,413,000 $16,200 $4,219,100
Highway Account 121,000 44,000 200 165,200
Miscellaneous Receipts
Account
TOTAL $2,910,900 $1,459,000 $16,400 $4,386,300
C. AD VALOREM:
FROM:
General Account $495,800 $86,300 $1,700 $583,800
Miscellaneous Receipts
Account 12,500
TOTAL $495,800 $98,800 $1,700 $596,300
D. MULTI-STATE TAX COMPACT:
FROM:
General Account $47,000
E. CIRCUIT BREAKER TAX RELIEF:
FROM:
General Account $3,000,000 $3,000,000
GRAND TOTAL $4,017,300 $1,743,900 $18,300 $3,000,000 $8,779,500

SECTION 3. 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 1979.

SECTION 4. 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, 1979, through June 30, 1980.
FOR:
Personnel Costs $35,600
Operating Expenditures 10,000
TOTAL $45,600
FROM:
General Account $45,600

SECTION 5. It is legislative intent that as of August 1, 1979, a "Tax Administrator II" position within the Tax Policy Group shall be eliminated.

Approved March 29, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE SUPREME COURT FOR DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980 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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR MAJOR PROGRAMS:</th>
<th>FROM GENERAL ACCOUNT</th>
<th>FROM GENERAL INTERACCOUNT</th>
<th>FROM MISCELLANEOUS RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$1,000</td>
<td></td>
<td>$15,000</td>
<td>$1,333,700</td>
</tr>
<tr>
<td>Law Library</td>
<td>166,100</td>
<td></td>
<td>166,100</td>
<td></td>
</tr>
<tr>
<td>District Court</td>
<td>2,168,700</td>
<td></td>
<td>2,168,700</td>
<td></td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>2,122,700</td>
<td></td>
<td>2,122,700</td>
<td></td>
</tr>
<tr>
<td>Judicial Council</td>
<td>30,500</td>
<td></td>
<td>30,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,000</td>
<td>$5,800</td>
<td>$15,000</td>
<td>$5,821,700</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, 1979, through June 30, 1980:

<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>$ 896,800</td>
<td>$406,300</td>
<td>$14,600</td>
<td>$1,317,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 896,800</td>
<td>$422,300</td>
<td>$14,600</td>
<td>$1,333,700</td>
</tr>
<tr>
<td>B. LAW LIBRARY: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 78,700</td>
<td>$ 45,400</td>
<td>$ 42,000</td>
<td>$ 166,100</td>
</tr>
</tbody>
</table>
## PROGRAMS

<table>
<thead>
<tr>
<th>Program</th>
<th>Personell Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C. DISTRICT COURT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,074,600</td>
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**SECTION 3.** It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 1, may be used at the discretion of the Chief Justice to assist in defraying expenses relating to or resulting from the discharge of his official duties and the official duties of the Supreme Court. Such moneys shall be accounted for solely on the itemized certificate of the Chief Justice and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 29, 1979.
C. 157 '79

IDAHO SESSION LAWS

CHAPTER 157
(S.B. No. 1067)

AN ACT
RELATING TO POWERS AND DUTIES OF THE IDAHO CODE COMMISSION AND
SECRETARY OF STATE REGARDING THE IDAHO CODE; AMENDING SECTION
73-206, IDAHO CODE, TO PERMIT THE SECRETARY OF STATE TO DESIGNATE
PLACES IN IDAHO IN ADDITION TO BOISE FOR DELIVERY OF COMPILATIONS
BY THE PUBLISHER; AMENDING SECTION 73-212, IDAHO CODE, TO REQUIRE
THE PUBLISHER TO DELIVER COMPILATIONS TO PLACES IN IDAHO IN
ADDITION TO BOISE AS ARE DESIGNATED BY THE SECRETARY OF STATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 73-206, Idaho Code, be, and the same is
hereby amended to read as follows:

73-206. NUMBER OF SETS -- SALE PRICE. The contract shall require
the publishing company to deliver, on or before such date as may be
fixed by the commission, such number of sets of bound volumes and/or
pocket parts of the compilation for use of the state of Idaho and its
public agencies as may be determined by the board of examiners, at the
price stated in the contract. The publishing company shall receive
payment upon approval of such compilation as hereinafter provided and
delivery of the sets thereof f.o.b. Boise, Idaho, and such other
places in Idaho designated by the secretary of state of Idaho. If the
publishing company cannot make delivery on the date fixed in the
contract because of conditions beyond its control and shall satisfy
the commission to this effect, the commission may, but it is not
required to, extend the date of delivery for a period by it deemed
reasonable. The publishing company shall agree in the contract to
cause to be made available on the market through an agent, resident in
Idaho, a sufficient number of sets of the compilation to supply the
demand therefor within the state of Idaho, at the price fixed in the
contract.

SECTION 2. That Section 73-212, Idaho Code, be, and the same is
hereby amended to read as follows:

73-212. DELIVERY OF PRINTED SETS. Upon approval by the commission
of any compilation and proclamation by the governor, the publishing
company shall immediately deliver to the secretary of state of Idaho
at Boise, Idaho, and such other places in Idaho designated by the
secretary of state of Idaho, the number of sets of the compilation
which the state of Idaho, through the state board of examiners, has
determined to be necessary for its use. The secretary of state shall
keep seventy-five (75) sets thereof for insertion in the sets of the Idaho Code reserved for the use of the members and officers of the legislature during times the legislature is in session, and distribute the remainder among such of the boards, institutions, officers and offices as shall be decided upon by the state board of examiners. Any remaining sets shall be kept by the secretary of state for subsequent sessions of the legislature, or be distributed as directed by the state board of examiners. The sets of all compilations, except those bound volumes which have been provided to members of the legislature under the provisions of section 67-909, Idaho Code, shall remain the property of the state of Idaho and be delivered by officers to their successors, and by legislators and legislative officers to the secretary of state, at the end of each session of the legislature so that the same may be used at subsequent sessions.

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 29, 1979.

CHAPTER 158
(S.B. No. 1063)

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, BY REDEFINING "DISABLED SERVICE" AND "SALARY"; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE AN EXTENSION OF THE TIME WITHIN WHICH MEMBERSHIP SERVICE MAY BE PURCHASED AND PROVIDING THAT REGULAR INTEREST SHALL BE INCLUDED FROM DECEMBER 31, 1975; AMENDING SECTION 59-1310, IDAHO CODE, TO PROVIDE THAT AN INACTIVE MEMBER WHO IS NOT ELIGIBLE FOR SERVICE RETIREMENT IS ELIGIBLE FOR THE SEPARATION BENEFIT; AMENDING SECTION 59-1316, IDAHO CODE, TO PROVIDE A MEMBER ELIGIBLE FOR SERVICE RETIREMENT MAY BE RETIRED OR HAVE RETIREMENT POSTPONED AND PROVIDING CONDITIONS FOR REEMPLOYMENT OF SERVICE RETIRED MEMBERS; AMENDING SECTION 59-1330, IDAHO CODE, BY STRIKING REFERENCE TO LIABILITY AND SUBSTITUTING IN LIEU THEREOF SUPPLEMENTAL ACTUARIAL VALUE AND PROVIDING A LIMITATION OF FORTY YEARS IN WHICH TO AMORTIZE UNFUNDED SUPPLEMENTAL ACTUARIAL VALUE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. (1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who is not establishing the right to receive benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision, but an employee shall be an active member if otherwise eligible:

(a) in any case where the public employee retirement system has in existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;
(b) although a contingent annuitant under the optional retirement allowances as provided in this act or by any similar provision of any other retirement act;
(c) where an employee's remuneration is paid by two (2) or more governmental units, provided that with respect of some portion of such remuneration the employee is not establishing the right to receive benefits from any other retirement system operated wholly or in part by an agency of the state or a political subdivision. The salaries from all such sources shall be combined and treated as though the salaries were paid from one (1) source in accordance with the rules of the board;
(d) in any case where an employee is receiving benefits under another retirement system operated wholly or in part by an agency of the state or political subdivision, provided, however, that in no event shall such employee receive any benefit provided under this act for service performed for which benefits are otherwise payable.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(5A) "Average monthly salary" means one sixtieth (1/60th) of a member's salary during any base period in which his salary is greater than or equal to his salary in any other base period. "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1303--59-1305, Idaho Code. If no base period exists for a member, his average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection.
To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service, prior service and disabled service.

(9) "Date of establishment" means July 1, 1965 or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country, or from an intentionally self-inflicted injury; and

(b) that he will remain so disabled permanently and continuously during the remainder of his life.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance. The total number of months of disabled service credited for a person first becoming disabled after the effective date of this act shall not exceed the excess, if any, of three hundred sixty (360) over the total number of months of prior service and membership service.

(13) "Early retirement allowance" means the periodic payment
becoming payable upon an active member's ceasing to be an employee while eligible for early retirement.

(14) (A) "Employee" means:
(a) any person who normally works in excess of twenty (20) hours per week for an employer and who receives salary for services rendered for such employer, or
(b) elected officials or appointed officials of an employer, or
(c) civilian employees of the Idaho National Guard employed through direct appointment or designation by the governor or the adjutant general and whose salaries are paid by the United States, provided that the United States furnished the employer contributions required to be paid by sections 59-1330 and 59-1332, Idaho Code. The date of establishment for said employees shall be set by the board but shall not be earlier than July 1, 1965 nor later than the date of commencement of contributions by the United States.
(B) "Employee" does not include:
(a) persons rendering service to an employer in the capacity of an independent business, trade or profession; or
(b) seasonal, emergency or casual workers whose employment with any employer does not total five (5) consecutive months; or
(c) persons provided sheltered employment or made-work by a public employer in an employment or industries program maintained for the benefit of such persons; or
(d) inmates of a state institution or persons enrolled full time in a state institution principally for purposes of training, whether or not receiving compensation for services performed for the institution; or
(e) persons making contributions to the United States civil service commission under the United States Civil Service System Retirement Act except that those persons who receive separate remuneration for work currently performed for an employer and the United States Government may elect to be members of the retirement system in accordance with rules of the board.
(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this act.
(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1303--59-1305, Idaho Code.
(16) "Fireman" means an employee whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.
(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this act.

(19) "Funding agent" means any bank or banks, trust company or trust companies, legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, selected by the board to hold and invest the employers' and members' contributions and pay certain benefits granted under this act.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means service with respect to which contributions are payable under sections 59-1303--59-1305, Idaho Code, and military service which occurs after the commencement of such contributions.

(23) "Military service" means active duty service in the armed forces of the United States. For the purposes of this act, military service shall not include any period ended by dishonorable discharge or during which termination of such service is available but not accepted, nor shall it include any period which commences more than ninety (90) days after the person ceases to be an employee or ends more than ninety (90) days before the person again becomes an employee unless such ninety (90) day requirements are waived by the board due to circumstances beyond the employee's control.

(24) "Police officer" means an employee engaged in hazardous law enforcement duties as determined by the board, or employees of the adjutant general and military department of the state.

(25) "Prior service" means any period prior to July 1, 1965 of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment, provided, however, an employee who was not an active member or in military service or on leave of absence on the date of establishment shall receive credit for his service prior to July 1, 1965 on the basis of recognizing two (2) months of such service for each month of membership service. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this act upon termination of employment.
(29) "Retirement board" or "board" means the board provided for in sections 59-1326--59-1329, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) "Salary" means the total salary or wages payable by all employers to an active member for personal services currently performed, together with all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash in the amount reported by all employers for income tax purposes. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with the rules prescribed by the board.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Section 59-1303, Idaho Code, be, and the same is hereby amended to read as follows:

59-1303. CONTRIBUTIONS. (1) Beginning with the first full payroll period on or after the later of the date of establishment or employment, each active member shall contribute toward the cost of the benefits provided under this act. This contribution shall be made in the form of a deduction from salary to be transmitted to the board in accordance with section 59-1332, Idaho Code.

(2) Any person who was prevented from being an active member during his first twelve (12) months of employment due to the restriction contained in subsection (2) of 59-1302, Idaho Code, may, prior to December 31, 1975, pay the board the contributions he would have made absent said restriction and be credited with membership service for such period of time. The time for payment shall be extended provided such payment includes regular interest from December 31, 1975.
SECTION 3. That Section 59-1310, Idaho Code, be, and the same is hereby amended to read as follows:

59-1310. CONDITIONS OF ELIGIBILITY FOR RETIREMENT. (1) An active member who is not a police officer or a fireman is eligible for service retirement if he has attained age sixty-five (65) with at least five (5) years of credited service including six (6) months of membership service. An active member who is a police officer or fireman is eligible for service retirement if he has attained age sixty (60) with at least five (5) years of credited service including six (6) months of membership service.

(2) An active member who is not eligible for service retirement is eligible for disability retirement if he becomes disabled after at least ten (10) years of credited service including six (6) months of membership service.

(3) An active member who is not eligible for either service retirement or disability retirement is eligible for early retirement if he has at least five (5) years of credited service including six (6) months of membership service and is within ten (10) years of being eligible for service retirement. Additionally an active member is eligible for early retirement on termination of disability retirement as provided by section 59-1313, Idaho Code.

(4) An inactive member who has at least five (5) years of membership service is eligible for vested retirement within ten (10) years of the date he would have been eligible for service retirement had he remained an active member, except that an inactive member, who at the time of his separation from service held an office to which he had been elected by popular vote or having a term fixed by the constitution, statute or charter or was appointed to such office by an elected official or was the head or director of a department, division, agency, statutory section or bureau of the state, or was employed on or after July 1, 1965 by an elected official of the state of Idaho and occupied a position exempt from the provisions of chapter 53, title 67, Idaho Code, is eligible for vested retirement regardless of length and type of service, unless covered by a merit system for employees of the state of Idaho.

(5) An inactive member who is not eligible for any form of service retirement is eligible for the separation benefit.

(6) The beneficiary of any member other than a retired member who elected option 1 or 2 under section 59-1317, Idaho Code, is eligible for the death benefit, if any, upon the member's death.

(7) By written notice on a form prescribed by the board, eligibility for early or vested retirement may be deferred by a member until the date he would have been eligible for service retirement had he remained an active member.

SECTION 4. That Section 59-1316, Idaho Code, be, and the same is
hereby amended to read as follows:

59-1316. POSTPONEMENT -- REEMPLOYMENT OF SERVICE RETIRED MEMBERS. (1) Any member who becomes eligible for service retirement shall thereupon be retired except as provided in this section or have service retirement postponed. If the employer of any member shall submit a written request for postponement of retirement, with certification that such postponement is in the public interest, the board may allow such postponement on an annual basis in accordance with its rules until the member is retired.

(2) A service retired member may again become employed by an employer only if his employer certifies that an emergency exists, such reemployment is in the public interest, and is limited to periods of casual employment, all in accordance with rules of the board not to exceed eight hundred sixty-four (864) hours or one hundred eight (108) days or five (5) months in any calendar year. No contributions shall be made by the member or his employer during such reemployment and any benefit under this act payable on behalf of such member shall continue.

(3) Nothing in this section shall be construed to prevent the election or appointment of any person, regardless of age or credited service, to any office having a term fixed by statute or charter or where the appointee serves at the pleasure of the governor or governing body of an employer.

SECTION 5. That Section 59-1330, Idaho Code, be, and the same is hereby amended to read as follows:

59-1330. EMPLOYER CONTRIBUTIONS -- AMOUNTS -- RATES. (1) Each employer shall contribute to the cost of benefits under the system. The amount of the employer contributions shall consist of the sum of a percentage of the salaries of members to be known as the "normal contribution," a percentage of such salaries to be known as the "unfunded liability supplemental actuarial value contribution," and a percentage of such salaries to be known as the "administrative contribution." The rates of such contributions shall be determined by the board on the basis of assets and liabilities as shown by actuarial valuation, and such rates shall remain effective until next determined by the board.

(2) The normal contribution rate shall be computed to be sufficient, when applied to the present actuarial value of the future salary of the average new member entering the system, to provide for the payment of all prospective benefits in respect of such member which are not provided by the member's own contribution.

(3) The unfunded liability supplemental actuarial value contribution rate shall not be less than that percentage, calculated as of the date of the most recent actuarial valuation, of the then actuarial value of the annual salaries of all members in the system at
the-date-of-the-most-recent-actuarial-valuation for the next forty (40) years which is equivalent to 4% of the excess of the then present actuarial value of all future benefits payable in respect of all members and contingent annuitants over the sum of (a), (b) and (c) as follows:

(a) the amount of all funds then held by the funding agent for the payment of benefits under this act; and
(b) the present actuarial value of the future normal contributions payable in respect of all then active members; and
(c) the present actuarial value of the future contributions payable under sections 59-1303--59-1305, Idaho Code, by all then active members.

(4) The administrative contribution rate shall be computed to be sufficient to maintain a balance at all times in the administration account of the fund.

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 29, 1979.

CHAPTER 159
(S.B. No. 1115, As Amended in the House)

AN ACT
RELATING TO NONPROFIT CORPORATIONS; REPEALING CHAPTERS 10, 11 AND 12, TITLE 30, IDAHO CODE; REPEALING CHAPTER 39, TITLE 33, IDAHO CODE; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 30, IDAHO CODE, RELATING TO NONPROFIT CORPORATIONS; TO PROVIDE A SHORT TITLE; TO PROVIDE FOR APPLICABILITY OF THE ACT; TO PROVIDE FOR THE APPLICATION OF THE BUSINESS CORPORATION ACT TO NONPROFIT CORPORATIONS; TO PROVIDE FOR THE EFFECT OF THIS ACT ON CORPORATIONS CREATED UNDER PRIOR LAWS; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE PURPOSE OF CORPORATIONS ORGANIZED UNDER THIS ACT; TO PROVIDE FOR POWERS OF NONPROFIT CORPORATIONS; TO PROVIDE FOR MEMBERS OF NONPROFIT CORPORATIONS; TO PROVIDE FOR BYLAWS; TO PROVIDE FOR MEETINGS OF MEMBERS; TO PROVIDE FOR NOTICE OF MEMBERS' MEETINGS; TO PROVIDE FOR A QUORUM OF MEMBERS; TO PROVIDE FOR VOTING OF MEMBERS; TO PROVIDE FOR A BOARD OF DIRECTORS; TO PROVIDE FOR THE NUMBER OF AND THE ELECTION OF DIRECTORS; TO PROVIDE FOR A CLASSIFICATION OF DIRECTORS; TO PROVIDE FOR COMMITTEES; TO PROVIDE FOR OFFICERS; TO PROVIDE FOR BOOKS AND RECORDS; TO PROVIDE THAT DIVIDENDS ARE PROHIBITED; TO PROVIDE FOR LOANS TO DIRECTORS AND
OFFICERS; TO PROVIDE FOR THE LIABILITY OF DIRECTORS AND OTHER 
PERSONS FOR WRONGFUL DISTRIBUTION OF ASSETS; TO PROVIDE FOR 
ARTICLES OF INCORPORATION; TO PROVIDE FOR AN ORGANIZATION MEETING; 
TO PROVIDE FOR THE RIGHT TO AMEND ARTICLES OF INCORPORATION; TO 
PROVIDE FOR A PROCEDURE TO AMEND ARTICLES OF INCORPORATION; TO 
PROVIDE FOR ARTICLES OF AMENDMENT; TO PROVIDE FOR THE SALE, LEASE 
OR EXCHANGE OF ASSETS; TO PROVIDE FOR FEES FOR FILING ARTICLES OF 
INCORPORATION AND APPLICATION FOR A CERTIFICATE OF AUTHORITY; TO 
PROVIDE FOR DEATH BENEFIT ASSOCIATIONS; TO PROVIDE FOR THE 
APPLICATION OF THE ACT TO CERTAIN LODGES OF MASON'S AND ODD 
FELLOWS; TO PROVIDE FOR THE EFFECT OF THE INVALIDITY OF PART OF 
THIS ACT; AMENDING SECTION 30-804, IDAHO CODE, TO PROVIDE THAT 
CERTAIN WATER USERS' ASSOCIATIONS SHALL BE GOVERNED BY THE 
PROVISIONS OF THIS ACT; AND REPEALING SECTION 30-805, IDAHO CODE.

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

SECTION 1. That Chapters 10, 11 and 12, Title 30, Idaho Code, be, 
and the same are hereby repealed.

SECTION 2. That Chapter 39, Title 33, Idaho Code, be, and the 
same is hereby repealed.

SECTION 3. 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
NONPROFIT CORPORATIONS

30-301. SHORT TITLE. This act shall be known and may be cited as 
the "Idaho Nonprofit Corporation Act."

30-302. APPLICABILITY. Any type of lawful nonprofit corporation 
may be formed under provisions of this act.

30-303. APPLICATION OF BUSINESS CORPORATION ACT. (a) Each 
nonprofit corporation shall be governed by the provisions of the Idaho 
business corporation act except insofar as they may be inconsistent 
with the provisions of this act.

(b) As applied to nonprofit corporations, the term "shareholders" 
as it appears in the business corporation act shall be held to include 
members, and, with regard to quorum and voting requirements, the term 
"outstanding shares" shall be held to include members.

30-304. EFFECT ON CORPORATIONS CREATED UNDER PRIOR LAWS. This act 
shall govern the conduct of corporations created under the prior laws, 
but it shall not be held to invalidate such corporations nor to
derogate from their rights under the prior laws.

Corporations sole created under the prior law shall hereafter be deemed to be single director, nonmembership corporations as authorized by this act.

30-305. DEFINITIONS. As used in this act, unless the context otherwise requires, the term:
(a) "Nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors, or officers.
(b) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or its bylaws, regardless of whether those rights are evidenced by a membership roster, membership certificates, or cards or shares of stock.
(c) "Board of directors" means the group of persons vested with the management of the affairs of the corporation, irrespective of the name by which such group is designated.

30-306. PURPOSE. (a) Except as otherwise provided in this act, nonprofit corporations may be organized under this act for any lawful purpose or purposes, which purposes shall be fully stated in the articles of incorporation. Such purpose or purposes may include, without being limited to, any of the following: charitable, benevolent, religious, eleemosynary, patriotic, civic, missionary, educational, scientific, social, fraternal, athletic, aesthetic, agricultural, animal husbandry, and the conduct of professional, commercial, industrial, or trade associations.
(b) No corporation may be organized under this act or obtain authority to conduct its affairs in this state under this act:
(1) If any one or more of its purposes for the conduct of its affairs in this state is to engage in any activity in which it cannot lawfully engage without first obtaining a license, and such a license cannot lawfully be granted to the corporation.
(2) If any of its purposes for the conduct of its affairs in this state is to operate an insurance company subject to the insurance laws of this state.

30-307. POWERS. In addition to the powers granted to corporations generally, any religious, charitable, educational, or eleemosynary corporation organized under the laws of this state may acquire, own, hold, mortgage, dispose of, and invest its funds in real and personal property for the use and benefit and under the discretion of, and in trust for any church, convention, conference, or association organized under the laws of this state or another state with which it is affiliated, or which elects its board of directors, or which controls it, in furtherance of the purposes of the member corporation.
30-308. MEMBERS. (a) A nonprofit corporation may have one or more classes of members or may have no members.

(b) If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment, and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or bylaws.

(c) If the corporation is to have no members, that fact shall be set forth in the articles of incorporation.

(d) A corporation may issue certificates, shares of stock, cards, or other instruments evidencing membership rights, voting rights or ownership rights as may be authorized in the articles of incorporation.

(e) The members of a nonprofit corporation shall not be personally liable for the debts, liabilities, or obligations of the corporation.

30-309. BYLAWS. The initial bylaws of a nonprofit corporation shall be adopted by its board of directors or, if the management of the corporation is vested in its members pursuant to section 30-314(c), Idaho Code, by the members. The power to alter, amend, or repeal the bylaws or to adopt new bylaws shall be vested in the members, if any, but such power may be delegated by the members to the board of directors. In the event the corporation has no members, the power to alter, amend, or repeal the bylaws or to adopt new bylaws shall be vested in the board of directors. The bylaws may contain provisions, not inconsistent with law or with the articles of incorporation, for the regulation and management of the affairs of the corporation, for fees for admission, and for assessments or dues to carry on the business of the corporation.

30-310. MEETINGS OF MEMBERS. If a nonprofit corporation has members:

(a) Meetings of members shall be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in the state.

(b) An annual meeting of the members shall be held at such times as may be provided in the bylaws, except that where the bylaws of a corporation provide for more than one (1) regular meeting of members each year, an annual meeting shall not be required, and directors may be elected at such meetings as the bylaws may provide. Failure to hold the annual meeting at the designated time shall not work a dissolution of the corporation. In the event the board of directors fails to call the annual meeting at the designated time, any member may make demand that such meeting be held within a reasonable time, such demand to be made in writing by registered mail directed to any officer of the corporation. If the annual meeting of members is not called within sixty (60) days following such demand, any member may compel the
holding of such annual meeting by legal action directed against the board in the district court in the county in which the corporation's registered office is situated. Each and every member is hereby declared to have a justiciable interest sufficient to enable him to institute and prosecute such legal proceedings.

(c) Special meetings of the members may be called by the president, the board of directors, by members having not less than one-tenth (1/10) of the votes entitled to be cast at such meeting, or such other officer or persons as may be provided in the articles of incorporation or bylaws.

30-311. NOTICE OF MEMBERS' MEETINGS. (a) In the case of a nonprofit corporation other than a church, written or printed notice stating the place, day or hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage paid thereon.

(b) In the case of a corporation which is a church, notice of meetings of members will be deemed sufficient if made by oral announcement at a regularly scheduled worship service prior to such meeting, or as otherwise provided in its articles of incorporation or its bylaws.

(c) The bylaws may provide that no notice of annual or regular meetings shall be required.

(d) If its bylaws so provide, a corporation having more than one thousand (1,000) members at the time a meeting is scheduled or called may give notice of such meeting by publication in any newspaper of general circulation in the community in which the principal office of such corporation is located.

30-312. QUORUM OF MEMBERS. Unless otherwise provided in the articles of incorporation or in the bylaws, members holding one-tenth (1/10) of the votes entitled to be cast, represented in person or by proxy, shall constitute a quorum. The vote of the majority of the votes entitled to be cast by the members present, or represented by proxy at a meeting at which a quorum is present, shall be the act of the members meeting, unless the vote of a greater number is required by law, the articles of incorporation, or the bylaws.

30-313. VOTING OF MEMBERS. (a) The articles of incorporation of a nonprofit corporation may apportion voting rights on a basis other than one (1) vote per member. If voting rights are so apportioned, the
apportionment may be made on the basis of classes of membership, shares of capital stock, interest in real property to which membership is appurtenant, or any other reasonable basis. In the absence of a provision in the articles of incorporation apportioning voting rights on some other basis, each member shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of the members.

(b) A member may vote in person or by proxy executed in writing by the member. No proxy shall be valid after eleven (11) months from the date of its execution. Each proxy shall be revocable at the pleasure of the member who executed it.

(c) At each election for directors every member entitled to vote at such election shall have the right to vote, in person or by proxy, for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his vote by giving one (1) candidate as many votes as the number of such directors multiplied by his vote shall equal, or by distributing such votes on the same principle among any number of such candidates.

30-314. BOARD OF DIRECTORS. (a) The affairs of a nonprofit corporation shall be managed by a board of directors. Directors need not be residents of this state or members of the corporation unless the articles of incorporation or the bylaws so require. The articles of incorporation or the bylaws may prescribe other qualifications for directors.

(b) Boards of directors of religious, charitable, educational, or eleemosynary corporations may be affiliated with or elected and controlled by a convention, conference or association organized under the laws of this state or another state, whether incorporated or unincorporated, whose membership is composed of representatives, delegates, or messengers from any church or other religious association.

(c) The articles of incorporation of a church may vest the management of the affairs of the corporation in its members. If the church has a board of directors or similar body, it may limit the authority of such board to whatever extent as may be set forth in the articles of incorporation or bylaws.

(d) In the case of a corporation which is a church, the board may be designated by any name appropriate to the customs, usages, or tenets of the church.

(e) The board of directors of any type of nonprofit corporation may be elected (in whole or in part) by another nonprofit corporation or corporations, domestic or foreign, if (1) the articles of incorporation of the former corporation so provide, and (2) the former has no members.

30-315. NUMBER AND ELECTION OF DIRECTORS. (a) If a nonprofit corporation has members, the number of directors shall be at least three (3). If a corporation has no members, it shall have at least one
(1) director. Subject to such limitations, the number of directors shall be fixed by the bylaws, except that the number of the first board of directors shall be fixed by the articles of incorporation. The number of directors may be increased from time to time by amendment to the bylaws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. No decrease in number shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

(b) The directors constituting the first board of directors shall be named in the articles of incorporation and shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the bylaws. Thereafter, directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the term of office, the term of office of a director shall be one (1) year.

30-316. CLASSIFICATION OF DIRECTORS. When the board of directors shall consist of nine (9) or more members, in lieu of electing the whole number of directors annually, the articles of incorporation may provide that the directors be divided into either two (2) or three (3) classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of members after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two (2) classes, or until the third succeeding annual meeting, if there be three (3) classes. No classification of directors shall be effective prior to the first annual meeting of members.

30-317. COMMITTEES. (a) If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate one or more committees, which, to the extent provided in such resolution, in the articles of incorporation, or in the bylaws, shall have and exercise the authority of the board of directors in the management of the corporation. Each such committee shall consist of two (2) or more persons, a majority of whom are directors; the remainder, if the articles of incorporation or the bylaws so provide, need not be directors. The designation of such committees and the delegation thereto of authority shall not operate to relieve the board of
directors, or any individual director, of any responsibility imposed upon it or him by law. Any nondirector who becomes a member of any such committee shall have the same responsibility with respect to such committee as a director who is a member thereof.

(b) Other committees not having and exercising the authority of the board of directors in the management of the corporation may be designated and appointed by a resolution adopted by a majority of the directors at a meeting at which a quorum is present, or by the president thereunto authorized by a like resolution of the board of directors or by the articles of incorporation or by the bylaws. Membership on such committees may, but need not be, limited to directors.

30-318. OFFICERS. (a) The officers of a nonprofit corporation shall consist of a president, one or more vice-presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two (2) or more offices may be held by the same person, except the offices of president and secretary.

(b) All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

(c) The articles of incorporation or the bylaws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

(d) The officers of a corporation may be designated by such other or additional titles as may be provided in the articles of incorporation or the bylaws.

(e) In the case of a corporation which is a church or which has no members, it shall not be necessary that there be officers as provided herein, but such duties and responsibilities may be vested in the board of directors or other designated body in any manner provided in the articles of incorporation or the bylaws.

30-319. BOOKS AND RECORDS. (a) Each nonprofit corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority of the board of directors and shall keep at its registered office or principal office in this state a record of the names and addresses of its members entitled to vote.

(b) All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any
reasonable time. In no event shall this right of inspection be held to apply to a corporation which has no members.

30-320. DIVIDENDS PROHIBITED. No dividend shall be paid and no part of the income of a nonprofit corporation shall be distributed to its members, directors, or officers. A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and upon dissolution or final liquidation may make distribution to its members, but only as permitted by this act.

30-321. LOANS TO DIRECTORS AND OFFICERS. (a) No loan shall be made by a nonprofit corporation to its directors or officers unless: (1) the members by a two-thirds (2/3) vote at a properly called meeting shall authorize the granting of such loan, or (2) in the case of a corporation which has no members, the entity which has authority to appoint the directors has authorized the granting of loans to the officers and directors.

(b) The directors of a corporation who vote for or assent to the making of a loan to a director or officer of the corporation in violation of this section, and any officer or officers participating in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until repayment thereof.

30-322. LIABILITY OF DIRECTORS AND OTHER PERSONS FOR WRONGFUL DISTRIBUTION OF ASSETS. (a) In addition to any other liabilities imposed by law upon directors of a corporation, the directors who vote for or assent to any distribution of assets other than in payment of its debts, when the corporation is insolvent or when such distribution would render the corporation insolvent, or during the liquidation of the corporation without the payment and discharge of or making adequate provisions for all known debts, obligations and liabilities of the corporation, shall be jointly and severally liable to the corporation for the value of such assets which are thus distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

(b) A director of a corporation who is present at a meeting of its board of directors at which action was taken on such corporate matter shall be presumed to have assented to such action unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of the action.

(c) A director shall not be liable under this section if, in the
exercise of ordinary care, he relied and acted in good faith upon written financial statements of the corporation represented to him to be correct by the president or by the officer of such corporation having charge of its books of account, or certified by an independent licensed or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall he be so liable if, in the exercise of ordinary care and good faith, in determining the amount available for such distribution, he considered the assets to be of their book value.

(d) A director shall not be liable under this section if, in the exercise of ordinary care, he acted in good faith and in reliance upon the written opinion of an attorney for the corporation.

(e) A director against whom a claim shall be asserted under this section and who shall be held liable thereon shall be entitled to contribution from persons who accepted or received such distribution knowing such distribution to have been made in violation of this section in proportion to the amounts received by them respectively.

30-323. ARTICLES OF INCORPORATION. (a) The articles of incorporation shall set forth:

(1) The name of the corporation.
(2) A statement that the corporation is a nonprofit corporation.
(3) The period of duration, which may be perpetual.
(4) The purpose or purposes for which the corporation is organized.
(5) If the corporation is to have no members, a statement to that effect.
(6) If the corporation is a church and the management of its affairs is to be vested in its members pursuant to section 30-314(c), Idaho Code, a statement to that effect.
(7) Any provision, not inconsistent with law, including any provision which under this act is required or permitted to be set forth in the articles of incorporation for the regulation of the internal affairs of the corporation.
(8) The street address of its initial registered office and the name of its initial registered agent at such street address.
(9) The number of directors constituting the initial board of directors, or, if the corporation is a church which vests its management in its members, the name and street address of the clergyman or lay leader who acts as the spiritual leader of the church.
(10) The name and street address of each incorporator.

(b) Articles of incorporation of corporations existing on the effective date of this act which do not contain one or more of the requirements listed in subsection (a) of this section need not be amended for the purpose of meeting such requirements. Any subsequent amendment or reinstatement of the articles of incorporation of such corporation shall include such requirements, except that it shall not
be necessary, in such amended or restated articles, to include the information required in items (8), (9), and (10) of subsection (a) of this section.

(c) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act or in the Idaho business corporation act.

(d) Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

30-324. ORGANIZATION MEETING. (a) An organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers and transacting such other business as may come before the meeting. The directors calling the meeting shall give at least three (3) days' notice thereof by mail to each director so named, stating the time and place of the meeting.

(b) If the management of a church is vested in its members pursuant to section 30-314, Idaho Code, the organization meeting shall be held by the members upon the call of the clergyman or lay leader calling the meeting (1) and shall give at least three (3) days' notice by mail to each member stating the time and place of the meeting, or (2) shall make an oral announcement of the time and place of meeting at a regularly scheduled worship service prior to such meeting, or (3) shall give such notice of the meeting as may be provided for in the articles of incorporation.

30-325. RIGHT TO AMEND ARTICLES OF INCORPORATION. A corporation may amend its articles of incorporation from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this act.

30-326. PROCEDURE TO AMEND ARTICLES OF INCORPORATION. Amendments to the articles of incorporation may be made in the following manner:

(a) Where there are members, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of the members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of members.
The proposed amendment shall be adopted upon receiving at least a majority of the votes which members present at such meeting in person or by proxy are entitled to cast unless any class of members is entitled to vote as a class thereon by the terms of the articles of incorporation or of the bylaws, in which event the proposed amendment shall not be adopted unless it also receives at least a majority of the votes which the members of each class who are present at such meeting in person or by proxy are entitled to cast.

(b) Where there are no members an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

(c) Where the management of the affairs of the corporation is vested in the members pursuant to section 30-314(c), Idaho Code, the proposed amendment shall be submitted to a vote at a meeting of members which may be an annual, a regular, or a special meeting. Except as otherwise provided in the articles of incorporation or the bylaws, notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to the members within the time and in the manner provided in this act for the giving of notice of meeting of members. The proposed amendment shall be adopted upon receiving at least a majority of the votes of members present at such meeting.

30-327. ARTICLES OF AMENDMENT. The articles of amendment shall be executed in duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, or, if there are no members, by a majority of the directors in office. The articles of amendment shall be verified by one of the persons who executes them, and shall set forth:

(a) The name of the corporation.
(b) If the amendment alters any provision of the original or amended articles of incorporation, an identification by reference or description of the altered provision and a statement of its text as it is amended to read. If the amendment is an addition to the original or amended articles of incorporation, a statement of that fact and the full text of each provision added.
(c) Where there are members, (1) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least a majority of the votes which members present at such meeting in person or by proxy were entitled to cast, as well as in the case of any class entitled to vote as a class thereon by the terms of the articles of incorporation or of the bylaws, at least a majority of the votes which members of any such class who were present at such meeting in person or by proxy were entitled to cast, or (2) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.
(d) Where there are no members, a statement of such fact, the
date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

30-328. SALE, LEASE OR EXCHANGE OF ASSETS. A sale, lease or exchange of all, or substantially all, the property and assets of a corporation, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(a) Where there are members, the board of directors shall adopt a resolution recommending such sale, lease, or exchange, and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, or exchange of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, or exchange, and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least a majority of the votes which members present at such meeting in person or by proxy are entitled to cast, unless any class of members is entitled to vote as a class thereon by the terms of the articles of incorporation or of the bylaws in which event such authorization shall also require at least a majority of the votes which members of each such class who are present at such meeting in person or by proxy are entitled to cast. After such authorization by vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, or exchange of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(b) Unless otherwise provided in the articles of incorporation, where there are no members, a sale, lease, or exchange of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

(c) Where the management of the affairs of a corporation is vested in its members pursuant to section 30-314(c), Idaho Code, a resolution authorizing such sale, lease, or exchange shall be submitted to a vote at a meeting of the members, which may be annual, a regular, or a special meeting. Except as otherwise provided in the articles of incorporation or the bylaws, notice stating that the purpose or one of the purposes of such meeting is to consider the
sale, lease, or exchange of all, or substantially all, the property and assets of the corporation shall be given to the members, within the time and in the manner provided for the giving of notice of meetings of members. At such meeting, the members may authorize such sale, lease, or exchange, and may fix, or authorize one or more of its members to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least a majority of the votes of the members present at such meeting.

(d) Except as otherwise provided in the articles of incorporation, the board of directors may authorize any pledge, mortgage, deed of trust, or trust indenture and no authorization or consent of members shall be required for the validity thereof or for any sale pursuant to the terms thereof; provided that where the management of the affairs of the corporation is vested in its members pursuant to section 30-314(c), Idaho Code, the members may authorize any pledge, mortgage, deed of trust, or trust indenture in the same manner as provided in subsection (c) of this section, and no authorization by the board of directors shall be required for the validity thereof or for any sale pursuant to the terms thereof.

(e) Notwithstanding the provisions of subsection (a) of this section, when the corporation is insolvent, a sale, lease, or exchange of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

30-329. FEES FOR FILING ARTICLES OF INCORPORATION AND APPLICATION FOR CERTIFICATE OF AUTHORITY. The secretary of state shall charge and collect for:

(a) Filing articles of incorporation of a nonprofit corporation and issuing a certificate of incorporation, twenty dollars ($20.00).

(b) Filing an application of a foreign nonprofit corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, twenty dollars ($20.00).

30-330. DEATH BENEFIT ASSOCIATIONS. Associations may be formed under this act for the purpose of paying to the nominee of any member a sum upon the death of said member not exceeding three dollars ($3.00) for each member of such association. No such association must exceed in number one thousand (1,000) persons. It may upon the death of each member, levy an assessment upon each member living at the time of the death, not exceeding three dollars ($3.00) for each member, and collect the same, and pay the same to the nominee of such deceased; and may also provide for the payment of such annual payments by members as may be deemed best. Such annual assessment upon any one (1) member must not be raised above the annual assessment established at the time such member joined such association.
30-331. LODGES OF MASONs AND ODD FELlows. The grand lodges which were incorporated under an act of the legislature of the territory of Idaho, entitled "An act to provide for the incorporation of the grand and subordinate lodges of Free and Accepted Masons and the grand and subordinate lodges of the Independent Order of Odd Fellows in this territory," approved January 9, 1866, and which lodges are now in existence, may at any time hereafter file in the office of the secretary of state, and all their subordinate lodges now or hereafter existing may also at any time hereafter file in the office of the secretary of state an acceptance of the provisions of this chapter; and thereafter all such corporations shall be deemed incorporated perpetually under the provisions of this act, and shall have all the powers and rights and be subject to all the limitations and provisions of this act; provided, that any such lodges that have heretofore complied with the corresponding provision under the prior law shall not be required to file an acceptance under the terms of this act.

30-332. EFFECT OF INVALIDITY OF PART OF THIS ACT. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

SECTION 4. That Section 30-804, Idaho Code, be, and the same is hereby amended to read as follows:

30-804. WATER USERS' ASSOCIATIONS -- EXEMPTIONS FROM TAXES. Any water users' association which is organized in conformity with the requirements of the United States under the reclamation act of June 17, 1902, and which, under its articles of incorporation, is authorized to furnish water only to its stockholders, shall be exempt from the payment of any incorporation tax; and from the payment of any annual franchise tax; but shall be required to pay, as preliminary to its incorporation, only a fee of twenty dollars ($20.00) for the filing and recording of its articles of incorporation and the issuance of certificate of incorporation governed by the provisions of the Idaho nonprofit corporation act.

SECTION 5. That Section 30-805, Idaho Code, be, and the same is hereby repealed.

Approved March 29, 1979.
CHAPTER 160  
(S.B. No. 1236)  

AN ACT  
APPROPRIATING GENERAL ACCOUNT MONEYS TO THE DEPARTMENT OF FINANCE FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; AND REPEALING SECTION 3 OF SENATE BILL NO. 1173, FIRST REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE.

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

SECTION 1. In addition to the amount appropriated to the Department of Finance by Senate Bill No. 1173, First Regular Session, Forty-fifth Idaho Legislature, there is hereby appropriated the following amount to be expended according to the designated expense class therein from the listed account for the period July 1, 1979, through June 30, 1980.

FOR:  
Personnel Costs  

FROM:  
General Account

$12,600

SECTION 2. Section 3 of Senate Bill No. 1173, First Regular Session, Forty-fifth Idaho Legislature, is hereby repealed.

Approved March 29, 1979.

CHAPTER 161  
(S.B. No. 1215)  

AN ACT  
APPROPRIATING MONEYS OUT OF THE ALCOHOL SAFETY ACTION PROGRAM ACCOUNT TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PURPOSE OF CONTRACTING ALCOHOLISM TREATMENT SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the Alcohol Safety Action Program Account to the Department of Health and Welfare the sum of $180,000 in operating expenditures for the purpose of contracting for alcoholism treatment services.
SECTION 2. An emergency existing therefor, 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 29, 1979.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF AGRICULTURE; AND 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, 1979, THROUGH JUNE 30, 1980.

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 Agriculture not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

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<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
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<td>Personnel Costs</td>
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<td>Operating Expenditures</td>
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<td>Capital Outlay</td>
<td>Federal Accounts</td>
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SECTION 2. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<td>$342,900</td>
</tr>
<tr>
<td>B. ANIMAL INDUSTRY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Animal Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$179,300</td>
<td>$48,300</td>
<td></td>
<td></td>
<td>$227,600</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>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Livestock Disease Control &amp; T.B. Indemnity Account</td>
<td>172,400</td>
<td>127,600</td>
<td>$12,100</td>
<td></td>
<td>312,100</td>
</tr>
<tr>
<td>Meat Inspection Account</td>
<td>25,600</td>
<td></td>
<td></td>
<td></td>
<td>25,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$377,300</td>
<td>$175,900</td>
<td>$12,100</td>
<td></td>
<td>$565,300</td>
</tr>
<tr>
<td>2. Brucellosis Vaccination:</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>$150,000</td>
<td></td>
<td></td>
<td></td>
<td>$150,000</td>
</tr>
<tr>
<td>3. 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>$429,500</td>
<td>$81,800</td>
<td>$1,800</td>
<td></td>
<td>$513,100</td>
</tr>
<tr>
<td>Meat Inspection Account</td>
<td>429,500</td>
<td>81,800</td>
<td>1,800</td>
<td></td>
<td>513,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$859,000</td>
<td>$163,600</td>
<td>$3,600</td>
<td></td>
<td>$1,026,200</td>
</tr>
<tr>
<td>4. Sheep Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$7,500</td>
<td>$12,400</td>
<td></td>
<td></td>
<td>$19,900</td>
</tr>
<tr>
<td>Sheep Commission Account</td>
<td>17,900</td>
<td>500</td>
<td></td>
<td></td>
<td>18,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$25,400</td>
<td>$12,900</td>
<td></td>
<td></td>
<td>$38,300</td>
</tr>
<tr>
<td>MAJOR PROGRAM TOTAL</td>
<td>$1,261,700</td>
<td>$502,400</td>
<td>$15,700</td>
<td></td>
<td>$1,779,800</td>
</tr>
</tbody>
</table>

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 $5,200 $156,000 $3,454,900

MAJOR PROGRAM TOTAL $3,052,700 $278,400 $5,200 $159,000 $3,495,300

D. PLANT INDUSTRY:

1. Plant Inspection:
FROM: General Account $228,000 $169,600 $397,600
Agriculture Department Inspection Account 141,800 35,700 177,500
Bee Inspection Account 11,000 11,000
Plant-Federal Account 16,200 13,800 30,000
TOTAL $397,000 $219,100 $616,100

2. Plant Chemical:
FROM:
<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 Account</td>
<td>$ 52,600</td>
<td>$ 14,900</td>
<td></td>
<td></td>
<td>$ 67,500</td>
</tr>
<tr>
<td>Commercial Feed and Fertilizer Account</td>
<td>139,800</td>
<td>63,600</td>
<td>$13,700</td>
<td></td>
<td>217,100</td>
</tr>
<tr>
<td>Pesticide Account</td>
<td>$ 52,700</td>
<td>18,400</td>
<td></td>
<td></td>
<td>71,100</td>
</tr>
<tr>
<td>Plant-Federal Account</td>
<td>38,900</td>
<td>14,500</td>
<td></td>
<td></td>
<td>53,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 284,000</strong></td>
<td><strong>$ 111,400</strong></td>
<td><strong>$13,700</strong></td>
<td></td>
<td><strong>409,100</strong></td>
</tr>
<tr>
<td><strong>MAJOR PROGRAM TOTAL</strong></td>
<td><strong>$ 681,000</strong></td>
<td><strong>$ 330,500</strong></td>
<td><strong>$13,700</strong></td>
<td></td>
<td><strong>1,025,200</strong></td>
</tr>
</tbody>
</table>

**E. MARKETING:**

1. Bonded Warehouse and Track Buyers:
   - **FROM:**
     - General Account $ 182,300 $ 37,700 $ 900 $ 220,900
     - Agriculture Department Inspection Account 4,000
     - **TOTAL** $ 186,300 $ 37,700 $ 900 $ 224,900

2. Weights and Measures:
   - **FROM:**
     - General Account $ 205,800 $ 62,200 $ 268,000

3. Dairy Industries:
   - **FROM:**
     - Dairy Industry and Inspection Account $ 128,500 $ 31,400 $ 159,900

4. Inspection and Compliance:
   - **FROM:**
     - General Account $ 69,900 $ 13,900 $ 83,800
     - Egg Inspection Account 40,300 14,300 54,700
     - Egg and Poultry Inspection Account 70,200 18,500 88,700
     - **TOTAL** $ 180,400 $ 46,700 $ 100 $ 227,200

5. Marketing:
   - **FROM:**
     - General Account $ 11,900 $ 8,000 $ 19,900
     - Public Livestock Market Account 2,100 3,000 5,100
     - Wheat Statistics Account 2,400 500 2,900
     - **TOTAL** $ 16,400 $ 11,500 $ 27,900

6. Grain Inspection:
   - **FROM:**
     - Agriculture Department Inspection Account $ 134,000 $ 22,000 $ 156,000
   - **MAJOR PROGRAM TOTAL** $ 851,400 $ 211,500 $ 1,063,900

**F. SHEEP 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>1. Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM Sheep Commission Account</td>
<td>$ 44,100</td>
<td>$ 11,000</td>
<td></td>
<td></td>
<td>$ 55,100</td>
</tr>
<tr>
<td>2. Predatory Animal Control:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM Sheep Commission Account</td>
<td>$ 35,000</td>
<td>$ 25,000</td>
<td></td>
<td></td>
<td>$ 60,000</td>
</tr>
<tr>
<td>MAJOR PROGRAM TOTAL</td>
<td>$ 79,100</td>
<td>$ 36,000</td>
<td></td>
<td></td>
<td>$ 115,100</td>
</tr>
<tr>
<td>G. HONEY ADVERTISING COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM Idaho Honey Advertising Account</td>
<td>$ 300</td>
<td>$ 7,200</td>
<td></td>
<td></td>
<td>$ 7,500</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$6,134,500</td>
<td>$1,449,800</td>
<td>$36,400</td>
<td>$209,000</td>
<td>$7,829,700</td>
</tr>
</tbody>
</table>

Approved March 29, 1979.
CHAPTER 163
(S.B. No. 1220)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<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. ENERGY CONSERVATION:</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>Federal Energy</td>
<td>$145,100</td>
<td>$599,400</td>
<td>$1,400</td>
<td>$745,900</td>
</tr>
<tr>
<td>Administration Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. ENERGY POLICY AND ANALYSIS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 88,900</td>
<td>$ 59,400</td>
<td>$ 2,500</td>
<td>$150,800</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$234,000</td>
<td>$658,800</td>
<td>$3,900</td>
<td>$896,700</td>
</tr>
</tbody>
</table>

Approved March 29, 1979.

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 Disability Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<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>$2,528,000</td>
<td>$966,400</td>
<td>$7,200</td>
<td>$3,501,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>718,000</td>
<td>59,800</td>
<td>1,066,300</td>
<td>1,401,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>334,900</td>
<td>1,066,300</td>
<td>7,200</td>
<td>1,401,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,580,900</td>
<td>$2,092,500</td>
<td>$7,200</td>
<td>$5,680,600</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.

Approved March 29, 1979.
CHAPTER 165  
(S.B. No. 1186)  

AN ACT  
RELATING TO CRIMINAL COMPLAINTS AND CITATIONS IN THE MAGISTRATES  
DIVISION OF THE DISTRICT COURT; AMENDING SECTION 19-3901, IDAHO  
CODE, TO PROVIDE THAT A UNIFORM CITATION MAY BE ISSUED BY A LAW  
ENFORCEMENT OFFICER FOR ANY MISDEMEANOR TRIABLE BEFORE A  
MAGISTRATE IN LIEU OF A SWORN COMPLAINT, AND THAT SUCH CITATION  
SHALL BE IN SUCH FORM AND SHALL BE PROCESSED IN SUCH MANNER AS  
PRESCRIBED BY RULE OF THE SUPREME COURT, AND TO PROVIDE THAT THE  
MAGISTRATE SHALL DETERMINE WHETHER THERE IS PROBABLE CAUSE THAT AN  
OFFENSE HAS BEEN COMMITTED AND THAT THE DEFENDANT HAS COMMITTED IT  
BEFORE ISSUING A WARRANT FOR HIS ARREST; REPEALING SECTION  
49-1121, IDAHO CODE, RELATING TO A UNIFORM TRAFFIC CITATION IN A  
FORM PRESCRIBED BY THE DEPARTMENT OF LAW ENFORCEMENT; AND  
REPEALING SECTION 49-1122, IDAHO CODE, RELATING TO THE MANNER OF  
PROCESSING AND THE DISPOSITION OF UNIFORM TRAFFIC CITATIONS  
PRESCRIBED BY SECTION 49-1121, IDAHO CODE.  

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

SECTION 1. That Section 19-3901, Idaho Code, be, and the same is  
hereby amended to read as follows:  

19-3901. COMPLAINT. All proceedings and actions before the  
magistrates division of the district court for a public offense of  
which such court has jurisdiction, must be commenced by complaint  
under oath, setting forth the offense charged, with such particulars  
of time, place, person and property as to enable the defendant to  
understand distinctly the character of the offense complained of, and  
to answer the complaint. Provided, however, offenses chargiag-a  
violation-for-which-an-officer-may-issue-a-written-traffie-eitation-as  
provided-by-section-49-1113;--idaaho-code;--in-the-form-required--by  
section--49-1121;--idaaho-code;--may--be-commenced--by--a-complaint  
containing-a-form-of-certificate-by-the-police-officer-to-the-effect  
that-he-certifies;--under-the-penalties-provided-in-section-49-1113;  
idaaho-code;--that-he-has-reasonable-grounds-to-believe;--and--does  
believe;--that-the-person-cited-committed-the-offense-contrary-to-law;  
and-such-complaint-shall-be-a-part-of-the-uniform-traffie-eitation  
ticket--required--by section-49-1121;--idaaho-code;--showing-the-name-of  
the-person-charged-and-the-offense-of-which--the-person--is-charged;  
and such complaint shall be a part of the uniform traffic citation  
ticket, required by section 49-1121, Idaho Code, showing the name of  
the person charged and the offense of which the person is charged;  
together with the date, time and place at which the offense allegedly  
ocurred;--As as to any misdemeanor triable by a magistrate, a law  
enforcement officer may in lieu of procuring a warrant of arrest and  
arresting the defendant making a sworn complaint issue to the  
defendant a uniform citation containing a complaint, and a summons to  
appear in a form to-be-promulgated-and-approved-by and in the manner  
 prescribed by rule of the Supreme Court. The complaint in the
uniform citation shall contain a certification by the law enforcement officer to the effect that he certifies that he has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. The citation shall be processed in the courts as prescribed by rule of the supreme court. Such summons shall contain a promise of the defendant to appear for arraignment in the proper court at a stated day and time and shall notify him that upon his failure to appear as promised a warrant will issue for his arrest. If the defendant fails to appear as promised pursuant to a summons, the complaint or uniform citation shall be presented to a magistrate and if the magistrate is satisfied therefrom that the offense--complained of--has--been--committed there is probable cause that an offense has been committed and that the defendant committed it, he shall issue a warrant of arrest substantially in the form provided by section--49-3903;--Idaho--Code of the defendant, or he may issue another summons to appear in lieu of a warrant.

SECTION 2. That Section 49-1121, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 49-1122, Idaho Code, be, and the same is hereby repealed.

Approved March 29, 1979.

CHAPTER 166
(S.B. No. 1222)

AN ACT

APPROPRIATING MONEYS FROM THE ENUMERATED ACCOUNT TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON WOMEN'S PROGRAMS, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 on Women's Programs the following amounts, to be expended according to expense classes designated from the listed account for the period July 1, 1979, through June 30, 1980:

FOR:

Personnel Costs $ 3,000
Operating Expenditures 12,000
TOTAL $15,000

FROM:

General Account $15,000

Approved March 29, 1979.
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, 1979, THROUGH JUNE 30, 1980, AND PROVIDING STATEMENTS OF LEGISLATIVE INTENT; AND EXEMPTING CONSTRUCTION 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, 1979 through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Fish and Game Account</td>
</tr>
<tr>
<td>Operating</td>
<td>General Interaccount</td>
</tr>
<tr>
<td>Expenditures</td>
<td>Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td>$6,483,600</td>
</tr>
<tr>
<td></td>
<td>$3,216,200</td>
</tr>
<tr>
<td></td>
<td>$980,700</td>
</tr>
<tr>
<td></td>
<td>$10,680,500</td>
</tr>
<tr>
<td></td>
<td>$10,657,000</td>
</tr>
<tr>
<td></td>
<td>$23,500</td>
</tr>
<tr>
<td></td>
<td>$10,680,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Fish and Game the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Account</td>
<td>$956,800</td>
<td>$20,800</td>
<td></td>
<td>$977,600</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>TOTAL</td>
<td>$961,800</td>
<td>$20,800</td>
<td></td>
<td>$987,600</td>
</tr>
<tr>
<td>B. ENFORCEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Account</td>
<td>$1,671,800</td>
<td>$332,000</td>
<td>$79,800</td>
<td>$2,083,60</td>
</tr>
<tr>
<td>C. FISHERIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Account</td>
<td>$1,632,000</td>
<td>$1,541,000</td>
<td>$355,900</td>
<td>$3,528,90</td>
</tr>
</tbody>
</table>
(1) It is legislative intent that the Department of Fish and Game shall produce a minimum of 1,226,907 pounds of resident fish, with approximately 1,086,600 pounds being rainbow trout and approximately 140,307 pounds in other resident species.

D. WILDLIFE:
FROM:
Fish & Game Account $1,452,600 $1,025,400 $454,600 $ 2,932,600

(1) It is legislative intent that the Department of Fish and Game shall produce a minimum of 17,200 birds, not including day-old chicks, and will, in addition, emphasize the day-old chick program.

E. INFORMATION AND EDUCATION:
FROM:
Fish & Game Account $ 266,400 $ 153,500 $ 10,500 $ 430,400

F. ENGINEERING:
FROM:
Fish & Game Account $ 417,900 $ 136,600 $ 53,200 $ 607,700

G. PROGRAM COORDINATION:
FROM:
Fish & Game Account $ 74,000 $ 21,300 $ 900 $ 96,200

GRAND TOTAL $6,483,600 $3,216,200 $980,700 $10,680,500

Approved March 29, 1979.
CHAPTER 168
(S.B. No. 1207)

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, 1979, THROUGH JUNE 30, 1980; 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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,383,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>719,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,616,400</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>3,675,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,394,900</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,991,900</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>264,300</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td>355,000</td>
</tr>
<tr>
<td>Waterways Improvement Account</td>
<td>300,000</td>
</tr>
<tr>
<td>Park Donation Account</td>
<td>40,000</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>411,800</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>96,000</td>
</tr>
<tr>
<td>Off-road Motor Vehicle Account</td>
<td>332,300</td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td>9,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td>1,242,800</td>
</tr>
<tr>
<td>Coast Guard Boating Safety Account</td>
<td>81,500</td>
</tr>
<tr>
<td>Federal Pass Through Account</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>270,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,394,900</strong></td>
</tr>
</tbody>
</table>

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, 1979, through June 30, 1980:
<table>
<thead>
<tr>
<th>Program</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$262,600</td>
<td>$44,800</td>
<td></td>
<td></td>
<td>$307,400</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td>60,200</td>
<td></td>
<td></td>
<td>60,200</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>82,400</td>
<td></td>
<td></td>
<td></td>
<td>82,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$345,000</td>
<td>$105,000</td>
<td></td>
<td></td>
<td>$450,000</td>
</tr>
<tr>
<td>B. Park 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 Account</td>
<td>$1,290,500</td>
<td>$228,300</td>
<td></td>
<td>33,800</td>
<td>$1,552,600</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td>180,000</td>
<td></td>
<td></td>
<td></td>
<td>180,000</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>78,300</td>
<td>65,800</td>
<td></td>
<td></td>
<td>144,100</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>237,500</td>
<td>136,300</td>
<td></td>
<td></td>
<td>411,800</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>8,000</td>
<td>8,000</td>
<td></td>
<td></td>
<td>16,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td>102,700</td>
<td>70,500</td>
<td>8,000</td>
<td></td>
<td>$181,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,717,000</td>
<td>$508,900</td>
<td>$259,800</td>
<td></td>
<td>$2,485,700</td>
</tr>
<tr>
<td>C. Park Development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$98,700</td>
<td></td>
<td></td>
<td></td>
<td>$98,700</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td>175,000</td>
<td>175,000</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>$9,900</td>
<td></td>
<td></td>
<td></td>
<td>9,900</td>
</tr>
<tr>
<td>Parks Donation Account</td>
<td></td>
<td></td>
<td>40,000</td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td></td>
<td></td>
<td>80,000</td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td>1,061,600</td>
<td></td>
<td></td>
<td></td>
<td>1,061,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$98,700</td>
<td>$9,900</td>
<td>$1,356,600</td>
<td></td>
<td>$1,465,200</td>
</tr>
<tr>
<td>D. Statewide Recreation Assistance:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$17,500</td>
<td>$15,700</td>
<td></td>
<td></td>
<td>$33,200</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td>8,400</td>
<td></td>
<td></td>
<td>8,400</td>
</tr>
<tr>
<td>Waterways Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>300,000</td>
</tr>
<tr>
<td>Off-road Motor Vehicle Account</td>
<td>20,200</td>
<td>18,200</td>
<td></td>
<td></td>
<td>293,900</td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td>9,000</td>
<td></td>
<td></td>
<td></td>
<td>9,000</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>88,400</td>
<td></td>
<td></td>
<td></td>
<td>88,400</td>
</tr>
<tr>
<td>Federal Pass Through Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,000,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,000,000</td>
<td></td>
<td></td>
<td></td>
<td>$3,000,000</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>Coast Guard Boating</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$126,100</td>
</tr>
<tr>
<td>Safety Account</td>
<td>$126,100</td>
<td>$51,300</td>
<td></td>
<td></td>
<td>$177,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$126,100</td>
<td>$51,300</td>
<td></td>
<td></td>
<td>$177,400</td>
</tr>
</tbody>
</table>

E. STATEWIDE RECREATION PLANNING:

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th></th>
<th>Payments</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park &amp; Recreation</td>
<td>$97,000</td>
<td>$2,500</td>
<td></td>
<td>$41,700</td>
<td>$141,200</td>
</tr>
<tr>
<td>Federal Surcharge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$97,000</td>
<td>$2,500</td>
<td></td>
<td>$41,700</td>
<td>$141,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$97,000</td>
<td>$2,500</td>
<td></td>
<td>$41,700</td>
<td>$141,200</td>
</tr>
</tbody>
</table>

GRAND TOTAL

|                      |            |              |                  |           |           |
|                      | $2,383,800 | $719,300     | $1,616,400       | $3,675,400| $8,394,900|

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.

Approved March 29, 1979.
CHAPTER 169
(S.B. No. 1211)

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 Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,346,100</td>
<td>$342,900</td>
<td>$ 2,000</td>
<td>$2,691,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>258,300</td>
<td>364,300</td>
<td>19,100</td>
<td>641,700</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,207,500</td>
<td>123,800</td>
<td>13,200</td>
<td>1,344,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,811,900</td>
<td>$831,000</td>
<td>$34,300</td>
<td>$4,677,200</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.

Approved March 29, 1979.
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 Social Services Program the following amounts, to be expended from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<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>$1,865,100</td>
<td>$577,400</td>
<td>$1,700</td>
<td>$697,400</td>
<td>$3,141,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>106,900</td>
<td>102,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>5,769,500</td>
<td>1,217,800</td>
<td></td>
<td>1,655,400</td>
<td>8,642,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,741,500</td>
<td>$1,897,300</td>
<td>$1,700</td>
<td>$3,014,300</td>
<td>$12,654,800</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 29, 1979.
CHAPTER 171
(S.B. No. 1214)

AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE
DISABILITY DETERMINATIONS UNIT, TO BE EXPENDED ACCORDING TO THE
DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD
JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the designated expense classes for the
designated program, from the listed account for the period July 1,
1979, through June 30, 1980:

DISABILITY DETERMINATIONS:
FOR:
Personnel Costs $ 575,600
Operating Expenditures 151,300
Capital Outlay 600
Trustee and Benefit Payments 345,500
TOTAL $1,073,000

FROM:
Federal Disability Determination Account $1,073,000

Approved March 29, 1979.
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 Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 497,100</td>
<td>$ 495,600</td>
<td>$ 520,900</td>
<td>$1,513,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>2,800</td>
<td>3,200</td>
<td></td>
<td>6,000</td>
</tr>
<tr>
<td>Cancer Control Account</td>
<td>539,000</td>
<td>2,032,800</td>
<td>3,699,300</td>
<td>6,271,100</td>
</tr>
<tr>
<td>Central Tumor Registry Account</td>
<td>330,000</td>
<td></td>
<td></td>
<td>330,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,036,100</td>
<td>$2,861,200</td>
<td>$4,293,400</td>
<td>$8,190,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 29, 1979.
CHAPTER 173
(S.B. No. 1218)

AN ACT
AMENDING SECTION 1, CHAPTER 196, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID PAYMENTS PROGRAM, BY INCREASING THE APPROPRIATION FROM THE COOPERATIVE WELFARE ACCOUNT BY $2,453,100; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 196, Laws of 1978, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department 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:

FOR: Trustee and Benefit Payments $42,456,7100 44,909,200
FROM: Revenue Sharing Account $8,000,000
General Account 6,391,000
Cooperative Welfare Account 27,415,7100 29,868,200
Liquor Account 650,000
TOTAL $42,456,7100 44,909,200

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

Approved March 29, 1979.

CHAPTER 174
(S.B. No. 1219)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGES; APPROPRIATING $3,464,800 FROM THE GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR COLLEGE OF SOUTHERN IDAHO AND NORTH IDAHO COLLEGE
FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; APPROPRIATING $65,774,300 FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; AND MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1980 ONLY; AND EXEMPTING THE APPROPRIATION IN SECTION 3 FROM CERTAIN PROVISIONS OF HCR 22, ADOPTED BY THE FIRST REGULAR SESSION OF THE FORTY-FIFTH IDAHO LEGISLATURE.

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

SECTION 1. It is legislative intent that the expenditures for colleges and universities and junior colleges not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

FOR:
Educational Programs $70,699,600
FROM:
General Account $62,564,800
Federal Endowment Funds 211,800
State Endowment Accounts:
- Lewis-Clark Normal School Income Account 465,400
- Idaho State University Income Account 192,200
- Idaho State University Teacher Training Account 465,400
- University of Idaho Income Account 685,700
- Agricultural College Income Account 336,500
- School of Science Income Account 1,020,000
Miscellaneous Receipts Account 4,757,800
TOTAL $70,699,600

SECTION 2. There is hereby appropriated out of the account enumerated the following amount 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, 1979, through June 30, 1980:

FOR:
General Education Programs $3,464,800
FROM:
General Account $3,464,800

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, 1979, through June 30, 1980:
FOR:
General Education Programs
FROM:
General Account
Federal Endowment Funds
State Endowment Accounts:
  Lewis-Clark Normal School Income Account
  Idaho State University Income Account
  Idaho State University Teacher Training Account
  University of Idaho Income Account
  Agricultural College Income Account
  School of Science Income Account
Miscellaneous Receipts Account
TOTAL

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Education Programs</td>
<td>$67,234,800</td>
</tr>
<tr>
<td>General Account</td>
<td>$59,100,000</td>
</tr>
<tr>
<td>Federal Endowment Funds</td>
<td>211,800</td>
</tr>
<tr>
<td>Lewis-Clark Normal School Income Account</td>
<td>465,400</td>
</tr>
<tr>
<td>Idaho State University Income Account</td>
<td>192,200</td>
</tr>
<tr>
<td>Idaho State University Teacher Training Account</td>
<td>465,400</td>
</tr>
<tr>
<td>University of Idaho Income Account</td>
<td>685,700</td>
</tr>
<tr>
<td>Agricultural College Income Account</td>
<td>336,500</td>
</tr>
<tr>
<td>School of Science Income Account</td>
<td>1,020,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>4,757,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$67,234,800</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 1980 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 5. The appropriation contained in Section 3 of this act is exempt from those provisions of HCR 22, adopted by the First Regular Session of the Forty-fifth Idaho Legislature, which limit fiscal year 1980 personnel cost expenditures.

Approved March 29, 1979.

CHAPTER 175
(S.B. No. 1020, As Amended)

AN ACT
RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3115, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF A FLOOD CONTROL DISTRICT SHALL NOT ENTER INTO CONTRACTS THAT NECESSITATE AN EXPENDITURE IN EXCESS OF FIVE THOUSAND DOLLARS WITHOUT FIRST ADVERTISING FOR SEALED COMPETITIVE BIDS; AND AMENDING SECTION 42-3116, IDAHO CODE, TO PROVIDE THAT A FLOOD CONTROL DISTRICT SHALL ADVERTISE FOR SEALED COMPETITIVE BIDS IF IT IS TO INVOLVE ITSELF IN A PROJECT IN WHICH THE EXPENDITURE WILL BE IN EXCESS OF FIVE THOUSAND DOLLARS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 42-3115, Idaho Code, be, and the same is hereby amended to read as follows:

42-3115. COMMISSIONERS -- POWERS AND DUTIES. The board of commissioners of flood control districts shall have the following powers and duties:

1. To annually fix and determine, the amount of money required to be raised by taxation to supply funds for costs of construction, costs of operation and maintenance of the work and equipment of the district, and to levy and cause to be collected assessments on real property within the district in an amount not to exceed three (3) mills for each dollar of assessed valuation, provided however that a higher levy may be approved and ratified by the qualified voters at an election to be held for that purpose in the same manner as provided for the approval and ratification of contracts, in section 42-3117 of this act, Idaho Code, and said levy shall be certified by the board to the board of county commissioners of the county, or counties, in which said district is located, with directions that at the time and in the manner required by law for levying taxes for county purposes, such board, or boards, of county commissioners shall levy such tax upon the assessed valuation of the real property within the boundaries of the district. Such certification of levies shall be prepared and forwarded by the board of the flood control district to the board, or boards, of county commissioners on or before September 1 of each year.

Such levies shall be levied and collected in the manner provided by law, and the moneys collected shall be turned over to the treasurer or treasurers, of the county, or counties, in which said district is located.

Said moneys shall be public funds and subject to the provisions of the public depository laws of the state.

2. To employ such personnel as may be necessary to carry out the purposes and objects of this act, with the full power to bind said district for the compensation of such personnel.

3. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its power and to promulgate, amend and repeal rules and regulations not consistent with the provisions of this act.

4. To manage and conduct the business and affairs of the district, both within and without the district.

5. To construct, operate and maintain structural works of improvement for the prevention of floodwater and sediment damages, and the conservation, development, utilization, and disposal of water, whether within or without the boundaries of the district, and to enter into contract for the purposes set forth above, provided however, that the board shall not enter into contracts that necessitate an expenditure in excess of two five thousand five-hundred dollars
(§2,500$5,000), without first advertising for sealed competitive bids as herein provided. However, where it is determined by order of the board that there is an existing emergency, or where it is determined that the district is in a flood fight resulting from unanticipated conditions, the requirement for sealed competitive bids shall not apply.

6. To prescribe the duties of officers, agents and employees as may be required.

7. To establish the fiscal year of the district and to keep records of all business transactions of the district.

8. To prepare a statement of the financial condition of the district at the end of each fiscal year, in a form to be prescribed by the director or by the legislative auditor, and publish in at least one (1) issue of some newspaper published, or in general circulation in, the county, or counties, in which such district is located and to file a certified copy of such financial report with the director and the legislative auditor on or before February 2 of each year.

9. To have an audit, by an independent public accounting firm, of the financial affairs of the district at the close of each fiscal year and to include a certification of said audit with the required financial reports.

10. To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; to lease any of its property or interest therein in furtherance of the purposes and provisions of this act, provided that no contract or agreement for the acquisition, purchase or repair of personal property involving expenditure in excess of one thousand dollars ($1,000), shall be entered into without first advertising for sealed competitive bids as herein provided.

11. To have the power of eminent domain for the use of the district in the construction, operation, maintenance and upkeep of its structures, waterways, dikes, dams, basins, or any other use necessary in the carrying out of the provisions of this act.

12. To convey rights of way and easements for highways, public roads, public utilities, and for other purposes, over district property, as shall be determined by the board to be in the best interests of the district.

13. To convey, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district, in any real or personal property. 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 minutes of the board. The property may be sold at public auction or at a private sale by sealed competitive bids, as the board shall determine, to the highest cash bidder, provided that in no case shall any property of a district be sold for less than its appraised value. All sales by
sealed competitive bids shall be advertised as herein provided.

14. To use natural streams and to improve the same for use as a flood control structure. However, in the event that the use of the natural stream involves alteration of the stream channel, no such alteration shall be made by the district until such alteration is approved by the director.

15. To enter into contracts or agreements with the United States or any of its officers, agents, or subdivisions, or with the state or any of its officers, agents or political subdivisions, and to cooperate with such governments, persons or agencies in effectuating, promoting and accomplishing the purposes of this act, provided that the district has sufficient moneys on hand, or in their budget for the year in which said contract is entered into, to defray the expenditure of funds called for in such contract without the creation of any indebtedness.

Whenever any such contract shall, by its terms, require the expenditure of funds by the district in excess of the moneys on hand or the funds to be realized from their budget for in the year in which said contract is entered into, then such contract may not be entered into by the district until ratified by two-thirds (2/3) of the qualified voters voting at an election to be held for that purpose, according to the provisions of this act.

16. To bear its allocated share of the cost of any project resulting from any contract or agreement entered into as provided herein.

17. To take over, administer and maintain pursuant to any agreement or contract entered into in accordance with the provisions of this act, any flood control project within or without the boundaries of the district undertaken in cooperation with the United States or any of its agencies, or with the state of Idaho or any of its agencies, or any combinations thereof.

18. To accept donations, gifts and contributions in money, services, or materials, or otherwise, from the United States or any of its agencies, or the state of Idaho or any of its agencies or any combinations thereof, and to expend such moneys, services, or materials in carrying on its operations.

19. To exercise all other powers necessary, convenient or incidental to carrying out the purposes and provisions of the act.

SECTION 2. That Section 42-3116, Idaho Code, be, and the same is hereby amended to read as follows:

42-3116. SEALED BIDS -- WHEN REQUIRED -- PUBLICATION OF NOTICE.
1. A district shall advertise for sealed competitive bids if it is:
   (a) to construct, operate, and maintain water control structures, whether within or without the boundaries of the district, and the project involves an expenditure in excess of two five thousand five hundred dollars ($2,500-$5,000), advertise for sealed
competitive bids;
(b) to contract for the acquisition, purchase or repair of personal property or equipment involving an expenditure in excess of one thousand dollars ($1,000);
(c) to convey the estate and interest of the district, in any real or personal property with a value in excess of one thousand dollars ($1,000).

2. The district shall advertise for bids by notice first being given in a newspaper of general circulation within the district. The notice inviting bids shall set a date, time and place for the opening of sealed competitive bids. The first publication of notice shall be at least twenty-one (21) days before the date of the opening of the bids. Notice shall be published three (3) times, in three (3) separate issues of said newspaper, not less than one (1) week apart.

The board may let the contract to the responsible bidder offering the best price or may reject any bid, or reject all bids, and republish notice for bids in the same manner and for the same time as first bid. If, after republishing, no satisfactory bid is presented, the board may proceed under its own direction, subject to the approval of the director.

The notice shall set forth the project to be done and shall incorporate by reference plans and specifications for such project, or shall set forth the property to be purchased and shall incorporate by reference the specifications of such personal property, equipment or the repair thereof, or shall set forth the property being sold.

Approved March 29, 1979.

CHAPTER 176
(S.B. No. 1160)

AN ACT
RELATING TO PRACTICE OF PROFESSIONAL ENGINEERING OR LAND SURVEYING BY CORPORATIONS OR JOINT STOCK ASSOCIATIONS; AMENDING SECTION 54-1235, IDAHO CODE, TO AUTHORIZE CORPORATIONS OR JOINT STOCK ASSOCIATIONS ORGANIZED PURSUANT TO THIS SECTION TO PROVIDE ALLIED PROFESSIONAL SERVICES; AND AMENDING SECTION 30-1303, IDAHO CODE, AS AMENDED BY S.B. 1044, FIRST REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE TO CORRECT REFERENCES.

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

SECTION 1. 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 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 organized pursuant to this section may provide or offer to provide allied professional services as defined in section 30-1303, Idaho Code, in connection with the provision of engineering or surveying services, by persons licensed in allied professions acting as agents, employees or officers, provided such persons are duly licensed or otherwise legally authorized to render such allied professional services within this state.

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 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 2. That Section 30-1303, Idaho Code, as amended by Senate Bill 1044, First Regular Session of the Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

30-1303. DEFINITIONS. As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" shall mean any type of service to the public which can be rendered by a member of any profession within the purview of his profession. For the purpose of this chapter, the professions shall be held to include the practices of architecture, chiropractic, dentistry, engineering, landscape architecture, law, medicine, optometry, physical therapy, podiatry, professional geology, psychology, certified or licensed public accountancy, social work, surveying, and veterinary medicine. This chapter shall not be held to preclude incorporation of engineers and surveyors as provided by section 54-1235, Idaho Code.

(2) The term "professional corporation" means a corporation organized under this act for the sole and specific purpose of rendering professional service and which has as its shareholders only natural persons who themselves are duly licensed or otherwise legally authorized within the state of Idaho to render one or more of the same professional services as the corporation.

(3) The term "allied professional services" shall mean professional services which are so related in substance that they are frequently offered in conjunction with one another as parts of the same service package to the consumer.

Approved March 29, 1979.
CHAPTER 177
(S.B. No. 1150)

AN ACT
RELATING TO THE PRELITIGATION SCREENING PANEL; AMENDING SECTION 6-1010, IDAHO CODE, BY PROVIDING THAT THE IDAHO STATE BOARD OF MEDICINE MAY COMPENSATE PRELITIGATION SCREENING PANEL MEMBERS FOR THEIR FEES AND EXPENSES FROM THE BOARD OF MEDICINE FUND.

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

SECTION 1. That Section 6-1010, Idaho Code, be, and the same is hereby amended to read as follows:

6-1010. NO FEES OR COMPENSATION FOR PANEL MEMBERS. There shall be no fees or compensation paid to, charged or collected by the panel members; who The Idaho state board of medicine shall provide, by uniform policy of the board, for the payment of fees and expenses of members of panels, such payment to be made from the state board of medicine fund created in section 54-1809, Idaho Code. Panel members shall serve upon the sworn commitment that all related matters shall be held confidential and privileged.

Approved March 29, 1979.
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 24, Title 43, Idaho Code, and to read as follows:

CHAPTER 24
ANNEXATION OF PROPERTY FOR THE PURPOSE OF RECEIVING DOMESTIC WATER

43-2401. APPLICATION. The provisions of this chapter shall apply only to irrigation districts having a system of works and piping for the distribution of treated domestic water separate from its works and piping for the distribution of irrigation water.

43-2402. DOMESTIC ANNEXATION. In such districts, the holder or holders of any title, or evidence of title, representing one-half (1/2) or more of any body of lands adjacent to the boundary of the irrigation district, may, in lieu of proceeding for annexation under chapter 10, title 43, Idaho Code, file with the board of directors of such district a petition in writing praying that said lands may be annexed to the district for the sole purpose of receiving domestic water therefrom. Such annexation is herein referred to as "domestic annexation." The petition shall describe the lands, and shall also describe the several parcels owned by the petitioners.

43-2403. CONSERVATORS AND PERSONAL REPRESENTATIVES MAY SIGN PETITION. A conservator or personal representative of an estate who was appointed as such under the laws of this state may, on behalf of his ward or the estate which he represents, sign the petition mentioned in the next preceding section for domestic annexation.

43-2404. NOTICE OF PETITION. The secretary must cause the notice of the filing of such petition to be published three (3) weeks in the manner of notices of special elections. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and that domestic annexation thereof has been requested, and it shall notify all persons interested in or that may be affected by such domestic annexation to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the petition for domestic annexation should not be granted. The petitioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings in connection with all such domestic annexations.

43-2405. HEARING OF PETITION. The board of directors, at the time mentioned in such notice, or at such other time to which the hearing may be adjourned, shall hear the petition and all objections thereto,
showing cause as aforesaid. The failure of any person to show cause as aforesaid shall be taken as an assent on his part to such domestic annexation as to the lands mentioned in the petition, or such part thereof as the board of directors shall determine.

43-2406. DOMESTIC ANNEXATION FEE. The board of directors may require, as a condition to the granting of such petition, that the petitioners shall severally pay to such district such sum as the board of directors shall determine, as a fee for such domestic annexation.

43-2407. ORDER ACCEPTING OR REJECTING PETITION. The board of directors, if they deem it not for the best interest of the district to grant such domestic annexation, shall order that the petition be rejected. But if they deem it for the best interest of the district, and if no person interested shall show cause why such domestic annexation should not be granted, or if having shown cause, withdraws the same, the board may order, without any election, that domestic annexation be granted as to the lands mentioned in the petition, or some part thereof. The order shall describe the lands to which domestic annexation shall be granted, and the board may cause a survey thereof to be made if deemed necessary.

43-2408. OBJECTIONS NOT WITHDRAWN -- RESOLUTION OF BOARD. If any person interested shall show cause as aforesaid and shall not withdraw the same, and if the board of directors shall deem it in the best interest of the district that domestic annexation be granted as to the lands described in such petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the lands for which, in the opinion of the board, domestic annexation should be granted.

43-2409. ELECTION TO DETERMINE CHANGE. Upon adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district to determine whether such domestic annexation shall be granted, as mentioned in said resolution, and it shall fix the time at which such election shall be held. Notice thereof shall be given and published, and the said election shall be held, and all things pertaining thereto conducted, as nearly as may be, in the manner prescribed by title 43, Idaho Code, in case of an election to determine whether bonds of the district shall be issued. The question submitted to the voters shall be in the words "Domestic Annexation--Yes" or "Domestic Annexation--No", or words equivalent thereto. The notice of election shall describe the lands for which domestic annexation is proposed.

43-2410. ORDER CHANGING BOUNDARIES. If the majority of all votes cast at such election shall be against the granting of such domestic annexation, the board shall proceed no further in the matter. But if
a majority of such votes be in favor of the granting of such domestic annexation, the board shall thereupon order the domestic annexation of the lands described in the notice of election. Any order granting such domestic annexation shall specify to which director's division such lands shall be attached.

43-2411. ORDER TO BE RECORDED -- EFFECT. Upon an order of domestic annexation being made a copy thereof, certified by the president and secretary of the board shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district. Thereupon such lands shall be entitled to receive domestic water from the district, and shall pay therefore upon such basis as the board of directors shall direct. Such lands shall be subject to all laws, and rules and regulations of the district relating to domestic water. Such lands shall not be entitled to receive irrigation water from the district, and shall not be subject to assessment by the district. The owners of and/or residents on such lands shall be subject to the same voter qualifications and shall have the same voting rights in district elections as the owners of and/or residents on other lands within the district.

43-2412. SUBSEQUENT ANNEXATION. The making and filing of an order of domestic annexation shall not preclude the owners of any such lands from thereafter petitioning for annexation of such lands, or some part thereof, under the provisions of chapter 10, title 43. Any annexation of such lands made under the provisions of such chapter 10, title 43, shall supersede any prior domestic annexation of such lands.

Approved March 29, 1979.

CHAPTER 179
(S.B. No. 1212)

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 Medical Assistance Payments Program the following amounts, to be expended according to the designated expense class from the listed accounts, for the period July 1, 1979, through June 30, 1980:

FOR:
Trustee and Benefit Payments
Revenue Sharing Account
General Account
Cooperative Welfare Account
Liquor Account

FROM:

TOTAL $45,117,300
$8,500,000
6,564,300
29,403,000
650,000

$45,117,300

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 29, 1979.

CHAPTER 180
(H.B. No. 174)

AN ACT
RELATING TO THE PURE SEED LAW; AMENDING SECTION 22-416, IDAHO CODE, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO OFFER FOR SALE IN A CONTRACTUAL ARRANGEMENT ANY AGRICULTURAL OR VEGETABLE SEED WHICH HAS A VARIETY NAME NOT CERTIFIED BY AN OFFICIAL SEED CERTIFYING AGENCY AND WHICH THE PLANT VARIETY PROTECTION ACT SPECIFIES SALE ONLY AS A CLASS OF CERTIFIED SEED.

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

SECTION 1. That Section 22-416, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

(4) Containing primary noxious weed seeds.

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

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

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

(C) Five (5) seeds in 50 grams of alsike clover, white clover and other agricultural or vegetable seeds of similar size and weight, or mixtures of this group with those in group A or group B;

(D) Five (5) seeds in each 150 grams of Proso millet, Sudan grass, and seeds of similar size and weight, or mixtures of seeds within this group;

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

(6) Containing more than one percent (1%) by weight of weed seeds inclusive of secondary noxious weed seeds referred to in section 22-414(f)(2), Idaho Code, provided, that five percent (5%) of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found.

(7) By a variety name not certified by an official seed certifying agency when it is a variety for which a certificate or application for certificate of plant variety protection under the federal "Plant Variety Protection Act" specifies sale only as a class of certified seed.
(b) It shall be unlawful for any person within this state--
(1) To detach, alter, deface, or destroy any label provided for
in this act or the rules and regulations made and promulgated
thereunder, or to alter or substitute seed, in a manner that may
defeat the purposes of this act.
(2) To disseminate any false or misleading advertisement
concerning agricultural or vegetable seed in any manner or by any
means.
(3) To hinder or obstruct in any way any authorized person in the
performance of his duties under this act.
(4) To fail to comply with a "stop-sale" order.
(5) To ship, deliver, transport, or sell agricultural or
vegetable seeds treated with any substance likely to be poisonous to
human beings or animals unless there is conspicuously shown in red
letters on the analysis tag or label, or on a separate tag or
container, the words "poison treated" or other appropriate warning
adequate to protect the public. It is unlawful to sell or divert seed
so treated for use or for processing either for human or animal
consumption.
(6) To transport away from the place where cleaning occurred any
screenings removed during the process of cleaning field, flower, or
garden seeds which contain any seeds of noxious weeds as described in
this act unless such screenings have been treated by grinding or other
means so as to prevent the germination of the noxious weed seeds:
provided, that the director may give written permission for removal of
screenings to another point for grinding or processing by other means
to prevent germination of noxious weed seed contained therein.

Approved March 29, 1979.

CHAPTER 181
(H.B. No. 53)

AN ACT
RELATING TO SEED POTATOES FROM OTHER STATES; AMENDING SECTION 22-503,
IDAHO CODE, BY PROVIDING THAT THE SEED POTATO CERTIFICATION
STANDARDS OF OTHER STATES OR TERRITORIES MUST BE EQUAL TO THOSE OF
IDAHO FOR IMPORTED SEED POTATOES SOLD OR OFFERED FOR SALE IN THIS
STATE.

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

SECTION 1. That Section 22-503, Idaho Code, be, and the same is
hereby amended to read as follows:
22-503. POTATOES FROM OTHER STATES. All potatoes sold or offered for sale in the state of Idaho as seed potatoes from any other state or territory must be certified seed and must be accompanied by a certificate of inspection describing the grade and quality thereof and must show that said potatoes were packed, sealed, and tagged under the certification standards of the state or territory in which the same were produced, which certification standards must be equal to those of Idaho with respect to disease or disorder tolerances.

Approved March 29, 1979.

CHAPTER 182
(H.B. No. 36)

AN ACT
RELATING TO REPORTABLE DISEASES OF LIVESTOCK; AMENDING SECTION 25-211, IDAHO CODE, BY PROVIDING THAT IT SHALL BE THE DUTY OF ALL PERSONS PRACTICING VETERINARY MEDICINE IN THIS STATE, ALL OWNERS OR OPERATORS OF ANY LABORATORY MAKING TESTS FOR LIVESTOCK DISEASES, AND OWNERS OR PERSONS IN CHARGE OF LIVESTOCK TO REPORT TO THE DIVISION OF ANIMAL INDUSTRIES OF THE IDAHO DEPARTMENT OF AGRICULTURE ALL CASES OF PSEUDORABIES WITHIN FORTY-EIGHT HOURS FROM THE DATE ANY SUCH CASE SHALL COME TO THEIR KNOWLEDGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-211, Idaho Code, be, and the same is hereby amended to read as follows:

25-211. REPORTABLE DISEASES. It is hereby made the duty of all persons practicing veterinary medicine in this state, all owners or operators of any laboratory making tests for the following named diseases, or owners or persons in charge of livestock, to report to the bureau division all cases of glanders, farcy, hog cholera, tuberculosis, anthrax, rabies, dourine, scabies, pseudorabies, or Bangs disease that they may find existing among animals, within this state, within forty-eight (48) hours from the date that any such case shall come to their knowledge, providing, that any such report of any of the foregoing diseases made by any practicing veterinarian, or owner or operator of any laboratory shall be made upon forms prescribed and approved by the division of animal industries of the department of agriculture of the state of Idaho, and providing that no
such practicing veterinarian or owner or operator of any laboratory in this state shall make any blood tests upon any of such animals unless they are marked with an identifying ear tag or tattoo mark, and the number of such mark with the name and address of the owner or owners of such animals shall be included in such report.

SECTION 2. An emergency existing therefor, 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 29, 1979.

CHAPTER 183
(H.B. No. 109)

AN ACT
RELATING TO PENALTIES FOR MALICIOUS DESTRUCTION OF ANIMALS; AMENDING SECTION 18-2102, IDAHO CODE, TO SPECIFY A JAIL SENTENCE AND AN INCREASED FINE FOR ANYONE FOUND GUILTY OF MALICIOUSLY DESTROYING AN ANIMAL.

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

SECTION 1. That Section 18-2102, Idaho Code, be, and the same is hereby amended to read as follows:

18-2102. KILLING AND OTHERWISE MISTREATING ANIMALS. (1) Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering or inflicts any unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who cruelly drives, rides, or otherwise uses the same when unfit for labor, is, for every such offense, guilty of a misdemeanor.

(2) Any person convicted for violation of this section shall be punished by a jail sentence of not more than six (6) months or by a fine of not more than one thousand dollars ($1,000), or by both such
fine and imprisonment.

Approved March 29, 1979.

CHAPTER 184
(H.B. No. 5)

AN ACT
RELATING TO THE TAX LEVY ON DAIRY PRODUCTS; AMENDING SECTION 25-3117, IDAHO CODE, TO INCREASE THE TAX LEVY ON THE GROSS DOLLAR DAILY OR MONTHLY SETTLEMENTS FOR THE SALE OF ALL MILK AND CREAM PRODUCED IN IDAHO; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 25-3117, Idaho Code, be, and the same is hereby amended to read as follows:

25-3117. TAX LEVY. (1) From and after the 1st day of June, 1969 1979, there is hereby levied and imposed a tax of one-half-of one per cent (1½% 1%) of the gross dollar daily or monthly settlements for the sale of all milk and cream produced in the state of Idaho and sold or contracted through commercial channels, which tax shall be due on or before the time when such milk or cream is first sold or contracted in the commercial channels and shall be paid at such time or times as the commission may, by rule or regulation, prescribe, as hereinafter provided, but not later than the 25th day of the month next succeeding the month in which milk or cream is sold or contracted in commercial channels.

(2) The tax shall be levied and assessed to the producer at the time of delivery for sale if sold by a producer, and shall be collected by the first purchaser and/or producer-handler and deducted from the amount due the producer, and all money so collected shall be made payable to the "Idaho dairy products commission fund" in the office of the state treasurer, state of Idaho, on or before the 25th day of the succeeding month for the previous month's credit of the commission fund. All such payments shall be sent directly to the commission for deposit in the office of the state treasurer, state of Idaho. If a purchaser and/or producer-handler fails to remit any money so collected or fails to make deductions for assessments, a penalty of ten per cent (10%) shall be added to the amount of any assessments which are unpaid when due under the terms of this act.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 1979.

Approved March 29, 1979.

CHAPTER 185
(H.B. No. 128, As Amended)

AN ACT
RELATING TO PHYSICAL THERAPY; AMENDING SECTION 54-2202, IDAHO CODE, TO PROVIDE CONDITIONS WHERE IT SHALL BE UNLAWFUL TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT; REPEALING SECTION 54-2203, IDAHO CODE; AMENDING CHAPTER 22, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2203, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-2204, IDAHO CODE, TO BRING PHYSICAL THERAPIST ASSISTANTS UNDER THE PROVISIONS OF THIS ACT; AMENDING SECTION 54-2205, IDAHO CODE, TO REVISE AND ESTABLISH QUALIFICATIONS FOR REGISTRATION; AMENDING SECTION 54-2206, IDAHO CODE, TO PROVIDE CERTAIN CONDITIONS FOR REGISTRATION WITHOUT EXAMINATION; AMENDING SECTION 54-2209, IDAHO CODE, TO PROVIDE THAT THE BOARD OF MEDICINE MAY PROMULGATE RULES REGARDING PHYSICAL THERAPY IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 54-2210, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES FOR PHYSICAL THERAPIST ASSISTANTS; AMENDING SECTION 54-2212, IDAHO CODE, TO ALLOW THE BOARD OF MEDICINE TO ESTABLISH FEES; AMENDING SECTION 54-2213, IDAHO CODE, TO PROVIDE PROCEDURES FOR REVOCATION OR SUSPENSION OF REGISTRATION AND OTHER DISCIPLINARY ACTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2202, Idaho Code, be, and the same is hereby amended to read as follows:

54-2202. DECLARATION OF POLICY. To safeguard life and health, every person practicing or offering to practice physical therapy, as defined herein, shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice physical therapy in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a physical therapist or a physical
therapist assistant, unless such person has been duly registered under the provisions of this chapter.

SECTION 2. That Section 54-2203, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 22, 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 54-2203, Idaho Code, and to read as follows:

54-2203. DEFINITIONS. In this chapter, unless the context otherwise requires:
(a) "Physical therapy" means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, and pain from injury, disease and any other bodily and mental conditions, and includes the administration, interpretation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction, and pain.
(b) "Physical therapist" means a person who practices physical therapy.
(c) "Physical therapist assistant" means a person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy.
(d) "Board" means the state board of medicine.

SECTION 4. That Section 54-2204, Idaho Code, be, and the same is hereby amended to read as follows:

54-2204. EXEMPTIONS. Nothing in this act shall prohibit any podiatrist, chiropractor, dentist, osteopath, optometrist, physician, surgeon, nurse, or any other practitioner of the healing arts licensed to practice under the laws of the state of Idaho from engaging in the practice for which he is licensed, nor restrict their employees working under their direct supervision, nor apply to the practice of the religious tenets of any church or religious belief or the activities of a masseuse or masseur so long as such person does not hold himself out as a physical therapist or physical therapist assistant.
SECTION 5. That Section 54-2205, Idaho Code, be, and the same is hereby amended to read as follows:

54-2205. QUALIFICATIONS FOR REGISTRATION. To be eligible for registration as a physical therapist or physical therapist assistant, a person must:

(a) Be of good moral character; and
(b) Be a graduate of an approved school or course on physical therapy training approved by the American Medical Association, or if trained prior to 1936, trained outside of the United States of America, be approved by the American Physical Therapy Association for work as a physical therapist. Submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a curriculum for physical therapists or a curriculum for physical therapist assistants acceptable to the board; and
(c) Either pass to the satisfaction of the board, an examination conducted by it to determine his fitness to practice as a physical therapist or physical therapist assistant, or be entitled to and apply for registration as provided in this chapter.

SECTION 6. That Section 54-2206, Idaho Code, be, and the same is hereby amended to read as follows:

54-2206. REGISTRATION WITHOUT EXAMINATION. (a) Practicing physical therapist. -- A person who can show to the satisfaction of the board that he has the qualifications set forth in subsections (a) and (b) of the preceding section 54-2205, Idaho Code, and who is practicing as a physical therapist in the state of Idaho on the effective date [July 1, 1963] of this act, under the supervision or direction of a person licensed to practice medicine and surgery in Idaho, and who makes application to the board for registration within six (6) months after the effective date of this act, shall be entitled to registration without examination, upon paying to the board the registration fee.

(b) Registration by indorsement. -- A person who can show to the satisfaction of the board that he has the qualifications set forth in subsections (a) and (b) of the preceding section 54-2205, Idaho Code, and who is, at the time of application, a registered or licensed physical therapist or physical therapist assistant in good standing under the laws of another state or territory, shall be entitled to registration without examination upon payment to the board of the registration fee.

(c) Emergency. -- The board shall have authority, in the event of epidemics or other emergencies, for which physical therapists or physical therapist assistants are deemed necessary or helpful for the benefit of the people of this state, to issue certificates of registration for a temporary period or periods without examination and
without fee, to any physical therapist or registered physical therapist from other states or territories or physical therapist assistant, and to renew or extend such temporary registrations for such time as the board may deem advisable.

(d) Temporary registration. — If it appears to the board that the person making application for registration, as herein provided, has all the necessary qualifications as set forth in subsections (a) and (b) of the preceding section 54-2205, Idaho Code, the board may, in its discretion, issue such person a temporary certificate of registration until the next examination is given.

SECTION 7. That Section 54-2209, Idaho Code, be, and the same is hereby amended to read as follows:

54-2209. EXAMINATION -- TYPE -- REGULATIONS. At the time and place fixed for examination, the board shall examine all applicants who have qualified for examination, which examination may be written, oral or demonstrative, or a combination of all three (3), in such form as the board may deem best to determine the qualifications of the applicant. The board shall appoint a committee of three (3) registered physical therapists to serve as advisors to the board and as an examining committee, who shall serve at the pleasure of the board. The board may, with the advice and assistance of the committee, promulgate rules and regulations to carry out the purposes of this chapter. Such rules and regulations shall be promulgated in accordance with chapter 52, title 67, Idaho Code.

SECTION 8. That Section 54-2210, Idaho Code, be, and the same is hereby amended to read as follows:

54-2210. CERTIFICATES. The board shall issue a certificate of registration to any applicant who is found by the board to be qualified to practice or assist in the practice of physical therapy as defined in this chapter.

SECTION 9. That Section 54-2212, Idaho Code, be, and the same is hereby amended to read as follows:

54-2212. REGISTRATION AND RENEWAL FEES. The registration fee shall be not less than twenty-five dollars ($25.00) nor more than thirty-five dollars ($35.00); which fee must accompany the application. Renewal fees shall be not less than ten dollars ($10.00) nor more than thirty dollars ($30.00); and must be paid on or before the expiration date of the certificate. The amount of said fees shall be fixed by the board. Registration fees for physical therapists and physical therapist assistants shall be fixed by the board and registration must be renewed annually. The renewal fee must be paid on or before the expiration date of the certificate. All fees shall be
transmitted to the state treasurer for credit to the state board of medicine fund account.

SECTION 10. That Section 54-2213, Idaho Code, be, and the same is hereby amended to read as follows:

54-2213. REFUSAL TO RENEW -- REVOCATION OR SUSPENSION OF REGISTRATION AND OTHER DISCIPLINARY AUTHORITY. The board shall have the power to refuse to renew or to revoke or suspend the certificate of registration of any physical therapist or physical therapist assistant:

(a) Who is habitually drunk or addicted to the use of narcotic drugs; or
(b) Who has been convicted of violating any state or federal narcotic law; or
(c) Who has been convicted of any crime involving moral turpitude; or
(d) Who is found guilty of unprofessional conduct or of gross negligence in his practice as a physical therapist or physical therapist assistant; or
(e) Who has treated, or has undertaken or attempted to treat, any ailment of any human being otherwise than by physical therapy and as authorized by this chapter, or who has practiced or undertaken to practice physical therapy independently of the prescription and direction of a person licensed to practice as a physician and surgeon, dentist, podiatrist, or osteopathic physician in this state or any other state; or
(f) Who, in the case of practice as a physical therapist assistant, has practiced other than under the direction of a registered physical therapist.

In addition, the board shall have the authority to investigate or inquire into any misconduct or unprofessional behavior, whether real, apparent or merely suspected; and take such action with respect thereto as it deems to be in the best interest of the public.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 29, 1979.
CHAPTER 186
(H.B. No. 256)

AN ACT
RELATING TO WORKMEN'S COMPENSATION INSURANCE; AMENDING SECTION 41-1608, IDAHO CODE, BY CHANGING THE WAITING PERIOD BEFORE A FILING BECOMES EFFECTIVE FROM FIFTEEN DAYS TO SIXTY DAYS AND ELIMINATING THE DIRECTOR'S OPTION TO EXTEND SUCH WAITING PERIOD.

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

SECTION 1. That Section 41-1608, Idaho Code, be, and the same is hereby amended to read as follows:

41-1608. EFFECTIVE DATE OF FILING. (1) The director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this chapter.

(2) Subject to the exception specified in subsection (3) below, each filing shall be on file for a waiting period of fifteen (15) sixty (60) days before it becomes effective; which period may be extended by the director for an additional period not to exceed fifteen (15) days if he gives written notice within such waiting period to the rating organization which made the filing that he needs such additional time for the consideration of the filing. Upon the written application by the insurer or rating organization, the director may authorize a filing which he has reviewed to become effective before expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this chapter unless disapproved by the director within the waiting period or any extension thereof.

(3) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this chapter until such time as the director reviews the filing and so long thereafter as the filing remains in effect.

Approved March 29, 1979.

CHAPTER 187
(H.B. No. 140, As Amended)

AN ACT
RELATING TO MOTOR VEHICLE DEALER AND SALESMAN LICENSING; AMENDING SECTION 49-2402, IDAHO CODE, TO PROVIDE THAT CHAPTER 24 IS NOT
APPLICABLE TO A LICENSED REAL ESTATE BROKER OR SALESMAN WHO SELLS, LISTS, BUYS OR NEGOTIATES THE PURCHASE, SALE OR EXCHANGE OF A USED MOBILE HOME IN CONNECTION WITH THE SALE OR LEASE OF REAL PROPERTY FOR ANOTHER FOR COMPENSATION, AND BY STRIKING THE REFERENCE EXEMPTING LICENSED REAL ESTATE SALESMEN FROM THE PRINCIPAL PLACE OF BUSINESS REQUIREMENT; AMENDING SECTION 49-2409, IDAHO CODE, BY STRIKING THE REFERENCE EXEMPTING LICENSED REAL ESTATE SALESPERSONS FROM THE DEALER'S BOND REQUIREMENT; AND PROVIDING SEVERABILITY.

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

SECTION 1. 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 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 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.

(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; provided, however, this chapter shall not apply to a real estate broker, holding a current broker's license from the state of Idaho, or to a real estate salesman, holding a current salesman's license from the state of Idaho, associated with and licensed under a licensed real estate broker and when representing such broker, when selling or offering to sell, listing or offering to list, buying or offering to buy, negotiating or offering to negotiate, either directly or indirectly, the sale of a used mobile home in connection with the sale or lease of real property.

(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 2. That Section 49-2409, Idaho Code, be, and the same is hereby amended 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 practice 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 3. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Approved March 29, 1979.
CHAPTER 188  
(H.B. No. 326)  

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 Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$4,569,100</td>
<td>$338,200</td>
<td>$4,907,300</td>
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<tr>
<td>Miscellaneous Receipts</td>
<td>565,500</td>
<td>527,500</td>
<td>1,093,000</td>
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<td>State Hospital South</td>
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<td></td>
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<tr>
<td>Income Account</td>
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<td>340,000</td>
</tr>
<tr>
<td>State Hospital North</td>
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<tr>
<td>Income Account</td>
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<td>200,000</td>
</tr>
<tr>
<td>Alcoholism Treatment</td>
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<td></td>
<td></td>
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<tr>
<td>Account</td>
<td>115,600</td>
<td>37,400</td>
<td>153,000</td>
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<td>Cooperative Welfare</td>
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</tr>
<tr>
<td>Account</td>
<td>44,800</td>
<td>55,000</td>
<td>99,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,295,000</td>
<td>$1,498,100</td>
<td>$6,793,100</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, 1979.
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, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,689,500</td>
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<tr>
<td>General Interaccount Account</td>
<td>$ 553,000</td>
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<td></td>
</tr>
<tr>
<td>Idaho Criminal Justice</td>
<td>$ 5,900</td>
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</tr>
<tr>
<td>Information Account</td>
<td>$5,120,000</td>
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<tr>
<td>TOTAL</td>
<td>$7,368,400</td>
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</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, 1979, through June 30, 1980:

<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>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
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<td>$ 242,700</td>
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<td>General Interaccount Account</td>
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<td>20,200</td>
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<tr>
<td>Idaho Criminal Justice</td>
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<tr>
<td>Information Account</td>
<td>20,200</td>
<td>4,500</td>
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<td>24,700</td>
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<td>TOTAL</td>
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<td>$ 28,200</td>
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<td>$ 287,600</td>
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</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
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Approved March 29, 1979.
AN ACT
RELATING TO THE INHERITANCE TAX; AMENDING SECTION 14-408, IDAHO CODE, TO INCREASE EXEMPTIONS FROM THE INHERITANCE TAX FOR LINEAL DESCENDANTS OF THE DECEASED; AND AMENDING SECTION 14-411, IDAHO CODE, TO PERMIT INSTALLMENT PAYMENT OF INHERITANCE TAX IN CERTAIN CASES.

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

SECTION 1. That Section 14-408, Idaho Code, be, and the same is hereby amended to read as follows:

14-408. EXEMPTIONS. The following exemptions from the tax are hereby allowed:

1. All property transferred to societies, corporations, trusts and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, trust or association, or persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, trust, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person, corporation or trust shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt; provided, however, that such society, corporation, trust, institution or association be organized or existing under the laws of this state or that the property transferred be limited for use within this state, or that such society, corporation, trust, institution or association be organized or existing under the laws of a state which grants similar reciprocal tax exemption to such societies, corporations, trusts, institutions and associations in this state, except that all transfers to any privately owned hospital for crippled children within the United States, to which crippled or afflicted children from the state of Idaho are, without discrimination gratuitously admitted and treated, shall be exempt.

2a. Property of the clear value of thirty thousand dollars ($30,000) transferred to the surviving spouse or to a minor child of the decedent, of fifteen thousand dollars ($15,000) transferred to each of the other persons described in the first subdivision of section 14-406, Idaho Code, and all community property transferred to the surviving spouse shall be exempt.

b. All property transferred, or property which can be identified as having been received in exchange for property transferred, by a
decedent to any person described in the first subdivision of section 14-406, Idaho Code, providing the same was transferred to such decedent not more than four (4) years prior to his death by another decedent of the class described in the first subdivision of section 14-406, Idaho Code, and inheritance tax paid thereon to the state of Idaho, shall be exempt. The payment of the additional tax levied for the purpose of absorbing the credit allowed by the federal estate tax law imposed by section 14-407a and section 14-407b, Idaho Code, shall not be considered as a payment of inheritance tax for the purpose of entitlement to the exemption herein allowed.

3. Property of the clear value of ten thousand dollars ($10,000), transferred to each of the persons described in the second subdivision of section 14-406, Idaho Code, shall be exempt.

4. Property of the clear value of ten thousand dollars ($10,000), transferred to each of the persons described in the third subdivision of section 14-406, Idaho Code, shall be exempt.

5. Property of the clear value of ten thousand dollars ($10,000), transferred to each of the persons described in the fourth subdivision of section 14-406, Idaho Code, shall be exempt.

6. In computing the tax upon transfers subject to tax under the provisions of this act, no tax shall be imposed or computed upon the amounts of exemptions provided for herein. The exemptions in this section allowed shall be deducted from the aggregate value of the property passed or transferred, and the tax shall in all cases be imposed and computed upon the remainder only.

SECTION 2. That Section 14-411, Idaho Code, be, and the same is hereby amended to read as follows:

14-411. TAX, WHEN DUE -- INTEREST. (a) All inheritance taxes imposed by this act, unless otherwise herein provided for, shall be due and payable nine (9) months from the death of the decedent, and interest at the rate of six per cent (6%) per annum shall be charged and collected from the date said tax is payable; provided, that if said tax is paid within six (6) months from the date of death a discount of five per cent (5%) shall be allowed and deducted from said tax.

(b) Upon application to the state tax commission on a showing of reasonable cause, inheritance taxes may be paid in equal installments at eight percent (8%) interest over a period not in excess of ten (10) years.

Approved March 29, 1979.
CHAPTER 191
(H.B. No. 281)

AN ACT
RELATING TO EXCHANGE OF STATE LANDS; AMENDING SECTION 58-138, IDAHO CODE, TO PROVIDE FOR EXCHANGE OF STATE LANDS FOR PUBLIC OR PRIVATE LANDS OF EQUAL VALUE.

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

SECTION 1. That Section 58-138, Idaho Code, be, and the same is hereby amended to read as follows:

58-138. EXCHANGE OF STATE LAND FOR FEDERAL LAND. The state board of land commissioners may at its discretion, when in the state's best interest, exchange, and do all things necessary to exchange, with the United States, its agencies, departments, bureaus, boards, or any corporation, the majority of whose capital stock is owned by the United States, any of the state lands now or hereafter held and owned by this state for similar lands of equal value owned by the United States public or private, so as to consolidate state lands or aid the state in the control and management or use of state lands. Provided further the state board of land commissioners may, in its discretion, hereafter grant to and receive from the United States of America, its agencies, boards, bureaus, departments, or any corporation, the majority of whose capital stock is owned by the United States, less than fee simple title, and grant or allow such reservations, restrictions, easements or such other impairment to title as may be in the state's best interest. No exchanges shall be made involving leased lands except upon the written agreement of the lessee.

Approved March 29, 1979.

CHAPTER 192
(H.B. No. 296)

AN ACT
RELATING TO SALARIES FOR STATE EMPLOYEES; AMENDING SECTION 67-5309C, IDAHO CODE, TO STRIKE REFERENCES TO MANDATORY IN-GRADE ADVANCES FOR CLASSIFIED STATE EMPLOYEES, AND TO PROVIDE THAT IN-GRADE ADVANCES SHALL BE BASED ON MERIT; AND AMENDING SECTION 67-5316, IDAHO CODE, TO STRIKE REFERENCES TO AN EMPLOYEE'S ALLOCATION TO A PARTICULAR PAY GRADE OR STEP WITHIN A PAY GRADE AS MATTERS WHICH MAY BE APPEALED TO THE PERSONNEL COMMISSION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5309C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309C. SALARY SCHEDULE, LONGEVITY AND MERIT INCREASES. (a) The following schedule is adopted as the monthly salary schedule for all positions classified pursuant to chapter 53, title 67, Idaho Code. The commission shall establish corresponding rates for annual, weekly and hourly work.

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<th>Step B</th>
<th>Step C</th>
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(b) Each employee in classified service shall, separate and apart from the salary schedule established by subsection (a) hereof, receive two and one-half percent (2 1/2%) of his base salary for each complete five (5) year period of service with the state. No additional longevity credit shall be awarded after the twentieth (20th) year of service. For purposes of this subsection, employees of former junior college districts which have become state colleges or state universities shall be credited with one (1) year's service with the state for each year's employment with a junior college district regardless of the time of that employment.

(c) It is hereby declared to be the intent of the legislature that the advancement of an employee to steps providing an increased salary within each pay grade shall be based solely on merit, including factors such as increased productivity, reliability, effectiveness, and the ability to achieve the goals and objectives of the particular position. No employee shall advance to a higher step within a pay grade without an affirmative certification for such purpose by the employee's immediate supervisor, approved by the departmental director or the director's designee, in accordance with the following schedule and criteria:

(i) Step A in the salary schedule shall normally be the rate at which an employee is paid within a grade when originally employed. When necessary to obtain qualified personnel in a particular grade, however, upon petition of the appointing authority to the commission containing acceptable reasons therefor, a higher step or temporary pay grade may be authorized by the commission.

(ii) Each employee's work performance shall be evaluated six (6) months after initial appointment or promotion and annually thereafter by his or her immediate supervisor. Employees shall advance to step B of the salary schedule upon completion of six (6) months of satisfactory performance upon certification of
satisfactory--performance-by-his-or-her-immediate-supervisor-on-an
evaluation-form-approved--by--the--commission--for--that--purpose.
Employees--shall--thereafter--advance--to-steps-6-through-E-of-the
compensation-schedule-on-an-annual-basis-upon-a--certification--of
satisfactory--performance-by-his-or-her-immediate-supervisor-on-an
evaluation-form-approved--by--the--commission--for--that--purpose.
Employees may be eligible for advancement to step B after
completion of six (6) months of service at step A, provided that
such service is certified as meeting the merit requirement set
forth in paragraph (c) above. Thereafter, employees may advance to
steps C through G only if certified as meeting the merit
requirements of paragraph (c) above on an evaluation form approved
by the commission for that purpose. However, such in-grade
advancement shall not be construed as a vested right. It shall be
the specific responsibility of the supervisor and the departmental
director to effect the evaluation prescribed in paragraph (c)
above.

The compensation schedule represents a--very
commendable--level-of--performance-and-achievement.--Step-6-of-the
compensation--schedule--is--reserved--for--those--employees--whose
service--is--exemplary--and--distinguished.--Employees--shall--be
eligible-to-receive-steps-F--and--G--upon--certification--by--the
department--on--an-evaluation-form--developed--for--that--purpose-that
performance-meets-the-required-criteria.

SECTION 2. That Section 67-5316, Idaho Code, be, and the same is
hereby amended to read as follows:

67-5316. PROCEDURE BEFORE THE IDAHO PERSONNEL COMMISSION. (a) Any
classified employee who is discharged, demoted or suspended after
completing his probationary period of service, may, within thirty (30)
days after such discharge, demotion, or suspension, appeal to the
commission for review thereof. Any employee in the classified service
may, after exhausting the review procedures established within his
department, petition the commission for review of his allocation to a
particular class of position or--his-allocation--to--a--particular--pay
grade--or-step-within-a-pay-grade. Upon such review, both the employee
and the appointing authority whose action is reviewed shall have the
right to be heard publicly and present evidentiary facts. Such
hearings shall be conducted in accordance with the procedure
established by rules adopted pursuant to chapter 52, title 67, Idaho
Code.

(b) Matters of dispute which may be brought before the commission
for hearing and decision shall be limited to the discharge, reduction
in rank or grade, suspensions, allocation to a particular class or--a
particular-pay-grade-or--step--within--pay-grade of any classified
employee who has completed his probationary period; or any decision of
action taken by the state personnel director or staff of the Idaho
personnel commission in the performance of their official duties; or the failure of an appointing authority to provide to a classified employee of the state a right and/or benefit to which the employee is entitled by law; and such other matters as may now or hereafter be assigned to it by law.

(c) Where the action in dispute was the discharge, demotion, or suspension, upon determination that proper cause did not in fact exist within the definitions set forth in section 67-5309(n), Idaho Code, or that the action was taken by reason of race, creed or sex, the commission shall order the reinstatement of the employee to his former position or a position of like status and pay, with or without loss of pay for the period of his discharge, demotion, or suspension, or may order such other remedy as the commission may determine to be appropriate. In all other disputed matters, the commission shall affirm the decision of the appointing authority or order such action as may be appropriate.

(d) Process and procedure under this act shall be as summary and simple as reasonably may be. The commission, or any member thereof or any presiding officer appointed by the commission, shall have the power to subpoena witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. A verbatim record of the proceedings at hearings before the commission or a hearing officer shall be maintained either by electrical devices or by stenographic means, as the commission or hearing officer may direct but if any party to the action requests a stenographic record of the proceedings, the record shall be done stenographically. The requesting party shall pay the costs of reporting the proceedings.

The district court, in and for the county in which any proceedings before the Idaho personnel commission are held, shall have the power to enforce by proper proceedings the attendance and testimony of witnesses, and production and examination of books, papers, and records.

(e) If the parties reach an agreement in regard to the matters of dispute, a memorandum of the agreement shall be filed with the commission and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of paragraph (j).

(f) If the matters in dispute are not settled by agreement, the commission may, upon its own motion, or upon the application of any party to the proceedings, hear the matter or assign it for hearing by a member of the commission or a duly appointed presiding officer.

(g) The commission shall give written notice of the time and place of hearing, either by personal service or by registered mail. Service by mail shall be deemed complete when a copy of such notice is deposited in the United States post office, with postage prepaid, addressed to a party at his last known address, as shown in the records and files of the commission. Evidence of service by affidavit by the person making the same shall be filed with the commission.
(h) The commission, or member of the commission or presiding officer to whom the matter has been assigned, shall make such inquiry and investigations as shall be deemed necessary. The hearings shall be held in such place as the commission may designate and the decision of the commission, or the decision of the member of the commission or presiding officer to whom the matter may have been assigned, together with the transcript of the evidence, findings of fact, rulings of law, decision and order, and any other matter pertinent to the questions arising during the hearing shall be filed in the office of the Idaho personnel commission. A copy of the findings of fact, rulings of law, and decision and order shall be immediately sent to the parties by United States mail. If the matter has been assigned for hearing by a member of the commission or a duly appointed presiding officer, and a petition for review is not filed by any party to the proceedings within thirty (30) days after his decision and order is filed, the member's or presiding officer's decision shall be the decision and order of the commission and shall be enforceable under the provisions of paragraph (j).

(i) If a petition for review is filed, the commission shall hear the parties and may hear the evidence in regard to any or all matters pertaining thereto, and may revise the decision and order of the member or presiding officer, in whole or in part, and shall file its decision and order with the records of the proceedings and notify the parties thereof. Neither party shall, as a matter of right, be entitled to a second hearing upon any question of fact.

(j) Any party in interest may file in the district court for the county in which any party to the proceedings resides, a certified copy of the decision of the commission, and the district court shall have the power to enforce by proper proceedings the decision and order of the commission.

(k) A decision and order of the commission shall be final and conclusive between the parties, unless within thirty (30) days of the filing of such decision, either party appeals to the district court. Where the decision and order of the commission directed the reinstatement of an employee, the employee shall be reinstated upon receipt of a copy of the decision and order unless a stay of the order be granted by the district court upon proper petition.

(1) Upon appeal of a decision of the commission, the district court may affirm or set aside such order or remand the matter to the commission only upon the following grounds, and shall not set the same aside on any other or different grounds, to wit:

(1) That the findings of fact are not based on any substantial competent evidence;
(2) That the commission has acted without jurisdiction or in excess of its powers;
(3) That the findings of fact by the commission do not as a matter of law support the decision and order.

Approved March 29, 1979.
CHAPTER 193
(H.B. No. 165, As Amended)

AN ACT
RELATING TO A WATER SUPPLY BANK; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1761, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A WATER SUPPLY BANK; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1762, IDAHO CODE, TO PROVIDE THAT THE WATER RESOURCE BOARD SHALL ADOPT RULES AND REGULATIONS FOR ADMINISTERING THE WATER SUPPLY BANK; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1763, IDAHO CODE, TO PROVIDE FOR THE LEASE OF WATER RIGHTS UPON APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1764, IDAHO CODE, TO PROVIDE THAT LEASES OR RENTAL OF WATER RIGHTS SHALL NOT BE SUBJECT TO CERTAIN FORFEITURE PROVISIONS IN THE IDAHO CODE AND THE LEASE OR RENTAL OF WATER RIGHTS SHALL NOT CONSTITUTE DEDICATION; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1765, IDAHO CODE, TO PROVIDE THAT THE WATER RESOURCE BOARD MAY APPOINT LOCAL COMMITTEES TO FACILITATE THE RENTAL OF STORED WATER; AND AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1766, IDAHO CODE, TO PROVIDE AN APPEALS PROCEDURE FOR EXISTING WATER RIGHT HOLDERS; AND PROVIDING 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 42-1761, Idaho Code, and to read as follows:

42-1761. WATER SUPPLY BANK CREATED. The water resource board shall have the duty of operating a water supply bank. The water supply bank shall make use of and obtain the highest duty for beneficial use from water, provide a source of adequate water supplies to benefit new and supplemental water uses, and provide a source of funding for improving water user facilities and efficiencies.

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 42-1762, Idaho Code, and to read as follows:

42-1762. RULES AND REGULATIONS -- ACQUISITION OF WATER RIGHTS. The water resource board shall adopt rules and regulations in governing the management, control, delivery and use and distribution
of water to and from the water supply bank in compliance with chapter 52, title 67, Idaho Code. The board may contract with lessors and lessees and act as an intermediary in facilitating leasing or rental of water. The board may purchase, lease, rent or otherwise obtain water rights to be credited to the water supply bank. The water rights may be retained in the water supply bank for a period as determined by the board, all under such provisions as are specified in the terms of the purchase or lease.

SECTION 3. 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 42-1763, Idaho Code, and to read as follows:

42-1763. LEASE OF WATER RIGHTS -- APPROVAL BY DIRECTOR. Decreed, licensed or permitted water rights may be leased or rented. The use to which the owner is entitled under his water right shall be reduced by the quantity of the leased or rented water right. The terms and conditions of any such lease or rental must be approved by the director of the department of water resources. The director of the department of water resources may reject and refuse approval for or may partially approve for a less quantity of water or may approve upon conditions any proposed leases or rentals where the proposed use is such that it will reduce the quantity of water available under other existing water rights, the water supply involved in the lease is insufficient for the purpose for which it is sought, the lease would cause the use of water to be expended beyond that authorized under the water right to be leased, or 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. Such leases or rentals shall be approved only for uses within the state of Idaho. The approval of a lease or rental may be a substitute for the requirements of section 42-222, Idaho Code.

SECTION 4. 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 42-1764, Idaho Code, and to read as follows:

42-1764. SUBSTITUTION -- LEASES NOT SUBJECT TO FORFEITURE -- DEDICATION. The approval of a lease or rental may be a substitute for the requirements of section 42-222, Idaho Code. Leases or rental of water rights acquired pursuant to section 42-1763, Idaho Code, shall not be subject to forfeiture under section 42-222(2), Idaho Code, provided that the rental agreements have been approved. The lease or rental of such water rights shall not constitute a dedication to the lands of any lessee or renter since the rental, sale, or distribution of water by the water bank is only incidental to its primary purposes
listed in section 42-1761, Idaho Code.

SECTION 5. 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 42-1765, Idaho Code, and to read as follows:

42-1765. LOCAL COMMITTEES -- RENTAL OF STORED WATER. The water resource board may appoint local committees to facilitate the rental of stored water. The committee shall have the authority to market stored water between consenting owners and consenting renters under rules and regulations adopted by the board. The director of the department of water resources may approve a general lease which the local rental committee may utilize to meet the approval requirements enumerated in section 42-1763, Idaho Code.

SECTION 6. 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 42-1766, Idaho Code, and to read as follows:

42-1766. APPEALS PROCEDURE FOR WATER RIGHT HOLDERS. (1) During the period of a lease, any water right holder who determines that the lease is causing a water right to which the holder is entitled, to be deprived of water to which it may be otherwise entitled, may petition the director of the department of water resources to revoke or modify the lease. Upon such a petition, the director shall cause an investigation to be made and may hold hearings or gather information in some other manner. In the event that the director finds that an interference is occurring, he may revoke or require the lease to be modified to insure that no injury to other water rights occurs.

(2) Any person feeling aggrieved by a decision or action of the director may appeal therefrom to the district court of the county in which the point of diversion of the proposed lease or rental is situated. The appeal shall be filed within sixty (60) days from the decision or action of the director.

SECTION 7. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 29, 1979.
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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FROM:</th>
<th>FOR PERSONNEL OPERATING CAPITAL FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Account</td>
<td>$ 968,600</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account</td>
<td>14,800</td>
</tr>
<tr>
<td></td>
<td>Cooperative Welfare Account</td>
<td>1,320,800</td>
</tr>
<tr>
<td></td>
<td>State Youth Training Center Income Account</td>
<td>200,000</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$2,304,200</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.

Approved March 29, 1979.
CHAPTER 195
(H.B. No. 76)

AN ACT
RELATING TO STATE PARKS; AMENDING SECTION 67-4212, IDAHO CODE, BY TRANSFERRING JURISDICTION AND CONTROL OF CERTAIN LANDS FROM THE PARK AND RECREATION BOARD AND DESIGNATING CERTAIN AREAS UNDER THE CONTROL OF THE PARK AND RECREATION BOARD AS IDAHO STATE PARKS.

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

SECTION 1. That Section 67-4212, Idaho Code, be, and the same is hereby amended to read as follows:

67-4212. STATE PARKS LISTED -- CONTROLLED BY PARK AND RECREATION BOARD OF THE DEPARTMENT OF PARKS AND RECREATION. The following described areas in the state of Idaho, so far as these areas are owned or controlled by the state of Idaho, and used for public, outdoor recreational purposes, are hereby declared to be Idaho state parks, and they are hereby placed under the jurisdiction and control of the park and recreation board of the department of parks and recreation of the state of Idaho:

(1) Beep-Greek-Park, located adjacent to and east of U.S. Highway 95 on Beep-Greek approximately four (4) miles south of Bonners Ferry; in Boundary County.

(2) Priest Lake Park, constituted by all of the land owned by the state of Idaho consisting of Indian Creek and Lion Head units on the east shore of Priest Lake to a depth of one thousand (1,000) feet from the shoreline in Bonner County.

(3) Dickensheet Campground, located on Priest River downstream from Priest Lake in Bonner County.

(4) Sunnyside Park, located on the North Shore of Lake Pend Oreille and approximately four (4) miles east of Sandpoint in Bonner County.

(5) Little Round Lake Park, located on the shores of Little Round Lake in Bonner County.

(6) Mary Minerva McCroskey Memorial State Park, located at and near the boundary line between Latah and Benewah Counties and west of U.S. Highway 95.

(7) Heyburn State Park, located on Lake Chatcolet in Benewah County.

(8) Sand-Board-Park, located in Section 30 of Township 42 North in Range 5 East of the Boise Meridian in Clearwater County.

(9) Packer John Cabin Site, located along State Highway 45.
near Old Meadows in Adams County.

(10) Ponderosa Park, constituted by all the land of the state of Idaho department of parks and recreation adjacent to Payette Lake in Valley County.

(11) Bogus--Basin--Recreational--Area;--located--approximately eighteen-(18)-miles-north-of-Boise--in--Boise--County Farragut Park, located near the village of Bayview, Kootenai County.


(13) Discovery Park, located approximately eight (8) miles southeast of Boise between Lucky Peak Dam and Diversion Dam on the Boise River and along State Highway 21 in Ada County.

(14) Lucky Peak Reservoir Park, constituted by all recreational areas leased to the state of Idaho on the shores of Lucky Peak Reservoir on the Boise River in Ada and Boise Counties.

(15) Three--(3)--picnic-areas-on-More's-Greek;--adjacent-to-the backwaters-of-Lucky-Peak-Reservoir-in-Boise-County Veterans Memorial Park, located in the city of Boise, Ada County.

(16) Lake--Walcott--Park;--located--on-the-shores-of-Lake-Walcott Reservoir-on-the-Snake-River-upstream-from-the-Minidoka-Dam-in--Blaine County Malad Gorge Park, located approximately three (3) miles south of the Snake River near the town of Malad in Owyhee County.

(17) Register Rock and Massacre Rock, each being located approximately four (4) miles west of American Falls on U.S.--Highway-30 North Interstate 15 in Power County.


(19) City of Rocks, located west of the Village of Almo in Cassia County.

(20) Henry's Lake, located on the shores of Henry's Lake in Fremont County.

(21) Hagerman--Refuge;--located--approximately-one-(1)-mile-east-of Hagerman-in-Gooding-County Bruneau Dunes Park, located approximately three (3) miles south of the Snake River near the town of Bruneau in Owyhee County.

(22) Hagerman Fossil Horse Quarry, located in Section 16 of Township 7 South in Range 13 East of the Boise Meridian in Twin Falls County.

(23) Three Island Park, located adjacent to the City of Glenns Ferry and the Snake River in Elmore County.

(24) Harriman State Park, located adjacent to Highways 20/191 in Fremont County.

(25) Crystal Springs and Niagara Springs located on the Snake River in Gooding County.

(26) Taylor "Bear Track" Williams Park, located on the Little Wood River in Lincoln County.
CHAPTER 196
(H.B. No. 46, As Amended)

AN ACT
RELATING TO HUNTING WITH AN ARTIFICIAL LIGHT; AMENDING SECTION 36-1101, IDAHO CODE, BY REMOVING THE WORD "UNCASED" AND ADDING THE WORDS "ANY ANIMAL OR BIRD" TO THE PROVISIONS RELATING TO PRIMA FACIE EVIDENCE OF HUNTING WITH AN ARTIFICIAL LIGHT, AND PROVIDING FOR HUNTING OF RACCOON BY ARTIFICIAL LIGHT.

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 misdemeanor, except as may be otherwise provided under this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and provided further it is a misdemeanor for any person to:
(a) Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle.
(b) Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.
(c) Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.
(d) Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations.
(e) Artificial Light. Hunt any animal or bird except raccoon by
the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing same any animal or bird, 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 animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided 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 director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish regulations allowing the hunting of raccoon with the aid of an artificial light.

(f) Regulation of Dogs. 1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.

2. The owner of any dog found running at large and which is actively tracking, pursuing, harassing or attacking deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of their master.

3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

Approved March 29, 1979.
CHAPTER 197
(H.B. No. 75, As Amended)

AN ACT
RELATING TO HOLIDAYS WORKED BY STATE EMPLOYEES; AMENDING SECTION 67-5302, IDAHO CODE, TO EXCLUDE HOLIDAYS FROM THE DEFINITION OF "HOURS WORKED", AND TO PROVIDE THAT A HOLIDAY IS A DAY OF EXEMPTION FROM WORK; AND AMENDING SECTION 67-5332, IDAHO CODE, TO PROVIDE THAT CREDITED STATE SERVICE SHALL BE Earned ON HOLIDAYS.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

1. "Administrative employee" means any person, exempt or classified, appointed to a position which meets the following criteria:
   1. (a) Responsible office or nonmanual work directly related to the management policies of a department or section; or
   (b) Responsible work that is directly related to academic instruction or training carried on in the administration of a school system or educational establishment; and
   2. He must customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures. He must have the authority to make important decisions; and
   3. He must:
      (a) Regularly assist a bona fide executive or administrative employee; or
      (b) Perform work under general supervision along specialized or technical lines requiring special training, experience or knowledge; or
      (c) Execute under only general supervision special assignments; and
   4. The individual is classified to a position allocated to pay grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.
   5. Final designation of a classified position as "administrative" within this definition shall be made by the Idaho personnel commission.

(2) "Appointing authority" means the officer, board, commission,
person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(3) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(4) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(5) "Commission" means the Idaho personnel commission.

(6) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(7) "Department" means any department, agency, institution or office of the state of Idaho.

(8) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(9) "Executive employee" means any person, exempt or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

1. An individual whose primary duty is management of a department, division or section; and
2. Who customarily and regularly directs the work of at least two (2) or more other employees therein; and
3. Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and
4. Who customarily and regularly exercises discretionary powers; and
5. Who is classified to a position allocated to pay grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.

6. Final designation of a classified position as "executive" in this definition shall be made by the Idaho personnel commission.

(10) "Exempt employee" means any person appointed to or holding a position in any department of the state of Idaho which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

(11) "Full-time employee" means any employee working a forty (40) hour work week.

(12) "Holiday" means the following:
   January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veteran's Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas)

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to employees during which said employees shall be compensated as if they actually worked.

(13) "Hours worked" means those hours actually spent in the performance of the employee's job and holidays, and shall not include holidays, vacation or sick leave or other approved leave of absence.

(14) "Normal work week" means any forty (40) hours worked during a particular one hundred and sixty-eight (168) hour period as previously established by the employee's appointing authority.

(15) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(16) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter.

(17) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(18) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours.

(19) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(20) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(21) "Political organization" means a party which sponsors candidates for election to political office.

(22) "Position" means a group of duties and responsibilities
legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(23) "Professional employee" means any person, exempt or classified, appointed to a position which meets the following criteria:

1. The individual's primary duty must be either:
   (a) Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study; or
   (b) Work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on his invention, imagination, or talent; or
   (c) Work as a teacher certified or recognized as such in a school system or educational institution by which he is employed; and

2. He must consistently exercise discretion and judgment; and

3. He must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

4. The individual is classified to a position allocated to pay grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.

5. Final designation within this definition shall be made by the Idaho personnel commission.

(24) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(25) "Qualifying examination" means an examination given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(26) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the commission.

(27) "Seasonal appointment" means an appointment to a position which is permanent in nature, but which has intermittent work periods throughout the year.

(28) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(29) "Temporary appointment" means appointment to a position which is not permanent in nature, and in which employment will not exceed eight (8) months during any twelve (12) month period. No person holding a temporary appointment may work in excess of eight (8) months during a twelve (12) month period of time for any one (1) department.

(30) "Vacation leave" means a period of exemption from work
granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 2. That Section 67-5332, Idaho Code, be, and the same is hereby amended to read as follows:

67-5332. CREDITED STATE SERVICE -- APPLICABILITY -- COMPUTATION. (1) For the purposes of payroll, vacation or annual leave, sick leave and other applicable purposes, credited state service shall be earned by:
   (a) Classified officers and employees of any department, commission, division, agency or board of the executive department;
   (b) Such other classified officers and employees as may be prescribed by law or by order of the state board of examiners.
   (2) Service in the employ of any of the following units of government, or other similar units, shall not earn credited state service: counties, cities, school districts, junior college districts, irrigation districts and highway districts. Service as an independent contractor or consultant is not state service.
   (3) One (1) hour of credited state service shall be earned by each eligible state officer or employee for each hour, or major fraction thereof, that the officer or employee is present for duty, or on approved leave as provided in subsection (4) of this section. The personnel commission may prescribe additional requirements for earning credited state service, and shall adopt comparative tables and charts to compute credited state service on daily, weekly, bi-weekly, calendar month and annual periods.
   (4) Credited state service shall be earned when on approved leave with pay, on approved vacation leave, approved military leave, and on approved sick leave, and holidays.
   (5) When serving in any kind of overtime situation, credited state service shall be earned for pay purposes only, but shall be computed and accumulated on a one (1) hour for one (1) hour basis.
   (6) The maximum amount of credited state service that may be earned, except for pay purposes, during any fiscal year or during any calendar year shall not exceed two thousand eighty (2080) hours. The personnel commission shall prescribe comparative tables to limit the maximum amount of credited state service that may be earned, except for pay purposes, during periods of less than fiscal year or calendar year length.
   (7) Service for retirement purposes shall be as provided in chapter 13, title 59, Idaho Code.

Approved March 29, 1979.
CHAPTER 198
(H.B. No. 204)

AN ACT
RELATING TO CLASSIFIED SERVICE FOR STATE EMPLOYEES; AMENDING SECTION 67-5303, IDAHO CODE, TO STRIKE CERTAIN REQUIREMENTS FOR EXEMPTIONS FROM THE PERSONNEL SYSTEM.

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

SECTION 1. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES — EXEMPTIONS. All departments of the state of Idaho and all employees in such departments, except those employees specifically exempt, shall be subject to this act and to the system of personnel administration which it prescribes. Exempt employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant-governor, secretary of state, attorney general, state treasurer, state auditor, and state superintendent of public instruction who are appointed on and after the effective date of this act.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department in addition to those declared to be exempt by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho Supreme Court and district courts.

(h) Assistant attorneys general attached to the office of the attorney general.

(i) Officers and members of the teaching staffs of state institutions and the professional staff of the Idaho department of education administered by the board of regents and the board of
education, and members of the teaching staff of special education projects administered by other departments of the state government and the professional staffs of the Idaho department of vocational education and vocational rehabilitation administered by the state board for vocational education. The word "officer" as used in this subsection means presidents, vice presidents, deans, or directors, or employees in any positions meeting all of the following criteria:

1. Answers directly to or is responsible to a person occupying an administrative position no lower than the dean or director level; and,
2. Is involved in or substantially participates in the development of policy; and,
3. Receives an annual salary of not less than the equivalent of step one (1) of pay grade twenty-four (24) of the state salary schedule; and,
4. Requires not less than an earned bachelor's degree from an accredited college or university, or equivalent as prescribed by the personnel commission.

(j) Employees of the Idaho military department under federal control or in a position for which membership in the Idaho national guard or Idaho air national guard is a condition of employment.

(k) Patients, inmates or students employed in a state institution.

(l) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey advertising commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho prune commission, as provided in chapter 30, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's commission, as provided in chapter 38, title 22, Idaho Code; the state board of sheep commissioners, as provided in chapter 1, title 25, Idaho Code; the state brand board, as provided in
chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture.

Approved March 29, 1979.

CHAPTER 199
(H.B. No. 275)

AN ACT
RELATING TO PROPERTY ASSESSMENT ROLLS; AMENDING SECTION 63-307, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PREPARATION OF THE ASSESSMENT ROLL; AMENDING SECTION 63-314, IDAHO CODE, TO PROVIDE FOR PREPARATION OF A TAXPAYERS' INDEX; AMENDING SECTION 63-322, IDAHO CODE, TO STRIKE REFERENCE TO TAXPAYERS' STATEMENTS; AMENDING SECTION 63-412, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE LANGUAGE; AMENDING SECTION 63-614, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PREPARATION OF THE ASSESSMENT ROLL AFTER EQUALIZATION; AMENDING SECTION 63-1001, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE LANGUAGE, AND TO PROVIDE REQUIREMENTS FOR THE COMPUTATION OF TAXES; AMENDING SECTION 63-1002, IDAHO CODE, TO PROVIDE FOR PROPER NOMENCLATURE; AMENDING SECTION 63-1003, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE LANGUAGE, AND TO PROVIDE FOR PROPER NOMENCLATURE; AND AMENDING SECTION 63-1103, IDAHO CODE, TO PROVIDE FOR PROPER NOMENCLATURE, AND TO PROVIDE REQUIREMENTS FOR PREPARATION OF TAX NOTICES.

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

SECTION 1. That Section 63-307, Idaho Code, be, and the same is hereby amended to read as follows:

63-307. ENTRY OF PROPERTY UPON ROLL. Lands and improvements thereon must be assessed separately, and in listing such property upon the real property assessment roll the assessor shall enter the same numerically, according to lots and blocks or sections, townships and ranges, in-the-columns-provided-for-the-classification-and-valuation of-each-lot-, block-or-tract; and the improvements thereon, and the assessed value of such real property after the description of each lot, block or tract. Thereafter shall be entered any personal property whereon the tax is a lien on any such lot, block or tract as provided in the preceding section, the assessed value of such personal
property, and the assessed value of all property after the description of each lot, block or tract. In carrying the equalized values of such property into the column provided therefor, the county auditor shall include and carry over in one (1) item the equalized value for all lots in one (1) block or land in one (1) section, listed consecutively, which belong to any one (1) person, within the same taxing district. A column or columns after the equalized valuation shall be provided in which must be entered and shown space shall be provided on the tax roll for the amount of and reasons for any exemptions allowed, and a column thereafter in which must be entered the total equalized value for taxation. The name and post-office address of the owner, or reputed owner, or unknown owner, shall be inserted in the column space provided therefor in the assessment roll, but no mistake in the name of the owner or failure to designate such owner shall in any manner affect the validity of the assessment. The assessment roll shall also contain such columns as may be necessary for the extension of the taxes levied for various purposes, and shall be made out in tabular form, with separate columns with appropriate heads, after the manner specified in the form provided for in the next section, and such additional columns as may be required, and shall be divided into parts so that assessments of lands outside of cities, towns, villages or townsites, and assessments of city and town lots and townsites, shall appear in separate parts thereof. In the event there is no property of any class in any county, the column for the classification of such property may be omitted from the assessment roll for such county. Only such columns need be provided for extending taxes as are actually required in each county for state and county, city, town, village, school district, road district, or other purposes.

Computer and data processing routines for completion of all phases of the tax roll procedures may be utilized with the responsibility for the completion of each office's statutory duties to remain under the supervision of that office.

SECTION 2. That Section 63-314, Idaho Code, be, and the same is hereby amended to read as follows:

63-314. TAXPAYERS' INDEX. The assessor shall each year prepare a taxpayers' index of real property assessments which shall be a public record, subject to general inspection. In such index shall be entered the name of every taxpayer against whom any taxes are charged for that year upon the real property assessment roll, in alphabetical order with reference to the first three (3) letters of the surname, and shall refer to the times and pages numerical identification in the roll where the assessments of such taxpayers may be found. Said index shall always accompany the real property assessment roll when delivered to the clerk of the board of county commissioners, the tax collector or the county auditor. An alphabetical computer printout of
all property owners may be used as an official taxpayers' index.

SECTION 3. That Section 63-322, Idaho Code, be, and the same is hereby amended to read as follows:

63-322. COMPLETION AND DELIVERY OF ASSESSMENT ROLL. The assessor must complete the real property assessment roll on or before the fourth Monday of June in each year, and must, on or before said date, deliver the completed real property assessment roll, together with all taxpayers' statements and claims for exemption relating to the assessments entered thereon, to the clerk of the board of county commissioners. The said assessment roll, taxpayers' statements and claims for exemption, must remain in the office of the said clerk until the meeting of the said board as a board of equalization, for the inspection of all persons interested.

SECTION 4. That Section 63-412, Idaho Code, be, and the same is hereby amended to read as follows:

63-412. DELIVERY OF ROLL TO COUNTY AUDITOR -- ABSTRACT OF ROLL. On the second Monday of July the board of county commissioners must deliver the real and personal property assessment rolls, with all changes, corrections and additions entered therein, to the county auditor, who must add up the columns of amount and value of each kind and class of property, and of all property, and prepare an abstract of all the property entered upon the said rolls, not including property exempt under section 63-105BB, Idaho Code, showing the total number of items or pieces of property and the total value thereof, in each class, the number of acres, average value per acre, and the total value of each class of land, the total value of each class of improvements on land, the total number and value of each kind of the different classes of livestock and personal property, and the amount and value of each class of other property as shown in separate columns in on the assessment rolls as determined by the board of county commissioners. The said abstracts shall be prepared in duplicate and duly verified upon blanks supplied by the state tax commission and must show a correct classification of all the property in accordance with the classification of such property upon the assessment rolls, and all matters and things required to be shown upon the abstracts must be entered in the proper spaces and columns provided for that purpose in the blanks.

SECTION 5. That Section 63-614, Idaho Code, be, and the same is hereby amended to read as follows:

63-614. COMPLETION OF ASSESSMENT ROLL AFTER EQUALIZATION. As soon as the county auditor receives the certified statements prescribed in the two (2) preceding sections, he shall enter in the columns spaces
in which the items to be corrected appear upon the real property assessment roll, in red ink, all changes and corrections made by the state tax commission in the assessment, and shall enter upon the assessment roll all assessments of railroads, telegraph, telephone and electric current transmission or distribution lines and all other operating property under the jurisdiction of the tax commission in his county, and made by the state tax commission in adjusting the valuations among the incorporated cities, and other taxing districts in accordance with the certified statement of the executive officer of the state tax commission prescribed in the preceding section, and thereupon he shall carry the total equalized values into the column space provided therefor, in accordance with the provisions of this act, and thereafter enter and show the amount, and reasons for any exemptions claimed under section 63-105D, Idaho Code, which have been allowed by the board of county commissioners in columns spaces provided for that purpose, and shall thereafter enter the total equalized values for taxation in the column space provided therefor, and he shall thereupon add up the columns of total equalized values, amounts of exemption and total equalized values for taxation, and enter the total of each column in the assessment roll.

SECTION 6. That Section 63-1001, Idaho Code, be, and the same is hereby amended to read as follows:

63-1001. COMPUTATION OF TAXES -- DUTY OF COUNTY AUDITOR. The county auditor must compute the amount of the state tax and the amount of the county tax levied on the total equalized value as entered in the separate columns provided therefor in the real property assessment roll and must extend such taxes in the columns provided therefor opposite such equalized values; and he must also compute the amounts of all city, town, village, school district or other taxes which have been authorized and levied according to law and certified to him in accordance with the provisions of this act; and must extend such taxes in the proper columns provided therefor opposite such equalized values; and he must therefor enter compute the total of all taxes extended against the same property in the proper columns provided therefor opposite the equalized value thereof; and he must thereupon add up the several tax columns and enter the total of each column in the real property assessment roll.

Computer and data processing routines for completion of all phases of the tax roll procedures may be utilized with the responsibility for completion of each officer's statutory duties to remain under the supervision of that office. Wherever the designation tax assessment roll appears, data processing or computer procedures and forms to be known as official tax records may be substituted.

SECTION 7. That Section 63-1002, Idaho Code, be, and the same is hereby amended to read as follows:
63-1002. DELINQUENT TAXES -- DUTY OF COUNTY TREASURER. If there are any delinquency certificates or tax sale certificates outstanding against any property entered upon the real property assessment roll which have not been redeemed, canceled or foreclosed in accordance with the provisions of this act, the county treasurer as ex officio tax collector must note such delinquency upon the assessment roll opposite the description of the property upon the official tax record for said property by entering the year for which such taxes were levied in red ink in the column provided therefor in the assessment roll.

SECTION 8. That Section 63-1003, Idaho Code, be, and the same is hereby amended to read as follows:

63-1003. DELIVERY OF ROLL TO TAX COLLECTOR -- AUDITOR'S AFFIDAVIT. On or before the first Monday of November in each year the county auditor must deliver the real property assessment roll, with all taxes computed, extended, reappraised; after which the said assessment roll shall be delivered to the tax collector, with an affidavit subscribed by him before the probate judge of his county as follows:

State of Idaho,

County of , ss.

I, , do solemnly swear that, as ex officio clerk of the board of county commissioners in and for said county and state, I have kept correct minutes of all the acts of said board making alterations in the real property assessment; that all alterations and additions agreed to and directed to be made, by the said board, have been made and entered in the assessment roll; that no alterations or additions have been made except those authorized; and that, as county auditor, I have made and entered in the said roll all alterations and additions agreed to and directed to be made by the state board of equalization; that no alterations and additions have been made except those authorized; that I have computed the respective amounts due as taxes and have entered the same in the columns provided therefor in the said roll; and that I have added up the columns of valuations and taxes as required by law.

Subscribed and sworn to before me this day of , 19.

Probate Judge Magistrate in and for said County and State.
SECTION 9. That Section 63-1103, Idaho Code, be, and the same is hereby amended to read as follows:

63-1103. TAX NOTICE -- DUTY OF TAX COLLECTOR. (a) The tax collector of each county in this state must, prior to the fourth Monday of November in each year, mail to every taxpayer, or to his agent or representative, at his last known post-office address, a notice, describing the property assessed in the name of such taxpayer, and showing the full market value, the assessed valuation and the amount of taxes due thereon, the amount of state and county taxes, and each amount of city, town, village, school district and every other tax being separately shown, and also showing all tax levies and the time when such taxes become delinquent, and also showing all delinquency certificates and tax sale certificates outstanding against the said property as shown on the assessment-roll official tax record for that property, which notice must be substantially in the form prescribed by this act.

(b) Tax notices prepared by tax code areas must be accompanied by a levy sheet which shows the amount of tax levy for each taxing district or taxing jurisdiction as well as the total amount of the tax levies in each tax code area.

(c) A "tax code area" for purposes of this section shall mean a geographical area made up of one or more taxing districts with one total levy within its boundary.

(d) Computer and data processing routines for completion of all phases of the tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation tax assessment roll appears, data processing or computer procedures and forms to be known as official tax records may be substituted.

Approved March 29, 1979.

CHAPTER 200
(H.B. No. 195, As Amended)

AN ACT
RELATING TO RELEASED TIME FOR CERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS; AMENDING CHAPTER 12, TITLE 33, 'IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1279, IDAHO CODE, TO PROVIDE FOR RELEASED TIME FOR CERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS TO SERVE ON COMMITTEES AND COMMISSIONS ESTABLISHED BY THE STATE.

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 33-1279, Idaho Code, and to read as follows:

33-1279. RELEASED TIME FOR SERVICE ON STATE COMMITTEES AND COMMISSION. (1) Each certificated employee of any school district, including specially chartered districts, shall be entitled to and be allowed released time for service on committees and commissions established by the state of Idaho, or established by the legislature, or established by any of the departments or agencies of the state of Idaho.

Each certificated employee shall be entitled to five (5) such days of released time, and time beyond five (5) days shall be allowed at the discretion of the board of trustees.

(2) No such certificated employee shall lose any salary or other benefits because of such released time for service on any such committee or commission and shall not be required to make up any released time spent in serving on any such committee or commission; except that the amount of any honorarium or compensation received for service on committees or commissions, except actual and necessary expenses, shall be deducted from salary otherwise due such certificated employee.

Approved March 29, 1979.

CHAPTER 201
(H.B. No. 144)

AN ACT
RELATING TO THE POWERS OF THE DEPARTMENT OF HEALTH AND WELFARE TO RETAIN COUNSEL; AMENDING SECTION 56-203C, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND WELFARE TO RETAIN PRIVATE COUNSEL TO CARRY OUT DUTIES IMPOSED UNDER THIS CHAPTER.

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

SECTION 1. That Section 56-203C, Idaho Code, be, and the same is hereby amended to read as follows:

56-203C. POWERS OF DEPARTMENT THROUGH--THE-ATTORNEY-GENERAL-AND-COUNTY--PROSECUTING--ATTORNEYS. In order to carry out its responsibilities imposed under this chapter, the state department of
health and welfare, through the attorney general or the respective county prosecuting attorney, or through private counsel is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce or separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Idaho therein.

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children. If the parent does not request such assistance, or refuses it when offered, the attorney general or prosecuting attorney may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Idaho therein; but the attorney general or prosecuting attorney shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the district court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or
(b) Why the amount of support previously ordered should not be increased, or
(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

(6) When requested by the department, appear on behalf of a minor child or its custodial parent, who are not recipients of public assistance, in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

Approved March 29, 1979.
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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

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<td>BENEFIT PAYMENTS</td>
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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, 1979.
AN ACT
RELATING TO REQUIREMENTS OF A SEAL; AMENDING SECTION 51-104, IDAHO CODE, TO PROVIDE THAT THE SEAL OF A NOTARY PUBLIC MAY BE A RUBBER STAMP; AND AMENDING SECTION 73-111, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF A SEAL INCLUDES A RUBBER STAMP.

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

SECTION 1. That Section 51-104, Idaho Code, be, and the same is hereby amended to read as follows:

51-104. GENERAL DUTIES. It is the duty of a notary public:
1. When requested, to demand acceptance and payment of foreign, domestic and inland bills of exchange, or promissory notes, and protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages, or by the laws of any other state, territory, government or country, may be performed by notaries.
2. To take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to give a certificate of such proof or acknowledgment indorsed on, or attached to, the instrument.
3. To take depositions and affidavits, and to administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before any court, judge, officer, or board in this state.
4. To keep a record of all official acts done by him under the first subdivision of this section.
5. When requested, and upon payment of his fees therefor, to make and give a certified copy of any record in his office.
6. To provide and keep an official seal, upon which must be engraved his name, the words "Notary Public" and "State of Idaho:--, alternatively, the seal may be a rubber stamp providing substantially the same information as the engraving.
7. To authenticate with his official seal all official acts.
8. To affix to his signature his official title and his place of residence.

SECTION 2. That Section 73-111, Idaho Code, be, and the same is hereby amended to read as follows:

73-111. SEAL DEFINED. When the seal of a court, public officer or person is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper, alone, as well as
upon wax or a wafer affixed thereto; or, alternatively, the seal may be the mark of a rubber stamp providing substantially the same information as the impression.

Approved March 29, 1979.

CHAPTER 204
(H.B. No. 82, As Amended)

AN ACT
RELATING TO CRIMINAL IDENTIFICATION; AMENDING SECTION 19-4812, IDAHO CODE, TO LIMIT ACCESS TO CRIMINAL IDENTIFICATION INFORMATION TO AUTHORIZED AGENCIES REQUESTING INFORMATION, AND AUTHORIZING AN INDIVIDUAL UPON COMPLETION OF SATISFACTORY FINGERPRINT IDENTIFICATION TO REVIEW THE CRIMINAL HISTORY INFORMATION PERTAINING TO THAT INDIVIDUAL.

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

SECTION 1. That Section 19-4812, Idaho Code, be, and the same is hereby amended to read as follows:

19-4812. CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. (1) Definitions as used in this section and section 19-4813, Idaho Code:
(a) "Bureau" means the criminal identification, records and communications bureau in the department of law enforcement of the state of Idaho.
(b) "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
(c) "Offense" means an act which is a felony, a misdemeanor or a petty misdemeanor.
(2) The bureau shall:
(a) Obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested or taken into custody in this state:
1. for an offense which is a felony;
2. for an offense which is a misdemeanor or petty misdemeanor involving burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled
substances, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks;
3. for an offense charged as disorderly conduct but which relates to an act connected with one or more of the offenses under subdivision 2;
4. as a fugitive from justice;
5. for any other offense designated by the director of the bureau.

(b) Accept for filing fingerprints and other identifying data, taken at the discretion of the law enforcement agency involved, on persons arrested or taken into custody for offenses other than those listed in paragraph (a).

(c) Obtain and file fingerprints and other available identifying data on unidentified human corpses found in this state.

(d) Obtain and file information relating to identifiable stolen or lost property.

(e) Obtain and file a copy or detailed description of each arrest warrant issued in this state in which the law enforcement agency desires the return of the person described in said warrant but which is not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. All available identifying data shall be obtained with the copy of the warrant, including any information indicating that the person named on the warrant may be armed, dangerous or possessed of suicidal tendencies.

(f) Collect information concerning the number and nature of all offenses designated by the director of the bureau, including, but not limited to, Part I and Part II offenses as defined by the federal bureau of investigation under its system of uniform crime reports for the United States which are known to have been committed in this state, the legal action taken in connection with such offenses from the inception of the complaint to the final discharge of the defendant and such other information as may be useful in the study of crime and the administration of justice. The director of the bureau may determine any other information to be obtained regarding crime statistics. However, the information shall include such data as may be requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

(g) Furnish all reporting officials with forms and instructions which specify in detail the nature of the information required under paragraphs (a) to (f), inclusive, the time it is to be forwarded, the method of classifying and such other matters as shall facilitate collection and compilation.

(h) Cooperate with and assist all law enforcement agencies in the state in the establishment of a state system of criminal identification and in obtaining fingerprints and other identifying
data on all persons described in paragraphs (a), (b) and (c).

(i) Offer assistance and, when practicable, instructions to all local law enforcement agencies in establishing efficient local bureaus of identification and records systems.

(j) Compare the fingerprints and descriptions that are received from law enforcement agencies with the fingerprints and the descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement agencies concerned and supply copies of the criminal records to these agencies.

(k) Make available all statistical information obtained to the governor and the legislature.

(l) Prepare and publish reports and releases at least once a year and no later than July 1, containing the statistical information gathered under this section and presenting an accurate picture of crime in this state and of the operation of the agencies of criminal justice.

(m) Make available upon request, to all local and state law enforcement agencies in this state, to all federal law enforcement and criminal identification agencies, and to state law enforcement and criminal identification agencies in other states, any information in the files of the bureau which aid these agencies in the performance of their official duties. For this purpose the bureau shall operate on a twenty-four (24) hour a day basis, seven days a week. Such information may also be made available to any other agency of this state or political subdivision thereof, and to any other federal agency as authorized, and upon assurance by the agency concerned that the information is to be used for official purposes only.

(n) Cooperate with other agencies of this state, the criminal justice agencies of other states, and the uniform crime reports and the national crime information center systems of the federal bureau of investigation in developing and conducting an interstate, national and international system of criminal identification, records and statistics.

(o) Permit any individual upon completion of satisfactory fingerprint identification to review all criminal history record information pertaining to that individual contained within the files of the criminal identification bureau.

Approved March 29, 1979.
AN ACT
RELATING TO THE OPERATIONS OF THE STATE BOARD OF CORRECTION; AMENDING
SECTION 20-209B, IDAHO CODE, AS ADDED BY CHAPTER 170, LAWS OF
1973, TO DESIGNATE AS SECTION 20-209C, IDAHO CODE; AND AMENDING
CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
20-209D, IDAHO CODE, TO PROVIDE PROCEDURES FOR THE BOARD OF
CORRECTION TO ADMINISTER AND DISPOSE OF CONTRABAND PROPERTY AND
MONEY CONFISCATED FROM INMATES.

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

SECTION 1. That Section 20-209B, Idaho Code, as added by Chapter
170, Laws of 1973, be, and the same is hereby amended to read as
follows:

20-209C20-209B. Authority to designate employees as peace
officers. The state board of correction shall have the authority to
designate employees of the state board to act as peace officers when
engaged in transportation of prisoners to and from the custody of the
state board of correction and while pursuing and apprehending escapees
from the custody of the state board of correction.

SECTION 2. That Chapter 2, Title 20, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 20-209D, Idaho Code, and to read as
follows:

20-209D. FORFEITURE OF CONTRABAND PROPERTY OR MONEY FOUND IN
POSSESSION OF INMATES. The state board of correction, or its designee,
shall have the authority to confiscate contraband money found in the
possession of inmates and thereafter deposit the money in the
Correctional Industries Betterment fund established by section 20-415,
Idaho Code, and to dispose of other contraband property found in
possession of inmates by donation to a nonprofit organization.

Approved March 29, 1979.
CHAPTER 206
(H.B. No. 211, As Amended)

AN ACT
RELATING TO THE TRANSCRIPTION OF PRELIMINARY HEARINGS; AMENDING
SECTION 19-812, IDAHO CODE, PROVIDING FOR TRANSCRIPTIONS AS
ORDERED BY THE DISTRICT COURT.

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

SECTION 1. That Section 19-812, Idaho Code, be, and the same is
hereby amended to read as follows:

19-812. TRANSCRIPT OF PRELIMINARY EXAMINATION. In all cases which
must afterward be investigated by the grand jury, or prosecuted by
information, the preliminary examination must be taken and as ordered
by the district court duly transcribed as herein-provided, unless the
person charged with the offense shall waive his right to such
examination, and the same can not be unreasonably delayed by either
party.

A verbatim record of the proceedings and evidence at the
preliminary examination before a magistrate shall be maintained either
by electrical devices or by stenographic means as the magistrate may
direct, but if any party to the action requests stenographic reporting
of the proceedings, the reporting shall be done stenographically. The
requesting party shall pay the costs of reporting the proceedings.

The opening statements and closing argument of counsel for the
parties need not be transcribed and made a part of the transcript
unless the transcription of the same is requested in advance by either
of such parties.

The transcript of the proceedings and evidence at the preliminary
examination shall be certified to as true and correct by the
stenographer or by the person designated to transcribe the proceedings
from the electrical devices.

Approved March 29, 1979.
CHAPTER 207
(H.B. No. 298)

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 Substance Abuse Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<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>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>PAYMENTS</td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$134,600</td>
<td>$36,900</td>
<td>$2,000</td>
<td>$173,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>18,700</td>
<td>43,400</td>
<td>$6,000</td>
<td>68,100</td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>513,300</td>
<td>408,600</td>
<td>277,100</td>
<td>1,199,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>770,100</td>
<td>262,100</td>
<td>139,000</td>
<td>1,171,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,436,700</td>
<td>$751,000</td>
<td>$2,000</td>
<td>$2,611,800</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 29, 1979.
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 according to the designated expense class from the listed accounts, for the period July 1, 1979, through June 30, 1980:

FOR:
Trustee and Benefit Payments

FROM:
General Account
Cooperative Welfare Account
Miscellaneous Receipts Account

TOTAL

$26,349,300
$10,638,200
13,313,200
2,397,900
$26,349,300

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 29, 1979.
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES PROGRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980; 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 Institutional Developmental Disability Services Program the following amounts to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

| FOR PERSONNEL OPERATING CAPITAL TRUSTEE AND | FROM: | FOR FOR FOR TOTAL |
| COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL | General Account $ 781,200 $ 297,800 $30,700 $ 1,109,700 | |
| Miscellaneous Receipts Account 7,933,300 1,439,200 $80,500 9,453,000 | | |
| Cooperative Welfare Account 80,000 | | 80,000 |
| TOTAL $8,794,500 $1,737,000 $80,500 $30,700 $10,642,700 |

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, 1979.
CHAPTER 210
(H.B. No. 302)

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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>ASSESSED FROM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$216,400</td>
<td>$230,200</td>
<td>$370,000</td>
<td>$446,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>20,000</td>
<td>$370,000</td>
<td>390,000</td>
<td>390,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>104,000</td>
<td>675,000</td>
<td>779,000</td>
<td>779,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$320,400</td>
<td>$350,200</td>
<td>$1,045,000</td>
<td>$1,615,600</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.

Approved March 29, 1979.
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 Eligibility Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,697,400</td>
<td>$703,700</td>
<td>$1,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>52,700</td>
<td>256,600</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>2,806,000</td>
<td>999,600</td>
<td>1,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,556,100</td>
<td>$1,959,900</td>
<td>$2,000</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.

Approved March 29, 1979.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF
CORRECTION; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE
DEPARTMENT OF CORRECTION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING
TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY
1, 1979, THROUGH JUNE 30, 1980.

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,
1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,892,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,745,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>141,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,778,300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$7,003,000</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>146,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>200,000</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>429,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,778,300</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 from the listed accounts for the period July 1, 1979, through
June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION: FROM: General Account</td>
<td>$ 523,500</td>
<td>$ 250,000</td>
<td>$ 773,500</td>
<td></td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>52,000</td>
<td>21,600</td>
<td>15,000</td>
<td>88,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 575,500</td>
<td>$ 271,600</td>
<td>$ 15,000</td>
<td>$ 862,100</td>
</tr>
<tr>
<td>B. INCARCERATION: FROM: General Account</td>
<td>$2,044,200</td>
<td>$1,088,300</td>
<td>$ 89,400</td>
<td>$3,221,900</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>79,100</td>
<td>350,000</td>
<td></td>
<td>429,100</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>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>200,000</td>
<td></td>
<td>89,400</td>
<td>200,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,123,300</td>
<td>1,638,300</td>
<td></td>
<td>3,851,000</td>
</tr>
<tr>
<td>C. HABILITATION:</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>277,000</td>
<td>58,700</td>
<td>7,200</td>
<td>342,900</td>
</tr>
<tr>
<td>D. NORTH IDAHO CORRECTIONAL INSTITUTION:</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>366,300</td>
<td>400,400</td>
<td>3,300</td>
<td>770,000</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>16,400</td>
<td>16,400</td>
<td></td>
<td>16,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>382,700</td>
<td>400,400</td>
<td>3,300</td>
<td>786,400</td>
</tr>
<tr>
<td>E. PROBATION AND PAROLE:</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>1,086,200</td>
<td>288,000</td>
<td>26,000</td>
<td>1,400,200</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>29,600</td>
<td>11,600</td>
<td></td>
<td>41,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,115,800</td>
<td>299,600</td>
<td>26,000</td>
<td>1,441,400</td>
</tr>
<tr>
<td>F. IDAHO SECURITY MEDICAL FACILITY:</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>371,700</td>
<td>60,200</td>
<td>300</td>
<td>432,200</td>
</tr>
<tr>
<td>G. PAROLE 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>General Account</td>
<td>46,000</td>
<td>16,300</td>
<td></td>
<td>62,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>4,892,000</td>
<td>2,745,100</td>
<td>141,200</td>
<td>7,778,300</td>
</tr>
</tbody>
</table>

Approved March 29, 1979.
CHAPTER 213
(H.B. No. 305)

AN ACT
APPROPRIATING MONEY FROM THE ACCOUNT ENUMERATED TO THE SECRETARY OF STATE FOR THE UNIFORM CODE COMMISSION, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASS FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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

SECTION 1. There is hereby appropriated to the Secretary of State for the Uniform Code Commission the following amount, to be expended according to the designated expense class from the listed account for the period July 1, 1979, through June 30, 1980:

PROGRAM
UNIFORM CODE COMMISSION
FOR:
Operating Expense $6,500
FROM:
General Account $6,500

Approved March 29, 1979.

CHAPTER 214
(H.B. No. 210)

AN ACT
RELATING TO DRAWING AND PASSING CHECKS WITH INSUFFICIENT FUNDS; AMENDING SECTION 18-3106, IDAHO CODE, TO PROVIDE THAT DRAWING OR PASSING A BAD CHECK WITH A VALUE OVER FIFTY DOLLARS SHALL BE A FELONY AND THAT DRAWING OR PASSING A BAD CHECK WITH A VALUE UNDER FIFTY DOLLARS SHALL BE A MISDEMEANOR, TO PROVIDE A PERSON HAS STANDING TO FILE A CRIMINAL COMPLAINT AGAINST A PERSON DRAWING OR PASSING A BAD CHECK, AND TO PROVIDE THAT A COURT MAY ORDER RESTITUTION AS A CONDITION OF PROBATION FOR ANYONE CONVICTED FOR VIOLATING THE PROVISIONS OF SECTION 18-3106, IDAHO CODE.

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

SECTION 1. That Section 18-3106, Idaho Code, be, and the same is hereby amended to read as follows:
18-3106. DRAWING CHECK WITHOUT FUNDS -- DRAWING CHECK WITH INSUFFICIENT FUNDS -- PRIMA FACIE EVIDENCE OF INTENT -- STANDING OF PERSON HAVING ACQUIRED RIGHTS -- PROBATION CONDITIONS. (a) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud shall make or draw or utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft or order for the payment of money upon any bank or depositary, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has no funds in or credit with such bank or depositary, or person, or firm, or corporation, for the payment in full of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction be punished by imprisonment in the state prison for a term not to exceed three (3) years or by a fine not to exceed five thousand dollars ($5,000) or by both such fine and imprisonment.

(b) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud shall make, draw, utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft or order for the payment of money in the sum of $50.00 or more, upon any bank or depositary, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has some but not sufficient funds in or credit with such bank or depositary, or person, or firm, or corporation, for the full payment of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction be punished by imprisonment in the state prison for a term not to exceed three (3) years, or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

(c) Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud, shall make, draw, utter or deliver, or cause to be made, drawn, uttered, or delivered, any check, draft or order for payment of money, in a sum less than $50.00 upon any bank or depositary, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has some but not sufficient funds in or credit with such bank or depositary, or firm, or person, or corporation, for the full payment of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction for a first offense be punished by imprisonment in the county jail for a term not exceeding six (6) months, or by a fine not exceeding three hundred dollars ($300) or by both such fine and imprisonment; and upon a second conviction the person so convicted shall be punished by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding one thousand
dollars ($1,000), or by both such fine and imprisonment; provided,
however, that upon a third or subsequent conviction, the person so
convicted shall be punished by imprisonment in the state prison for a
term not exceeding three (3) years, or by a fine not exceeding five
thousand dollars ($5,000), or by both such fine and imprisonment.

(d) As against the maker or drawer thereof, the making, drawing,
uttering or delivering of such check, draft or order as aforesaid
shall be prima facie evidence of intent to defraud and of knowledge of
no funds or insufficient funds, as the case may be, in or credit with
such bank, or depositary, or person, or firm, or corporation, for the
payment in full of such check, draft or order upon its presentation.
The word "credit" as used herein shall be construed to mean an
arrangement or understanding with the bank or depositary, or person,
or firm, or corporation upon whom such check, draft or order is drawn
for the payment of such check, draft or order.

(e) Any person having acquired rights with respect to a check
which is not paid because the drawer has no funds, no account or
insufficient funds, shall have standing to file a complaint under this
section, regardless of whether he is the payee, holder or bearer of
the check.

(f) If a sentence of probation is ordered for violation of this
section, the court as a condition of probation may require the
defendant to make restitution on all checks issued and which are
unpaid at the date of commencement of the probation in addition to any
other terms and conditions appropriate for the treatment and
rehabilitation of the defendant.

Approved March 29, 1979.

CHAPTER 215
(H.B. No. 209)

AN ACT
RELATING TO FURLOUGHS PERMITTED BY THE DEPARTMENT OF CORRECTIONS;
AMENDING SECTION 20-242, IDAHO CODE, TO ELIMINATE THE LIMITATION
ON THE AMOUNT CHARGED FOR BOARD AND ROOM FOR THOSE ON FURLOUGH.

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

SECTION 1. That Section 20-242, Idaho Code, be, and the same is
hereby amended to read as follows:

20-242. FURLOUGH. 1. When a person is committed to the custody of
the state board of correction, the board may, upon conditions which it
may impose, direct that the person be permitted to continue in his regular employment or educational program, if that is compatible with the requirements of subsection 3 of this section, or may authorize the person to secure employment for himself.

2. If the board directs that the prisoner be permitted to continue in his regular employment or education, the board shall arrange for a continuation of the employment or education so far as possible without interruption. If the prisoner does not have regular employment, and the board has authorized the prisoner to secure employment for himself, the prisoner may do so, and the board may assist him in doing so.

3. Whenever the prisoner is not employed and between the hours or periods of employment or schooling, he shall be domiciled in a jail or facility as directed by the board of correction.

4. The earnings of the prisoner shall be retained by the prisoner under such terms and conditions as the board may impose. From such earnings the board may require that:
   a. the prisoner pay an amount to the board of correction sufficient for the prisoner's board and personal expenses, both inside and outside the jail or facility, including costs of administering such prisoner's work furlough program; but--not--to exceed--in--any--event--five--dollars--($5.00)--per--day;
   b. the prisoner provide for the reasonable and adequate support and maintenance of the prisoner's dependents;
   c. the prisoner pay preexisting debts;
   d. the prisoner deposit earnings in a financial institution.

5. If the prisoner violates the conditions established for his conduct, custody or employment, the board may order the balance of the prisoner's sentence to be spent in actual confinement.

6. The wilful failure of a prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement under this section is an escape from the place of confinement and is punishable as provided by section 18-2505, Idaho Code.

7. A furlough may be revoked by the board at any time without notice or hearing.

Approved March 29, 1979.
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH DISTRICTS, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

FOR:
Personnel Costs $7,833,400
Operating Expenditures 1,756,400
Capital Outlay 130,600
Trustee and Benefit Payments 182,500
TOTAL $9,902,900

FROM:
General Account $2,080,000
Public Health Trust Account 7,822,900
TOTAL $9,902,900

Approved March 29, 1979.
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 program according to the expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

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<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
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Approved March 29, 1979.
C. 218 '79

IDAHO SESSION LAWS

CHAPTER 218
(H.B. No. 250)

AN ACT


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

SECTION 1. That Section 61-515, Idaho Code, be, and the same is hereby amended to read as follows:

61-515. SAFETY REGULATIONS. The commission shall have the power, after a hearing had upon its own motion or upon complaint, by general or special orders, or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus—tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers; customers and the public, and to this end to prescribe—among other things— the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking-and—other—protective—devices—at—grade—crossings—or junction-and-block-or-other-systems-of-signaling; to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers; customers or the public may demand.

SECTION 2. That Section 61-516, Idaho Code, be, and the same is hereby repealed.
SECTION 3. That Section 61-608, Idaho Code, be, and the same is hereby amended to read as follows:

61-608. RECORDING OF ORDERS, AUTHORIZATIONS AND CERTIFICATES. Every order, authorization or certificate issued or approved by the commission under any provision of sections 61-510 to 61-514, 61-516, and 61-526 to 61-529, Idaho Code, shall be in writing and entered on the records of the commission.

Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary or assistant secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county or city, and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

SECTION 4. That Section 63-2432, Idaho Code, be, and the same is hereby amended to read as follows:

63-2432. DISTRIBUTION OF TAX REVENUES. (1) The revenues received from the taxes imposed by sections 63-2403 and 63-2406, Idaho Code, and any penalties, interest, or deficiency additions, shall be paid over to the state treasurer by the commission, to be distributed as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the motor fuel tax act by the commission, as determined by the commission and certified quarterly to the state auditor, shall be transferred back to the commission; provided, that the amount so transferred back to the commission shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) An amount of money shall be transferred to the motor fuels refund fund, which is hereby created, sufficient to pay current refund claims. All refunds authorized to be paid by this act shall be paid from the motor fuels refund fund.

(c) At the beginning of each fiscal year, the sum of one hundred thousand dollars ($100,000) shall be transferred to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) From the balance remaining with the state treasurer after transferring the amounts in subsection (a), (b) and (c) of
this section:
(1) one per cent (1%) shall be transferred to the waterways improvement fund, as created in chapter 15, title 57, Idaho Code;
(2) one per cent (1%) shall be transferred to the off-road motor vehicle fund;
(3) 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
(4) eighty-one and one-third per cent (81.33%) shall be transferred to the state highway fund, as created in section 40-2210, Idaho Code.

(2) The revenues received from the taxes imposed by section 63-2409, Idaho Code, and any penalties, interest, or deficiency additions, shall be paid over to the state treasurer by the commission to be deposited in the state aeronautics fund, as provided in section 21-211, Idaho Code.

(3) 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 Chapter 3, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-304A, Idaho Code, and to read as follows:

62-304A. CREATION OF RAILROAD GRADE CROSSING PROTECTION ACCOUNT. In order to promote the public safety at railroad grade crossings and public streets, roads or highways and to provide for the payment of all or part of the costs of installing, reconstructing, maintaining or improving automatic or other safety appliances, signals or devices at railroad grade crossings of public streets, roads or highways over the tracks of any railroad company or companies, there is hereby created in the dedicated fund in the state treasury an account to be known as the railroad grade crossing protection account.

SECTION 6. That Chapter 3, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-304B, Idaho Code, and to read as follows:

62-304B. ADMINISTRATION OF THE RAILROAD GRADE CROSSING PROTECTION ACCOUNT. Subject to the provisions of section 62-304, Idaho Code, the Idaho transportation department is charged with sole and exclusive
administration of the railroad grade crossing protection account.

SECTION 7. That Chapter 3, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-304C, Idaho Code, and to read as follows:

62-304C. APPORTIONMENT OF COSTS. The Idaho transportation department shall follow federal guidelines on such grade crossing improvement projects as are to be funded in whole or in part under any federal act, and where the project is not funded entirely by federal funds, the Idaho transportation department may use moneys in the railroad grade crossing protection account to pay all or a portion of the matching funds required.

On projects where federal-aid funds are not being utilized in whole or in part, the Idaho transportation department shall apportion the entire cost of the installation, reconstruction or improvement of any signal or device as described in section 62-304A, Idaho Code, between the railroad company or companies and the Idaho transportation department or the local authority, in proportion to the respective benefits to be derived. The Idaho transportation department may use moneys in the railroad grade crossing protection account to pay all or a portion of the cost apportioned to the Idaho transportation department or local authority involved.

The railroad company or companies owning the track or tracks upon which the improvement shall be made shall perform all construction and maintenance of the signals or devices and shall be reimbursed for such part of said costs not to be borne by it, but in allocating said costs and dividing the same among the parties involved, the Idaho transportation department shall limit the amount to be charged against the railroad company or companies to a maximum of ten per cent (10%) of the total cost of such construction, unless the crossing is a new one proposed by the railroad company or companies, in which case the entire cost of construction shall be apportioned to said railroad company or companies.

SECTION 8. That Chapter 3, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-304D, Idaho Code, and to read as follows:

62-304D. ESTABLISHING PRIORITIES FOR HAZARDOUS RAILROAD LOCATIONS --ACCIDENT REPORTS TO BE FILED WITH IDAHO TRANSPORTATION DEPARTMENT. In its administration of the railroad grade crossing protection account, the Idaho transportation department shall establish a priority rating for railroad crossings, assigning priority first to the most hazardous railroad crossing locations, giving proper weight to traffic volume over such crossings by school buses and vehicles
transporting dangerous commodities and if the Idaho transportation department determines from all of the evidence that public safety does not require installation of protective signals or devices at a crossing under consideration, it may refuse to order the installation of signals or devices or may defer their installation until more hazardous crossings have been protected. Every railroad company shall file with the Idaho transportation department a copy of each report of accident which is filed with the Idaho public utilities commission pursuant to the provisions of section 61-517, Idaho Code, for the Idaho transportation department to consider in making its determination. No part of any report filed with the Idaho transportation department as required in this section, or of any record, or a copy thereof, of any hearing held under the provisions of this act or of the determination provided for in this section and no finding, conclusion or order made by the Idaho transportation department in the administration of this act shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the Idaho transportation department as a result of any such investigation or proceeding.

Approved March 29, 1979.

CHAPTER 219
(S.B. No. 1011, As Amended)

AN ACT
RELATING TO COURT FEES; AMENDING SECTION 31-3201, IDAHO CODE, TO INCREASE CERTAIN FEES CHARGED FOR SERVICES BY THE CLERK OF THE DISTRICT COURT; AMENDING SECTION 31-3201A, IDAHO CODE, TO INCREASE CERTAIN COURT FEES AND COSTS; AMENDING SECTION 1-2003, IDAHO CODE, TO INCREASE COURT FEES IN THE DISTRICT COURT AND MAGISTRATES DIVISION, AND TO STRIKE EXEMPTIONS FOR APPEARANCES IN THE MAGISTRATES DIVISION EXCEPT FOR ACTIONS IN THE SMALL CLAIMS DEPARTMENTS; AMENDING SECTION 73-213, IDAHO CODE, TO INCREASE COURT FEES FROM FOUR DOLLARS TO FIVE DOLLARS, CLARIFYING JURISDICTIONAL EXEMPTIONS RELATING TO APPEARANCE FEES AND EXEMPTING PROCEEDINGS UNDER THE SUMMARY ADMINISTRATION OF SMALL ESTATES ACT; AMENDING SECTION 1-2303, IDAHO CODE, TO INCREASE THE SMALL CLAIMS DEPARTMENT FILING FEE FROM FIVE DOLLARS TO SEVEN DOLLARS; AMENDING SECTION 10-1305, IDAHO CODE, TO INCREASE FOREIGN JUDGMENT FILING FEES FROM FIVE DOLLARS TO SEVEN DOLLARS; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

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

31-3201. CLERK OF DISTRICT COURT -- FEES. The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

For filing and docketing abstract or transcript of judgment from another court ........................................... $4.00 2.00
For issuing execution upon an abstract or transcript of judgment and filing same on return ........................................... $4.00 2.00
For recording execution issued upon abstract or transcript of judgment, per page ........................................... $4.00 2.00
For taking affidavits, including jurat ........................................... $4.50 1.00
For taking acknowledgments, including seal ........................................... $4.50 1.00
For filing and indexing designation of agent of foreign corporation ........................................... $4.00 2.00
For filing and indexing notarial statement ........................................... $4.00 2.00
For making copy of any file or record, by the clerk, the clerk shall charge and receive, per page ........................................... $1.00
For certifying a prepared copy of any file or record, the clerk shall charge and receive, per page ........................................... $.50
For certifying the same an additional fee for certificate and seal of ........................................... $.50 1.00
For appearance after judgment, reopen case ........................................... $5.00

For all services not herein enumerated, and of him lawfully required, the clerk of the district court shall demand and receive such fees as are herein allowed for similar services.

All fees collected under the provisions of this section shall be paid over to the county treasurer, at the same time and in the same manner as other fees.

SECTION 2. 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 27.00 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 5.00 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\times10^{-3} \text{ } 7.00 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\times10^{-3} \text{ } 27.00 is paid, $14\times10^{-3} \text{ } 17.00 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\times10^{-3} \text{ } 7.00 is paid, $3\times10^{-3} \text{ } 4.00 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\times10^{-3} \text{ } 5.00 is paid, $2\times10^{-3} \text{ } 3.00 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 $750 10.00 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 (1) offense for purposes of assessing such fee. If the magistrate court facilities are provided by the county, $375 5.00 of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $375 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. If the magistrate court facilities are provided by a city, $375 5.00 of such fee shall be paid to the city treasurer for deposit in the city general fund, and $375 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.

(c) A fee of $500 7.00 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, $250 4.00 shall be paid to the county treasurer for deposit in the district court fund of the county; and $300 0.00 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 $500 7.00 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 $300 12.00 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, $500 6.00 of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $500 6.00 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 $300 5.00 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 $400 6.00 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 $400 6.00 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 7.00 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 7.00 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 7.00 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 7.00 shall be paid by the party taking an appeal from the district court to the Supreme Court for comparing and certifying the 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 3. That Section 1-2003, Idaho Code, be, and the same is hereby amended to read as follows:

1-2003. ADDITIONAL FEES IN CIVIL ACTIONS AND APPEALS. (a) In addition to the fees and charges to be collected by the clerks of the district courts of the state and by other persons authorized by rule or administrative order of the Supreme Court as now or hereafter provided by law, such clerks and authorized persons are directed to charge and collect the additional sum of $7.00 for filing a civil case or proceeding of any type in the district court or magistrate's division of the district court including cases involving the administration of decedents' estates, whether testate or intestate, conservatorships of the person or of the estate or both and guardianships of the person or of the estate or both, except that no fee shall be charged or collected for filing a proceeding under the Summary Administration of Small Estates Act. The additional sum of $7.00 shall also be collected from any party, except the plaintiff, making an appearance in any civil action in the district court, but such $7.00 fee shall not be collected from the person making an appearance in civil actions filed in the magistrate's division small claims departments of the district court.

(b) The sum of $7.00 shall also be collected:
(1) from an intervenor in an action;
(2) from a party who files a third party claim;
(3) from a party who files a cross claim;
(4) from a party appealing from the magistrate's division of the district court to the district court;
(5) from a party appealing the decision of any commission, board or body to the district court.

(c) The clerk of the Supreme Court is authorized and directed to charge and collect, in addition to the fees now prescribed by law and as a part of the cost of filing the transcript on appeal in any civil case or proceeding, other than criminal, appealed to the Supreme Court, the additional sum of $8.00; for filing a petition for rehearing, the additional sum of $10.00; for filing an application for any writ for which a fee is now prescribed, the additional sum of $10.00; for filing appeals from the industrial accident board, the additional sum of $5.00.

(d) The clerks of the district courts, persons authorized by rule or administrative order of the Supreme Court and the clerk of the Supreme Court are directed and required to remit all additional charges and fees authorized by this section and collected during a calendar month, to the state treasurer within five (5) days after the end of the month in which such fees were collected. The state treasurer shall place all such sums in the judges' retirement fund.
SECTION 4. That Section 73-213, Idaho Code, be, and the same is hereby amended to read as follows:

73-213. TAX LEVY ON ACTIONS. There is hereby levied a fee of four five dollars ($4.00 5.00) upon each civil action filed in the district court or in the magistrates' division of the district court including matters involving decedents' estates, whether testate or intestate, and including proceedings involving adoption and the appointment of a guardian of the person or of the estate or both. There is also hereby levied a fee of four five dollars ($4.00 5.00) upon each party, except the plaintiff, making an appearance in any civil action in the district court or in the magistrates' division of the district court, except that no fee shall be levied or collected for an appearance in a civil action where the money or damages or the value of personal property claimed does not exceed three hundred dollars ($300) the small claims department or for a proceeding under the summary administration of small estates act.

The clerks of the district courts and persons authorized by rule or administrative order of the Supreme Court are directed and required to remit all additional charges and fees authorized by this section and collected during a calendar month, to the state treasurer on or before the fifth day of the month following the calendar month of collection. The state treasurer shall place all such sums in the code fund for the following purposes:

1. From that portion of such sums pledged by section 73-214, Idaho Code, to pay the principal and interest on any treasury notes according to their priority issued under authority of this act. When any such treasury notes are issued and remain outstanding and unpaid and the state treasurer has sufficient moneys set aside as provided by section 73-214, Idaho Code, to pay the unpaid principal and interest of any treasury notes so issued and unpaid, the state treasurer, as soon as such notes may be paid by their terms, shall pay the same and shall certify such fact to the commission, and

2. To pay the cost of any compilations authorized under this act by the code commission, and

3. To pay the compensation and expenses of the code commission created by this act and its employees.

SECTION 5. That Section 1-2303, Idaho Code, be, and the same is hereby amended to read as follows:

1-2303. TIME OF HEARING -- SERVICE OF PROCESS -- SERVICE BY MAIL -- FILING FEE. Upon filing said complaint the magistrate shall appoint a time for the hearing of said matter and shall cause to be issued a notice of the claim, as hereinafter provided, which shall be served upon the defendant by personal service of process in the manner provided by law, or, when request is made therefor by the plaintiff,
service of process may be made upon the defendant by mail, as herein
provided. The plaintiff may request service upon the defendant by mail
by indorsing in writing upon his complaint, which request shall
include the address to be used in mailing. The magistrate shall mail
to the defendant at the address given in the indorsement a copy of the
complaint and a magistrate summons. Service of process by mail is
made by registered or certified mail, return receipt requested, and is
complete upon return to the office of the magistrate of the receipt
signed by the defendant. Service by mail is proved prima facie by the
signature of the defendant upon the return receipt. The plaintiff must
bear the cost of service of process by mail.

The magistrate shall collect in advance upon each claim the sum of
five seven dollars ($5.00 7.00), which shall be in addition to the
costs necessary to bring service of the claim upon the defendant, and
which shall be paid to the county treasurer for deposit in the
district court fund of the county.

SECTION 6. That Section 10-1305, Idaho Code, be, and the same is
hereby amended to read as follows:

10-1305. FEES. Any person filing a foreign judgment shall pay to
the clerk of the court five seven dollars ($5.00 7.00). Fees for
docketing, transcription or other enforcement proceedings shall be as
provided for judgments of the district court of this state.

SECTION 7. This act shall be in full force and effect on and
after July 1, 1979.

Approved March 30, 1979.

CHAPTER 220
(S.B. No. 1035)

AN ACT
RELATING TO SPECIAL FUEL TAX REVENUES; AMENDING SECTION 49-1231A,
IDAHO CODE, TO CHANGE THE PERCENTAGE OF SPECIAL FUEL TAX REVENUES
TO BE TRANSFERRED TO THE STATE HIGHWAY ACCOUNT FROM 81.33% TO
83.33%.

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

SECTION 1. That Section 49-1231A, Idaho Code, be, and the same is
hereby amended to read as follows:
49-1231A. DISTRIBUTION OF TAX REVENUES. (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-three and one-third per cent (83.33%) 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.

Approved March 30, 1979.

CHAPTER 221
(S.B. No. 1049)

AN ACT
RELATING TO LOCAL OPTION NONPROPERTY TAXES; AMENDING SECTION 50-1047, IDAHO CODE, TO STRIKE THE REFERENCE TO THE CITIES' POWER TO CONTRACT WITH ANY PERSON FOR COLLECTION OF THE TAX; AND AMENDING CHAPTER 10, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-1049, IDAHO CODE, DETAILING THE POWERS OF A CITY TO CONTRACT WITH THE TAX COMMISSION FOR THE ADMINISTRATION AND COLLECTION OF
SUCH TAX.

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

SECTION 1. That Section 50-1047, Idaho Code, be, and the same is hereby amended to read as follows:

50-1047. GENERAL PROVISIONS {EFFECTIVE--JULY--15--1978}. 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 50-1044, Idaho Code, 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 2. That Chapter 10, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-1049, Idaho Code, and to read as follows:

50-1049. COLLECTION AND ADMINISTRATION OF LOCAL-OPTION NONPROPERTY TAXES BY STATE TAX COMMISSION. A city which has levied a tax pursuant to section 50-1044, Idaho Code, may contract with the state tax commission for the collection and administration of such taxes in like manner and under the definitions, rules and regulations of the tax commission for the collection and administration of the
state sales tax under chapter 36, title 63, Idaho Code. Monthly, following receipt by the state tax commission of revenues from such city tax levies pursuant to section 50-1044, Idaho Code, the state tax commission shall remit the same to the city levying such tax, less a deduction for such fee as may be agreed upon between the commission and such city for the commission's actual cost for the collection and administration of the tax. A city 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 taxpayers relating to such tax. Alternatively, such city shall have authority to administer and collect such tax.

Approved March 30, 1979.

CHAPTER 222
(S.B. No. 1151)

AN ACT
RELATING TO WAIVER OF COURT FEES AND COSTS IN CIVIL ACTIONS FOR INDIGENT PERSONS; AMENDING SECTION 31-3220, IDAHO CODE, PROVIDING FOR A COURT FINDING OF INDIGENCY, PROHIBITING WAIVER FOR ACTIONS WHICH ARE FRIVOLOUS OR MALICIOUS, AND REQUIRING PAYMENT OF FEES AND COSTS OUT OF THE DISTRICT COURT FUND OF THE COUNTY IN WHICH THE ACTION IS FILED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3220, Idaho Code, be, and the same is hereby amended to read as follows:

31-3220. INABILITY TO PAY FEES -- AFFIDAVIT. (1) The district court, or the magistrates division thereof, may authorize the commencement or defense of any civil suit, action or proceeding, or an appeal therein, without prepayment of fees, costs or security therefor, by any person who makes affidavit that he is indigent and unable to pay such costs or give security therefor, whenever the court finds, after informal inquiry, the person to be indigent for the purpose of prepayment of fees, costs or security in a civil action or proceeding. Such affidavit shall state the nature of the action, defense or appeal and the affiant's belief he is entitled to redress.

(2) No fees, costs or security shall be waived for an appeal if the trial court certifies in writing that the action is frivolous or malicious or that it is not taken in good faith.

(3) The court may, upon the filing of a like affidavit and a
finding of indigency, direct that the expense of printing the transcript or record on appeal be paid by out of the state-of-Idaho district court fund of the county in which the civil suit, action or proceeding is filed.

(4) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Payment of fees for service of process and witnesses, where required, shall be paid out of the district court fund of the county wherein the civil suit, action or proceeding is filed.

(5) The court may dismiss retroactively require payment for any fees, costs or security which may have been waived in the case if the allegation of poverty is untrue, or if the court is satisfied that the action is frivolous or malicious, or if the action is not taken in good faith.

(6) Judgment may be rendered for costs at the conclusion of the suit or action as in other cases. If the state-of-Idaho has paid the cost of the transcript or printed record has been paid out of the district court fund for the prevailing party, the same shall that party may be taxed in favor of the state-of-Idaho district court fund.

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

Approved March 30, 1979.

CHAPTER 223
(S.B. No. 1149)

AN ACT
RELATING TO THE NUMBER OF DISTRICT JUDGES IN THE FIRST JUDICIAL DISTRICT; AMENDING SECTION 1-802, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES IN THE FIRST JUDICIAL DISTRICT FROM THREE TO FOUR AND TO INCREASE FROM ONE TO TWO THE NUMBER OF DISTRICT JUDGES HAVING RESIDENT CHAMBERS IN KOOTENAI COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-802, Idaho Code, be, and the same is hereby amended to read as follows:
1-802. FIRST DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS.  
(1) The first judicial district shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone and Benewah.  
(2) The first judicial district shall have three (4) district judges.  
(3) Resident chambers of the district judges of the first judicial district shall be established as follows:  
(a) One (1) resident chambers shall be established in Bonner County;  
(b) One Two (2) resident chambers shall be established in Kootenai County;  
(c) One (1) resident chambers shall be established in Shoshone County.  

SECTION 2. This act shall be in full force and effect on and after January 1, 1980.  

Approved March 30, 1979.  

CHAPTER 224  
(S.B. No. 1029, As Amended)  

AN ACT  
RELATING TO FINANCIAL INSTITUTIONS; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 15, TITLE 26, IDAHO CODE, TO PROVIDE THAT NO LAW OF THIS STATE SHALL PROHIBIT A BANK, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION OR SUPERVISED LENDER FROM MAINTAINING AN AUTHORIZED OFFICE AT A LOCATION WHERE ANOTHER BANK, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION OR FINANCE COMPANY HAS AN OFFICE; AND REPEALING SECTION 26-1902, IDAHO CODE.  

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

SECTION 1. That Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 15, Title 26, Idaho Code, and to read as follows:  

CHAPTER 15  
MISCELLANEOUS PROVISIONS  

26-1501. OFFICE LOCATION. (a) Nothing in the laws of this state shall prohibit a bank from maintaining an authorized branch office, customer bank communication terminal or other authorized office at the
same location as an authorized office of another bank or a savings and loan association, credit union or supervised lender authorized to do business under the Idaho uniform consumer credit code.

(b) Nothing in the laws of this state shall prohibit a savings and loan association from maintaining an authorized branch office or other authorized office at the same location as an authorized office of another savings and loan association or a bank, credit union or supervised lender licensed to do business under the Idaho uniform consumer credit code.

(c) Nothing in the laws of this state shall prohibit a credit union from maintaining an authorized branch office, customer credit union communication terminal or other authorized office at the same location as an authorized office of another credit union or a bank, savings and loan association or supervised lender licensed to do business under the Idaho uniform consumer credit code.

(d) Nothing in the laws of this state shall prohibit a supervised lender authorized to do business under the Idaho uniform consumer credit code from maintaining an authorized branch office, or other authorized office, at the same location as an authorized office of another supervised lender or a bank, savings and loan association or credit union.

SECTION 2. That Section 26-1902, Idaho Code, be, and the same is hereby repealed.

Approved March 30, 1979.
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. Provided, however, that a loan to purchase real property used or expected to be used as the residence of the debtor shall not include a loan the proceeds of which or a portion of which are used to prepay any obligation secured by a prior lien or encumbrance or any obligation of a vendee under an installment land sales contract.

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

Approved March 30, 1979.

CHAPTER 226
(S.B. No. 1121, As Amended in the House)

AN ACT
RELATING TO THE REGISTRATION OF FEDERAL LIENS; REPEALING CHAPTER 2, TITLE 45, IDAHO CODE, RELATING TO FEDERAL TAX LIEN REGISTRATION; AMENDING TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 2, TITLE 45, IDAHO CODE, PROVIDING FOR FILING; PROVIDING FOR CERTIFICATION OF LIENS; PROVIDING FOR DUTIES OF THE FILING OFFICER; AUTHORIZING A FEE FOR FILING; PROVIDING FOR UNIFORMITY OF CONSTRUCTION; AND PROVIDING A SHORT TITLE FOR THE CHAPTER.

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

SECTION 1. That Chapter 2, Title 45, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 2, Title 45, Idaho Code, and to read as follows:

CHAPTER 2
UNIFORM FEDERAL LIEN REGISTRATIONS
45-201. SCOPE. This chapter applies only to federal tax liens and to other federal liens notices of which under any act of congress or any regulation adopted pursuant thereto are required or permitted to be filed in the same manner as notices of federal tax liens.

45-202. PLACE OF FILING. (a) Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be filed in accordance with this chapter.

(b) Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be filed in the office of the county recorder of the county in which the real property subject to the liens is situated.

(c) Notices of federal liens upon personal property, whether tangible or intangible, for obligations payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(1) If the person against whose interest the lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state;

(2) In all other cases, in the office of the county recorder of the county where the person against whose interest the lien applies resides at the time of filing of the notice of lien.

45-203. EXECUTION OF NOTICES AND CERTIFICATES. Certification of notices of liens, certificates, or other notices affecting federal liens by the secretary of the treasury of the United States or his delegate, or by any official or entity of the United States responsible for filing or certifying of notice of any other lien, entitles them to be filed and no other attestation, certification, or acknowledgement is necessary.

45-204. DUTIES OF FILING OFFICER. (a) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection (b) of this section is presented to a filing officer who is:

(1) The secretary of state, he shall cause the notice to be marked, held, and indexed in accordance with the provisions of subsection 4, section 28-9-403, Idaho Code (Uniform Commercial Code), as if the notice were a financing statement within the meaning of that code; or

(2) Any other officer described in section 45-202, Idaho Code, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the
total amount appearing on the notice of lien.

(b) If a certificate of release, nonattachment, discharge, or subordination of any lien is presented to the secretary of state for filing he shall:

(1) Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Idaho Uniform Commercial Code, but the notice of lien to which the certificate relates may not be removed from the files; and

(2) Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the Idaho Uniform Commercial Code.

(c) If a refiled notice of federal lien referred to in subsection (a) of this section or any of the certificates or notices referred to in subsection (b) of this section is presented for filing to any other filing officer specified in section 45-202, Idaho Code, he shall permanently attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed under this chapter or under the Uniform Federal Tax Lien Registration Act (chapter 262, Session Laws of 1967), naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is one dollar ($1.00). Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of one dollar ($1.00) per page.

45-205. FEES. The fee for filing and indexing each notice of lien or certificate or notice affecting the lien is two dollars ($2.00). The officer shall bill the district directors of internal revenue or other appropriate federal officials on a monthly basis for fees for documents filed by them.

45-206. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

45-207. SHORT TITLE. This chapter may be cited as the "Uniform Federal Lien Registration Law."

Approved March 30, 1979.
CHAPTER 227
(S.B. No. 1156, As Amended in the House)

AN ACT
RELATING TO ASSAULT AND BATTERY; REPEALING CHAPTER 9, TITLE 18, IDAHO CODE; AMENDING TITLE 18 BY THE ADDITION OF A NEW CHAPTER 9, TITLE 18, IDAHO CODE, TO PROHIBIT AND DEFINE ASSAULTS, BATTERIES, AGGRAVATED ASSAULTS, AGGRAVATED BATTERIES, ASSAULTS WITH INTENT TO COMMIT A SERIOUS FELONY, BATTERIES WITH THE INTENT TO COMMIT A SERIOUS FELONY, THE FELONIOUS ADMINISTERING OF DRUGS, ABUSES OF SCHOOL TEACHERS, AND TO PRESCRIBE THE PENALTIES FOR VIOLATIONS.

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

SECTION 1. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 18, Idaho Code, and to read as follows:

CHAPTER 9
ASSAULT AND BATTERY

18-901. ASSAULT DEFINED. An assault is:
(a) An unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another; or
(b) An intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

18-902. ASSAULT -- PUNISHMENT. An assault is punishable by fine not exceeding three hundred dollars ($300), or by imprisonment in the county jail not to exceed three (3) months.

18-903. BATTERY DEFINED. A battery is any:
(a) Willful and unlawful use of force or violence upon the person of another; or
(b) Actual, intentional and unlawful touching or striking of another person against the will of the other; or
(c) Unlawfully and intentionally causing bodily harm to an individual.

18-904. BATTERY -- PUNISHMENT. Battery is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not to exceed six (6) months, or both.
18-905. AGGRAVATED ASSAULT DEFINED. An aggravated assault is an assault:
(a) With a deadly weapon or instrument without intent to kill; or
(b) By any means or force likely to produce great bodily harm.
(c) With any vitriol, corrosive acid, or a caustic chemical of any kind.
(d) "Deadly weapon or instrument" as used in this chapter is defined to include any firearm, though unloaded or so defective that it can not be fired.

18-906. AGGRAVATED ASSAULT -- PUNISHMENT. An aggravated assault is punishable by imprisonment in the state prison not to exceed five (5) years or by fine not exceeding five thousand dollars ($5,000) or by both.

18-907. AGGRAVATED BATTERY DEFINED. A person commits aggravated battery who, in committing battery:
(a) Causes great bodily harm, permanent disability or permanent disfigurement; or
(b) Uses a deadly weapon or instrument; or
(c) Uses any vitriol, corrosive acid, or a caustic chemical of any nature; or
(d) Uses any poison or other noxious or destructive substance or liquid.

18-908. AGGRAVATED BATTERY -- PUNISHMENT. An aggravated battery is punishable by imprisonment in the state prison not to exceed fifteen (15) years.

18-909. ASSAULT WITH INTENT TO COMMIT A SERIOUS FELONY DEFINED. An assault upon another with intent to commit murder, rape, the infamous crime against nature, mayhem, robbery, or lewd and lascivious conduct with a minor child is an assault with the intent to commit a serious felony.

18-910. ASSAULT WITH THE INTENT TO COMMIT A SERIOUS FELONY -- PUNISHMENT. An assault with the intent to commit a serious felony is punishable by imprisonment in the state prison not to exceed ten (10) years.

18-911. BATTERY WITH THE INTENT TO COMMIT A SERIOUS FELONY DEFINED. Any aggravated battery committed with the intent to commit murder, rape, the infamous crime against nature, mayhem, robbery or lewd and lascivious conduct with a minor child is a battery with the intent to commit a serious felony.

18-912. BATTERY WITH THE INTENT TO COMMIT A SERIOUS FELONY --
PUNISHMENT. A battery with the intent to commit a serious felony is punishable by imprisonment in the state prison not to exceed fifteen (15) years.

18-913. FELONIOUS ADMINISTERING OF DRUGS DEFINED. Any person who administers, aids in administering or orders the administering to another any chloroform, ether, laudanum or other narcotic, anaesthetic or intoxicating agent, with intent to enable or assist himself or any other person to commit a felony, is guilty of felonious administering of drugs.

18-914. FELONIOUS ADMINISTERING OF DRUGS -- PUNISHMENT. A felonious administering of drugs is punishable by imprisonment in the state prison not to exceed five (5) years or five thousand, ($5,000) dollars, or both.

18-915. ASSAULT OR BATTERY UPON A LAW ENFORCEMENT OFFICER -- PUNISHMENT. Any person who commits a crime provided for in this chapter against or upon a judge, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, correction officer, jailer, parole officer, officer of the state department of law enforcement, fireman, social caseworkers or social work specialists of the department of health and welfare, United States marshal, or federally commissioned law enforcement officer or their deputies or agents and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:
   (a) For committing battery with intent to commit a serious felony the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.
   (b) For committing any other crime in this chapter the punishment shall be doubled that provided in the respective section.

18-916. ABUSE OF SCHOOL TEACHERS. Every parent, guardian or other person who upbraids, insults or abuses any teacher of the public schools, in the presence and hearing of a pupil thereof, is guilty of a misdemeanor.

Approved March 30, 1979.
IDAHO SESSION LAWS

C. 228 '79

IDAHO CODE, TO SPECIFY CONDITIONS FOR ARREST WITHOUT A WARRANT, AND PROVIDE TIMES WITHIN WHICH A WARRANT AND COMPLAINT SHALL BE SOUGHT; AND ADDING A NEW SECTION 19-4515, IDAHO CODE, TO PROVIDE COMMITMENT TO AWAIT REQUISITION.

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

SECTION 1. That Sections 19-4513, 19-4514, and 19-4515, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 45, 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 19-4513, Idaho Code, and to read as follows:

19-4513. ARREST PRIOR TO REQUISITION. (1) Any judge or magistrate of the state of Idaho shall issue a warrant directing any peace officer to arrest the person named in said warrant when the person named in said warrant has been charged with a felony in another state and having absented himself from that state and is believed to be in this state, provided that:

(a) A peace officer of this state shall submit an affidavit that the person named in the warrant has absented himself from a sister state having been charged with a felony, together with a certified copy of the complaint and warrant of arrest issued by a court of record in a sister state to the court in support of issuance of the warrant; or

(b) A peace officer of any other state shall submit an affidavit alleging that the person to be named in the warrant has absented himself from a sister state having committed a felony, together with a certified copy of the complaint and record of arrest issued by a court of record in a sister state to the court in support of issuance of the warrant.

(2) The warrant provided for in subsection (1) shall have a certified copy of the supporting documents attached.

(3) Upon arrest of the person charged, wherever he may be found in the state, he shall be brought before a court of convenient access to be held as provided in section 19-4514, Idaho Code.

(4) The supporting documents provided for in subsection (1)(a) and (b) shall be sufficient evidence to support a finding of probable cause by the court to issue the warrant without additional evidence.

SECTION 3. That Chapter 45, 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 19-4514, Idaho Code, and to read as follows:

19-4514. ARREST WITHOUT A WARRANT. (1) The arrest of a person may
be lawfully made by a peace officer without a warrant upon reasonable information that the accused stands charged with a felony by the courts of another state; but when so arrested, the accused must be taken forthwith before a judge or magistrate where he shall be advised of the reason for his arrest, his right to bond, his right to counsel, and his right against self-incrimination.

(2) Within ten (10) days if the accused is incarcerated, and within twenty (20) days if the accused is out on bond, the court must hold a hearing to determine whether a warrant and complaint shall issue upon the basis set forth in section 19-4513, Idaho Code.

SECTION 4. That Chapter 45, 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 19-4515, Idaho Code, and to read as follows:

19-4515. COMMITMENT TO AWAIT REQUISITION. Upon arrest of the accused, with or without warrant, as specifically provided for in sections 19-4513 or 19-4514, Idaho Code, the court shall commit the accused to jail, by warrant, reciting the accusation for such time as is necessary to enable the arrest of the accused to be made under a warrant of the governor or a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Approved March 30, 1979.

CHAPTER 229
(S.B. No. 1193, As Amended, As Amended)

AN ACT
RELATING TO DEFINITIONS FOR USE IN AD VALOREM TAXATION; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-112, IDAHO CODE, TO PROVIDE A DEFINITION FOR LAND ACTIVELY DEVOTED TO AGRICULTURE FOR AD VALOREM TAX PURPOSES.

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

SECTION 1. 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 63-112, Idaho Code, and to read as follows:

63-112. LAND ACTIVELY DEVOTED TO AGRICULTURE DEFINED. (1) For ad valorem tax purposes, land which is actively devoted to agriculture shall be eligible for appraisal, assessment and taxation as
agricultural property each year it meets one or more of the following qualifications:

(a) The area of such land is more than five (5) contiguous acres, and is actively devoted to agriculture which means:
   (i) It is used to produce field crops, including, but not limited to, grains, feed crops, fruits, vegetables; or
   (ii) It is used by the owner or bona fide lessee for grazing; or
   (iii) It is in a crop-land retirement or rotation program.

(b) The area of such land is five (5) acres or less and such land has been actively devoted to agriculture within the meaning of subsection (1)(a) of this section during the last three (3) growing seasons; and
   (i) It agriculturally produces for sale or home consumption the equivalent of fifteen percent (15%) or more of the owners' or lessees' annual gross income; or
   (ii) It agriculturally produced gross revenues in the immediately preceding year of one thousand dollars ($1,000) or more. When the area of land is five (5) acres or less, such land shall be presumed to be nonagricultural land until it is established that the requirements of this subsection have been met.

(2) Land shall not be classified or valued as agricultural land which is part of a platted subdivision with stated restrictions prohibiting its use for agricultural purposes, whether within or without a city.

(3) Land utilized for the grazing of a horse or other animals kept primarily for personal use or pleasure rather than as part of a bona fide profit making agricultural enterprise shall not be considered to be land which is actively devoted to agriculture.

Approved March 30, 1979.

CHAPTER 230
(S.B. No. 1202)

AN ACT
RELATING TO RESERVE REQUIREMENTS FOR CREDIT UNIONS; AMENDING SECTION 26-2128, IDAHO CODE, TO PROVIDE THAT THE THREE PERCENT LIQUIDITY RESERVE REQUIREMENT SHALL REMAIN IN EFFECT UNTIL JULY 1, 1981.

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

SECTION 1. That Section 26-2128, Idaho Code, be, and the same is hereby amended to read as follows:

26-2128. LIQUIDITY AND ADDITIONAL RESERVES. (a) Every credit
union shall have on hand as a reserve an amount equal to six percent (6%) of its outstanding shares plus six percent (6%) of its outstanding certificates of deposit plus six percent (6%) of its outstanding certificates of indebtedness. Share or deposit accounts from which a member may withdraw funds by the use of a negotiable instrument shall be subject to the reserve requirements of subsection (b) of this section and not to the reserve requirements of this subsection. Said reserves, except as hereinafter otherwise provided, shall be kept in cash on hand or on deposit subject to check or draft, with any bank or banks or corporate credit union located in the state of Idaho, which shall have been approved by the director as reserve depositories and shall be computed monthly as follows: on the basis of average daily bank deposits and average daily cash on hand. In order to allow a time for transition to meet the reserve requirements of this section, credit unions shall not be required until July 1, 1981 to bring the liquidity reserve required by this section to an amount equal to six percent (6%) of shares, certificates of deposit and certificates of indebtedness. From the date this act takes effect (July 1, 1977) until July 1, 1979, reserve requirements shall be three percent (3%) of the credit union's outstanding shares plus three percent (3%) of its outstanding certificates of deposit plus three percent (3%) of its outstanding certificates of indebtedness. From July 1, 1979, until June 30, 1981, reserve requirements shall be four three percent (4%3%) of the credit union's outstanding shares plus four three percent (4%3%) of its outstanding certificates of deposit plus four three percent (4%3%) of its outstanding certificates of indebtedness. On July 1, 1981, the transition period shall end and credit unions shall be required to have on hand the liquidity reserves required by this section.

(b) Every credit union which provides for its member's share or deposit accounts from which the member may withdraw funds by the use of negotiable instrument shall have on hand as a reserve in addition to the reserve required by subsection (a) of this section an amount equal to fifteen ten percent (15%10%) of its share and deposit accounts which are subject to withdrawal by the use of negotiable instrument. Said reserves shall be kept in cash on hand or on deposit subject to check or draft, with any bank or banks or corporate credit union located in the state of Idaho which shall have been approved by the director as reserve depositories and shall be computed monthly as follows: on the basis of average daily bank or corporate credit union deposits, and average daily cash on hand.

Certificates of deposit issued by the Idaho Corporate Credit Union may be included in meeting the requirements of this section.

Approved March 30, 1979.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE OFFICE OF THE GOVERNOR
FOR THE OFFICE ON AGING, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE
CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the
expense classes designated from the listed accounts for the period July 1, 1979,
through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 47,600</td>
<td>$ 40,100</td>
<td>$ 350,000</td>
</tr>
<tr>
<td>Office on Aging Account</td>
<td>1,994,900</td>
<td>1,994,900</td>
<td>1,994,900</td>
</tr>
<tr>
<td>Economic Opportunity Account</td>
<td>238,800</td>
<td>512,600</td>
<td>751,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$286,400</td>
<td>$552,700</td>
<td>$2,344,900</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
CHAPTER 232  
(S.B. No. 1224)  

AN ACT  
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE LIQUOR DIVISION, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the expense classes designated from the listed account for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Liquor Account</td>
</tr>
<tr>
<td>$3,386,000</td>
<td>$4,881,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,243,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>251,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,881,200</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.

CHAPTER 233  
(S.B. No. 1225)  

AN ACT  
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Public Employees' Retirement System the following amounts, to be expended according to the expense classes designated from the listed account for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
</tr>
</tbody>
</table>
Operating Expenditures 296,000
Capital Outlay 5,500
TOTAL $912,000

FROM:
Public Employees' Retirement System Account $912,000

Approved March 30, 1979.
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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES TO THE BLIND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$128,400</td>
<td>$19,600</td>
<td></td>
<td>$168,700</td>
<td>$316,700</td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td>409,900</td>
<td>138,400</td>
<td>$42,300</td>
<td>112,700</td>
<td>703,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>9,000</td>
<td></td>
<td></td>
<td>35,300</td>
<td>44,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$538,300</td>
<td>$167,000</td>
<td>$42,300</td>
<td>$316,700</td>
<td>$1,064,300</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE STATE INSURANCE FUND, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the expense classes designated from the listed account for the period July 1, 1979, through June 30, 1980:

FOR:
Personnel Costs $ 798,700
Operating Expenditures 261,900
Capital Outlay 12,600
TOTAL $1,073,200

FROM:
State Insurance Fund Account $1,073,200

Approved March 30, 1979.
CHAPTER 236
(S.B. No. 1228)

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 ACCOUNTS FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 designated from the listed accounts for the period July 1, 1979, through June 30, 1980:

<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>$250,900</td>
<td>$104,100</td>
<td></td>
<td></td>
<td>$355,000</td>
</tr>
<tr>
<td>B. RESIDENCE AND EXPENSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$9,000</td>
<td>$12,700</td>
<td>$3,500</td>
<td></td>
<td>$25,200</td>
</tr>
<tr>
<td>C. FEDERAL PROGRAM 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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pacific Northwest Regional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>$114,600</td>
<td>$22,400</td>
<td></td>
<td></td>
<td>$137,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$114,600</td>
<td>$22,400</td>
<td></td>
<td></td>
<td>$137,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$374,500</td>
<td>$139,200</td>
<td>$3,500</td>
<td></td>
<td>$554,700</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
AN ACT
APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT TO THE LEGISLATIVE COUNCIL FOR THE SPECIFIED PURPOSES.

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

SECTION 1. There is hereby appropriated out of the General Account to the Legislative Council, the sum of $23,000, to be expended for payments to the Council of State Governments and the National Conference of State Legislatures for 1979-80 dues.

Approved March 30, 1979.
CHAPTER 238
(S.B. No. 1231)

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, 1979, THROUGH JUNE 30, 1980; 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, 1979, through June 30, 1980:

<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. PRE-AUDIT AND ACCOUNTING:</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>$482,600</td>
<td>$18,100</td>
<td>$2,000</td>
<td>$502,700</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$482,600</td>
<td>$78,100</td>
<td>$2,000</td>
<td>$562,700</td>
</tr>
<tr>
<td>B. DATA 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 Account</td>
<td>$864,100</td>
<td></td>
<td></td>
<td>$864,100</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$985,300</td>
<td>$1,684,100</td>
<td>$30,000</td>
<td>$2,699,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,467,900</td>
<td>$1,762,200</td>
<td>$32,000</td>
<td>$3,262,100</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 1, may be used at the discretion of the State 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.

Approved March 30, 1979.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE STATE TAX COMMISSION, TO BE EXPENDED FOR PROPERTY TAX ASSESSMENT ASSISTANCE TO COUNTIES, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD COMMENCING JULY 1, 1979, THROUGH THE COMPLETION OF THE PROJECT; AUTHORIZING THE STATE TAX COMMISSION TO CHARGE COUNTIES FOR ASSISTANCE PROVIDED FOR PROPERTY TAX ASSESSMENT; EXEMPTING CERTAIN APPROPRIATIONS AND CHARGING AUTHORITY FOR SERVICES CONTAINED IN THIS ACT FROM SPECIFIED SECTIONS OF THE IDAHO CODE, AND EXEMPTING CERTAIN PERSONNEL FROM THE PROVISIONS OF CHAPTER 53, TITLE 67, IDAHO CODE; PROVIDING THAT THE STATE TAX COMMISSION SHALL REPORT AT LEAST QUARTERLY TO THE SPECIFIED COMMITTEES ON ITS PROGRAM TO ASSIST COUNTIES WITH PROPERTY TAX ASSESSMENT.

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, to be expended for property tax assessment assistance to counties, according to designated expense classes from the listed account for the period commencing July 1, 1979, through the completion of the project.

FOR:
Personnel Costs $378,600
Operating Expenditures 166,900
TOTAL $545,500
FROM:
General Account $545,500

SECTION 2. 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 3. The appropriation made in Section 1 of this act and the authority to charge for services in Section 2 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 4. 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.

Approved March 30, 1979.

CHAPTER 240
(S.B. No. 1233)

AN ACT

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

SECTION 1. There is hereby appropriated to the Supreme Court from the General Account the sum of $41,600 for the period January 1, 1980, through June 30, 1980, for the purpose of providing funding and related expenses and benefits for an additional district judge in the First Judicial District.

Approved March 30, 1979.

CHAPTER 241
(S.B. No. 1234)

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, W.O.I. - REGIONAL PROGRAM IN VETERINARY MEDICINE AND WAMI MEDICAL EDUCATION PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.
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 6 of this act, not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

FOR:
Special Programs, University of Idaho $12,869,500

FROM:
General Account $9,717,600
Federal Accounts:
- Hatch Act 895,200
- Regional Research 370,000
- Agricultural Research - Rural 14,200
- Smith-Lever Act 1,515,500
- Farm Safety 20,000
- Title V Rural Development 23,700
- Part-time Farmer 10,100
- Miscellaneous Receipts Account 303,200
TOTAL $12,869,500

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, 1979, through June 30, 1980:

FOR:
Personnel Costs $4,512,800
Operating Expenditures 1,010,400
Capital Outlay 394,200
TOTAL $5,917,400

FROM:
General Account $4,482,000
Federal Accounts:
- Hatch Act 895,200
- Regional Research 370,000
- Agricultural Research - Rural 14,200
- Miscellaneous Receipts Account 156,000
TOTAL $5,917,400

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, 1979, through June 30, 1980:
### FOR:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,008,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>377,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>18,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,404,200</strong></td>
</tr>
</tbody>
</table>

### FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,826,200</td>
</tr>
<tr>
<td>Federal Accounts:</td>
<td></td>
</tr>
<tr>
<td>Smith-Lever Act</td>
<td>1,515,500</td>
</tr>
<tr>
<td>Farm Safety</td>
<td>20,000</td>
</tr>
<tr>
<td>Title V Rural Development</td>
<td>23,700</td>
</tr>
<tr>
<td>Part-time Farmer</td>
<td>10,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>8,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,404,200</strong></td>
</tr>
</tbody>
</table>

**SECTION 4.** There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the Forest Utilization Research Program from the account enumerated for the period July 1, 1979, through June 30, 1980:

**FOR:**
- Forest Utilization Research: $180,000
- General Account: $180,000

**SECTION 5.** There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the designated programs in the W.O.I. - Regional Program in Veterinary Medicine, according to expense classes designated from the enumerated accounts, for the period July 1, 1979, through June 30, 1980:

**INSTRUCTION PROGRAM:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$645,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>105,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>14,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$764,400</strong></td>
</tr>
</tbody>
</table>

**FROM:**
- General Account: $686,800
- Miscellaneous Receipts Account: 77,600
- **TOTAL**: $764,400

**RESEARCH AND DIAGNOSTIC SERVICES PROGRAM:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$65,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>13,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$84,300</strong></td>
</tr>
</tbody>
</table>
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 WAMI Medical Education Program, according to designated expense classes from the enumerated accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>$224,200</td>
<td>$1,470,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>$40,300</td>
<td>$48,900</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>TOTAL</td>
</tr>
<tr>
<td>$1,254,700</td>
<td>$1,519,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL</td>
</tr>
<tr>
<td>$1,519,200</td>
<td>$1,519,200</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
reappropriated forward into fiscal year 1980, the appropriations contained in this act for fiscal year 1980 total the following amounts from the following accounts:

FROM:
- General Account $2,652,000
- Fish and Game Account 100,000
- Land Commissioners Scaling Trust Account 25,700
- 10% Timber Lease Account 23,300
- Personnel Commission Account 30,000
- Motor Vehicle Account 75,000
- Cooperative Welfare Account 1,135,300

TOTAL $4,041,300

SECTION 2. There is hereby appropriated to the Department of Fish and Game the sum of $100,000 from the Fish and Game Account, to be expended for the Enforcement, Fisheries, and Wildlife Programs, for the period July 1, 1979, through June 30, 1980.

SECTION 3. There is hereby appropriated to the Department of Lands the sum of $25,700 from the Land Commissioners Scaling Trust Account and the sum of $23,300 from the 10% Timber Lease Account, to be expended for the Forest Resources Management Program, for the period July 1, 1979, through June 30, 1980.

SECTION 4. There is hereby appropriated to the Department of Law Enforcement the following amounts from the listed accounts, to be expended for the designated programs for the period July 1, 1979, through June 30, 1980.

A. NARCOTICS AND DRUG ENFORCEMENT PROGRAM:
FROM:
- General Account $40,000

B. IDAHO STATE POLICE PROGRAM:
FROM:
- Motor Vehicle Account $75,000

SECTION 5. There is hereby appropriated to the Personnel Commission the sum of $30,000 from the Personnel Commission Account, for the period July 1, 1979, through June 30, 1980.

SECTION 6. There is hereby appropriated to the State Tax Commission the sum of $230,000, to be expended for the Audit and Collection and Ad Valorem Programs for the period July 1, 1979, through June 30, 1980.

SECTION 7. There is hereby appropriated to the Legislative Council the following amounts from the listed account, to be expended for the designated programs for the period July 1, 1979, through June 30, 1980.
A. RESEARCH ASSISTANCE PROGRAM:
FROM:
General Account $3,000

B. DATA.CENTER PROGRAM:
FROM:
General Account $3,000

SECTION 8. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amounts from the listed account, to be expended for the designated programs for the period July 1, 1979, through June 30, 1980.

A. LEGISLATIVE AUDITOR PROGRAM:
FROM:
General Account $3,000

B. LEGISLATIVE FISCAL OFFICE PROGRAM:
FROM:
General Account $3,000

SECTION 9. (1) There is hereby appropriated to the Department of Health and Welfare the following amounts from the listed accounts, to be expended for the designated programs for the period July 1, 1979, through June 30, 1980.

A. LABORATORY SERVICES PROGRAM:
FROM:
General Account $50,000

B. ELIGIBILITY SERVICES PROGRAM:
FROM:
General Account $150,000
Cooperative Welfare Account 177,600
TOTAL $327,600

C. AIR QUALITY SERVICES PROGRAM:
FROM:
General Account $50,000

D. COMMUNITY MENTAL HEALTH SERVICES PROGRAM:
FROM:
General Account $100,000

E. COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES PROGRAM:
FROM:
General Account $150,000

F. INSTITUTIONAL MENTAL HEALTH SERVICES PROGRAM:
FROM:
General Account $100,000

G. STATE YOUTH SERVICES CENTER PROGRAM:
FROM:
General Account $50,000

H. MEDICAL ASSISTANCE PAYMENTS PROGRAM:
FROM:
General Account $500,000
Cooperative Welfare Account

TOTAL

957,700

$1,457,700

(2) The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

SECTION 10. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the designated programs for the period July 1, 1979, through June 30, 1980:

A. OFFICE OF THE STATE BOARD OF EDUCATION:

FOR:

General Administration Program
Public Broadcasting Program

TOTAL

55,000
40,000

$95,000

FROM:

General Account

$95,000

B. IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND:

FOR:

Education and Support Services Program

$40,000

FROM:

General Account

$40,000

C. VOCATIONAL EDUCATION:

FOR:

General Programs

$35,000

Post-Secondary Education Programs

100,000

TOTAL

$135,000

FROM:

General Account

$135,000

D. JUNIOR COLLEGE SUPPORT:

FOR:

General Education Programs at North Idaho College and College of Southern Idaho

$100,000

FROM:

General Account

$100,000

E. COLLEGES AND UNIVERSITIES:

FOR:

General Education Programs at Boise State University, Idaho State University, University of Idaho and Lewis-Clark State College

$500,000

FROM:

General Account

$500,000

F. COOPERATIVE EXTENSION SERVICES PROGRAM:

FROM:
General Account

G. IDAHO STATE HISTORICAL SOCIETY:
FOR: Historic Preservation and Education Program
FROM: General Account

$40,000
$10,000
$10,000

SECTION 11. An amount not to exceed $500,000 of the unexpended and unencumbered balances of the moneys appropriated for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho by Section 3, Chapter 121, Laws of 1978, 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 Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho for fiscal year 1980.

SECTION 12. There is hereby appropriated to the State Board of Examiners the sum of $300,000 from the General Account, to be used to supplement appropriations made to the various state executive, legislative and judicial agencies funded wholly or in part from the General Account for fiscal year 1980 for personnel costs needed in the implementation of H.C.R. 22, for the period July 1, 1979, through January 15, 1980.

SECTION 13. This act shall be in full force and effect on and after July 1, 1979, except for Section 11 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 11 of this act shall be in full force and effect on and after June 30, 1979.

Approved March 30, 1979.

CHAPTER 243
(S.B. No. 1238)

AN ACT
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 Environmental Health Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$308,000</td>
<td>$31,300</td>
<td>$339,300</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>187,700</td>
<td>320,800</td>
<td>508,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$495,700</td>
<td>$352,100</td>
<td>$847,800</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 30, 1979.
classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,442,100</td>
<td>$1,724,700</td>
<td>$4,166,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>25,700</td>
<td>25,700</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>1,178,600</td>
<td>966,900</td>
<td>2,145,500</td>
</tr>
<tr>
<td>Account</td>
<td>TOTAL</td>
<td>3,620,700</td>
<td>2,717,300</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 30, 1979.
<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$174,300</td>
<td>$43,200</td>
<td>$217,500</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>314,100</td>
<td>63,400</td>
<td>377,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$488,400</strong></td>
<td><strong>$106,600</strong></td>
<td><strong>$595,000</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.

Approved March 30, 1979.
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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<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>$ 933,000</td>
<td>$130,000</td>
<td>$ 9,700</td>
<td>$1,063,000</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>68,600</td>
<td>$ 78,700</td>
<td></td>
<td>157,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>438,900</td>
<td>120,500</td>
<td>6,000</td>
<td>565,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,440,500</td>
<td>$329,200</td>
<td>$15,700</td>
<td>$1,785,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 30, 1979.
CHAPTER 247
(S.B. No. 1242)

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 amount, to be expended for the designated program for the period July 1, 1979, through June 30, 1980:

FOR:
Education Commission of the States
FROM:
General Account

$11,250
$11,250

Approved March 30, 1979.

CHAPTER 248
(S.B. No. 1085, As Amended)

AN ACT

RELATING TO PENALTIES AND INTEREST ON DELINQUENT AD VALOREM AND PERSONAL PROPERTY TAXES; AMENDING SECTION 63-1102, IDAHO CODE, TO CHANGE PENALTY INTEREST RATES; AMENDING SECTION 63-1302, IDAHO CODE, TO CHANGE PENALTY INTEREST RATES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-1102, Idaho Code, be, and the same is hereby amended to read as follows:

63-1102. WHEN PAYABLE. All taxes extended on the real property assessment roll shall be payable to the tax collector without penalty on or before December 20 of the year in which the taxes were extended on the roll. The taxes may be paid in two (2) equal instalments, the first on or before December 20 and the second on or before June 20 of the following year. If the first instalment is not paid on or before December 20, that instalment becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the first
instalment plus penalty, at the rate of eight-per-cent-(8%)-per-annum one per cent (1%) per month, shall be calculated from January 1 of the following year. No tax, penalty or interest may be paid to the treasurer between December 21 and the fourth Monday of January because the books are closed for audit. If the second instalment is not paid on or before June 20, that instalment becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the second instalment plus penalty, at the rate of eight-per-cent-(8%)-per annum one per cent (1%) per month, shall be calculated from January 1 of that year. No tax, penalty or interest may be paid to the treasurer between June 21 and the fourth Monday in July because the books are closed for audit.

All delinquent state and county taxes, together with any penalties and interest, collected shall be apportioned by the county auditor according to the tax levy of the year when the delinquent tax levy was made.

SECTION 2. That Section 63-1302, Idaho Code, be, and the same is hereby amended to read as follows:

63-1302. TAX PAYABLE ON DEMAND -- DELINQUENCY DATE -- PENALTY. All taxes shown on the personal property assessment roll, and on any subsequent roll, shall be due and payable to the tax collector on demand and, if unpaid, shall become delinquent if--not--paid on or before December 20 of each year, except that taxes upon equities in state lands and upon leasehold improvements which are defined by law as personal property and which are located upon federal government, state or Indian land may be paid in two (2) instalments; the first half shall become delinquent if--not--paid on or before December 20 and the second half shall become delinquent if--not--paid on or before June 20, together with a penalty of two per cent (2%) of the amount of the taxes as shown on the assessment roll, plus eight-per-cent-(8%)-for the-time-the-tax-runs interest at the rate of one per cent (1%) per month dating back to January 1. In the event the taxpayer is unable to pay his personal property tax, he may appeal to the board of county commissioners. If sufficient information is given to satisfy the board that the taxes will be paid, and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for the payment of the taxes, penalty and interest, not exceeding four (4) months. A warrant of distraint shall not be issued until expiration of the extended time.

SECTION 3. This act shall be in full force and effect on and after January 1, 1980.

Approved March 30, 1979.
AN ACT
RELATING TO AN ADVISORY VOTE PRIOR TO RATIFICATION OF CONSTITUTIONAL AMENDMENTS; AMENDING SECTION 34-2217, IDAHO CODE, TO PROVIDE THAT AN ADVISORY ELECTION SHALL BE HELD PRIOR TO RATIFICATION OF A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, UPON SUBMISSION TO THE ELECTORATE BY CONCURRENT RESOLUTION.

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

SECTION 1. That Section 34-2217, Idaho Code, be, and the same is hereby amended to read as follows:

34-2217. REFERENDUM ON UNITED STATES CONSTITUTIONAL AMENDMENT -- ADVISORY NATURE. The legislature of the state of Idaho shall not in any case ratify an amendment to the United States constitution unless the proposed amendment shall first have been submitted to the electorate at the next earliest scheduled general election. The question shall be submitted to the electorate at the next earliest a regularly scheduled general election following receipt of the question by concurrent resolution of the legislature. The results of such submission of the question to the electorate shall be advisory in nature only, and shall not prevent the legislature from acting in any manner on the proposed amendment.

Approved March 30, 1979.

CHAPTER 250
(H.B. No. 132)

AN ACT
RELATING TO CORPORATE INCOME TAXES OF BUSINESS ORGANIZATIONS; AMENDING SECTION 63-3027, IDAHO CODE, TO CLARIFY THE REQUIREMENTS OF COMBINED REPORTING FOR BUSINESS ORGANIZATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Net rents and royalties from tangible personal property are
allocable to this state:
(i) if and to the extent that the property is utilized in this state, or
(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

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

(f) (1) Capital gains and losses from sales of real property located in this state are allocable to this state.
(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:
(i) the property had a situs in this state at the time of the sale, or
(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

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

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

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

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

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

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

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

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

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

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

(n) Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state; or

(2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(3) some of the service is performed in the state and

(i) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or

(ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

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

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

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

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

(s) For purposes of this section a parent and subsidiary corporation two (2) or more corporations the voting stock of which is more than fifty percent (50%) owned directly or indirectly by a common owner or owners may, when necessary to accurately reflect income, be considered a single corporation.

Approved March 30, 1979.
CHAPTER 251
(H.B. No. 229)

AN ACT
RELATING TO HORSE RACING; AMENDING SECTION 54-2504, IDAHO CODE, TO PROVIDE A PER DIEM INCREASE FROM $25.00 TO $35.00 FOR MEMBERS OF THE IDAHO STATE HORSE RACING COMMISSION FOR EACH DAY WHILE IN ATTENDANCE AT OFFICIAL BUSINESS OF THE COMMISSION.

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

SECTION 1. That Section 54-2504, Idaho Code, be, and the same is hereby amended to read as follows:

54-2504. CHAIRMAN -- QUORUM -- COSTS. The commission shall organize by electing one (1) of its members chairman. Two (2) members of the commission shall constitute a quorum for the transaction of any and all business of the commission.

Each member of the board shall receive compensation of twenty thirty-five dollars ($25-$35.00) per day, for each day while in attendance at official business of the commission. Moneys used for the compensation of members shall be drawn from commission funds.

The commission may incur all such costs, charges and expenses as are reasonably necessary in carrying out the intent and purposes of this act.

All claims and expenditures under this act shall be first audited and passed upon by the commission, and, when approved, shall be paid in the manner provided by law for the payment of claims against the state of Idaho.

Approved March 30, 1979.

CHAPTER 252
(H.B. No. 284)

AN ACT
RELATING TO COUNTY WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-3001, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF THE COUNTY WIDE HIGHWAY DISTRICT LAW SHALL BE PERMISSIVE RATHER THAN MANDATORY.

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

SECTION 1. That Section 40-3001, Idaho Code, be, and the same is hereby amended to read as follows:

40-3001. ELECTION TO ESTABLISH DISTRICT -- COUNTIES TO WHICH APPLICABLE. The provisions of this section apply to any county which
has a population, as reported by the most recent census of the United States, of seventy-five thousand (75,000) or more persons. Any county with a population of seventy-five thousand (75,000) or more persons shall may, at the discretion of the board of county commissioners, hold an election at which the following question shall be submitted to the electorate: "Shall this county be served by one (1) county wide highway district for all city streets and county secondary roads?". Any county which reaches a population of seventy-five thousand (75,000) as indicated by a regular United States census may, at the discretion of the board of county commissioners, hold such special election at the next general election.

Approved March 30, 1979.

CHAPTER 253
(H.B. No. 291, As Amended)

AN ACT
RELATING TO LEASE OF CERTAIN STATE LANDS; AUTHORIZING LONG TERM LEASE FOR CERTAIN STATE LANDS AND BUILDING IMPROVEMENTS IN GOODING COUNTY, IDAHO; PROVIDING PURPOSES FOR WHICH THE LANDS AND IMPROVEMENTS MAY BE LEASED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following described state lands and the building improvements thereon are hereby authorized for long term lease by the state board of land commissioners:

A tract of land in Gooding County, Idaho, in part of Section 8, T 6 S, R 15 E of the Boise meridian, or more particularly described as follows: a portion of lots 26 and 31, South Gooding Acreage, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho. Said portion is situated approximately midpoint in each of said lots and contains a total of six (6) acres, more or less, subject to final determination and negotiation as between the state board of land commissioners and the lessee.

SECTION 2. The state board of land commissioners is hereby authorized to lease the lands and buildings described in section 1 hereof for an alcoholic treatment center or other public purposes upon such terms and conditions as the board may determine best in the interest of the state in accordance with law, but not for a term in excess of twenty-five (25) years.
SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 30, 1979.

CHAPTER 254
(H.B. No. 306)

AN ACT
RELATING TO THE SCHOOL FOUNDATION PROGRAM; REPEALING SECTIONS 33-806, 33-1015, AND 33-1016, IDAHO CODE; AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE TAXATION POLICIES FOR SCHOOL DISTRICTS FOR TAX YEAR 1979; AMENDING SECTION 33-804, IDAHO CODE, TO PROVIDE THAT SCHOOL PLANT RESERVE FUND LEVIES BE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 33-904, IDAHO CODE, TO STRIKE REFERENCE TO A COUNTY SCHOOL LEVY; AMENDING SECTION 33-1001, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD SHALL DETERMINE WHETHER CERTAIN SCHOOL DISTRICT EMPLOYEES REQUIRE CERTIFICATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REDUCE THE TAX LEVIES REQUIRED FOR SCHOOL DISTRICTS, TO PROVIDE DESCRIPTIONS FOR THE FOUNDATION PROGRAM, AND TO STRIKE REFERENCES TO MINIMUM REQUIREMENTS FOR PARTICIPATION IN THE FOUNDATION PROGRAM; AMENDING SECTION 33-1003A, IDAHO CODE, TO STRIKE REFERENCE TO EXTRA TAX EFFORTS REQUIRED FOR SCHOOL DISTRICTS OPERATING REMOTE SCHOOLS; AMENDING SECTION 33-1006, IDAHO CODE, TO PROVIDE THAT THE STATE'S SHARE OF TRANSPORTATION COSTS SHALL BE EIGHTY-FIVE PERCENT OF ALLOWABLE TRANSPORTATION COSTS; AMENDING SECTION 33-1009, IDAHO CODE, TO STRIKE REFERENCES TO MINIMUM COUNTY SCHOOL LEVIES TO STRIKE REFERENCES TO MINIMUM SCHOOL DISTRICT LEVIES TO PROVIDE THAT DEFICIENCIES IN STATE APPROPRIATIONS FOR THE PUBLIC SCHOOL INCOME FUND SHALL BE CALCULATED IN COMPUTING SCHOOL DISTRICT TAX LEVIES AND SHALL BE ADDED TO THE DISTRICT'S MAINTENANCE AND OPERATION LEVY AND EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 33-1011, IDAHO CODE, TO STRIKE REFERENCES TO MINIMUM CONTRIBUTIONS TO THE COUNTY SCHOOL FUND AND SCHOOL DISTRICT CONTRIBUTIONS TO THE FOUNDATION PROGRAM; AMENDING SECTION 33-1014, IDAHO CODE, TO STRIKE REFERENCE TO MILL LEVIES; AMENDING SECTION 33-1103, IDAHO CODE, TO PROVIDE THAT LEVIES FOR SCHOOL DISTRICT BONDED INDEBTEDNESS PURPOSES SHALL NOT BE SUBJECT TO THE ONE PERCENT LIMITATION; AMENDING SECTION 33-1114, IDAHO CODE, TO PROVIDE THAT LEVIES FOR SCHOOL DISTRICT BONDED INDEBTEDNESS PURPOSES SHALL NOT BE SUBJECT TO THE ONE PERCENT LIMITATION, AND TO PROVIDE CODE CITATIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR
DISTRIBUTION OF SALES TAX MONEYS TO SCHOOL DISTRICTS FOR FISCAL YEAR 1979-80; PROVIDING LIMITATIONS ON THE BUDGET REQUEST OF A SCHOOL DISTRICT FOR TAX YEAR 1979; APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT TO THE PUBLIC SCHOOL INCOME FUND; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION OF SECTION 15.

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

SECTION 1. That Sections 33-806, 33-1015, and 33-1016, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. GENERAL SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine in mills upon each dollar of taxable property in the district the tax levies for the ensuing fiscal year as follows:

1. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations, which levies shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

2. Such levies, not exceeding the greater of:
   (a) an amount equal to twenty-seven-twenty (27) twenty (20) mills applied to the 1978 adjusted assessed valuation of the district, as such valuation existed on December 31, 1978, or
   (b) twenty (20) mills applied to the 1978 actual assessed valuation of the district, as such valuation existed on December 31, 1978, as shall be necessary to pay all other lawful expense of maintaining and operating the schools of the district and for the payment of tuition and transportation.

3. No levy in excess of twenty-seven-twenty (27) mills the levy permitted by paragraph 2 shall be made for the purposes of paragraph 2 of this section unless such a supplemental levy in a specified amount be first authorized through an election held pursuant to sections 33-401-33-406, Idaho Code, and approved by a majority of the district electors voting in such election, which supplemental levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220(1)(b) and (2)(b), Idaho Code.

4. The privilege of a charter notwithstanding, all charter districts shall reduce their 1979-1980 school district levy for maintenance and operation and transportation purposes by at least three-sevenths (3) seven (7) mills from the levy made for the 1972-73 1978-79 school year. No increase shall be made in excess of the 1978-79 levy minus three-sevenths (3) seven (7) mills for maintenance and, operation and transportation purposes for school year 1979-80 of charter school districts unless such a levy increase in a specified
amount be first authorized through an election held pursuant to sections 33-401--33-406, Idaho Code, and approved by a majority of the district electors voting in such election, which supplemental levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220(1)(b) and (2)(b), Idaho Code.

SECTION 3. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed twenty (20) mills in each year for a period not to exceed ten (10) years.

The notice of such election shall state the number of mills proposed to be levied, the period of years in each of which the levy is proposed to be made, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be conducted and the returns canvassed as provided in sections 33-401--33-406, Idaho Code; and the levy shall be approved only if the majority voting in favor thereof is as that required in section 33-803, Idaho Code, two-thirds (2/3) of the electors voting in such election are in favor thereof.

If the question be approved, the board of trustees may make a levy in each year according to the terms so approved; and may again submit the question at the expiration of the period of such levy, for the number of mills and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the number of mills be less than twenty (20), the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the number of mills, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

Levies approved under the provisions of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 4. 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--3: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 5. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. 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 calculated as follows:

(1) State Equalization Levy Calculation. -- The state equalization levy calculation shall be equal to twenty-two-(22) sixteen (16) mills times the total state adjusted assessed valuation for the previous year and twenty-two-(22) sixteen (16) mills times the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.

(2) Total Distribution Funds. -- Add to the state equalization levy-the-four-(4)-mill-county-levy calculation and the 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 the state average-cost distribution factor per student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and Sparsity Factors. -- The total weighted state average daily attendance shall be determined by using the tables set out hereafter called the Elementary Grades Sparsity Factor, the Secondary Grades Sparsity Factor, the Exceptional Child Sparsity Factor, the Kindergarten Sparsity Factor, and the Secondary School Cost Factor provided for in paragraph (4)b of this section. The sum of all of the total weighted average daily attendance of all the school districts of the state as computed under the provisions of paragraph (6)b of this section shall be the total weighted state average daily attendance.

### ELEMENTARY GRADES SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Average daily attendance</th>
<th>300 and over</th>
<th>200 to 299</th>
<th>150 to 199</th>
<th>100 to 149</th>
<th>50 to 99</th>
<th>20 to 49</th>
<th>5 to 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td>1.10</td>
<td>1.15</td>
<td>1.20</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
<td></td>
</tr>
</tbody>
</table>

To count as 25

### SECONDARY GRADES SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Average daily attendance</th>
<th>750 and over</th>
<th>500 to 749</th>
<th>400 to 499</th>
<th>300 to 399</th>
<th>200 to 299</th>
<th>100 to 199</th>
<th>0 to 99</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td>1.10</td>
<td>1.20</td>
<td>1.25</td>
<td>1.40</td>
<td>1.50</td>
<td>1.70</td>
<td></td>
</tr>
</tbody>
</table>
EXCEPTIONAL CHILD SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Exceptional Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Students</td>
</tr>
<tr>
<td>Average Daily Attendance</td>
</tr>
<tr>
<td>Factor</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>10 or more</td>
</tr>
<tr>
<td>4 to 9</td>
</tr>
<tr>
<td>Less than 4</td>
</tr>
</tbody>
</table>

KINDERGARTEN SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Kindergarten</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Students</td>
</tr>
<tr>
<td>Average Daily Attendance</td>
</tr>
<tr>
<td>Factor</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>40 or more</td>
</tr>
<tr>
<td>28 to 39</td>
</tr>
<tr>
<td>17 to 27</td>
</tr>
<tr>
<td>16 or less</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>Kindergarten</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Students</td>
</tr>
<tr>
<td>Average Daily Attendance</td>
</tr>
<tr>
<td>Factor</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>8 to 16</td>
</tr>
<tr>
<td>Less than 8</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 Distribution 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 the state average-cost distribution 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 distribution 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 Calculation. -- Multiply the district's adjusted assessed valuation for the previous year plus the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code, by twenty-two-(22) sixteen (16) 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 average 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 distribution 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 Allowance. -- Multiply total district weighted average daily attendance by the state average-cost distribution factor per student to secure total district education cost allowance.

d. District Share. -- To secure district's share of state and county apportionment, subtract the amount of the local district equalization levy calculation (6)a, from the amount of the total district cost allowance (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.--Paragraphs (7)a and (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 7. That Section 33-1003A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1003A. REMOTE SCHOOLS. The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and
necessary school. Such petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the foundation program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

A--school--district--in--order--to--be--eligible--for--the--designation--of one--or--more--of--its--schools--as--being--necessary--and--remote,--must--levy--at least--thirty--(30)--mills--on--each--dollar--of--taxable--property--in--the district--for--the--ensuing--fiscal--year--

SECTION 8. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. FOUNDATION TRANSPORTATION PROGRAM. The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of vehicles, insurance, salaries of drivers, and any other costs, shall be allowable in computing the foundation transportation program of school districts. Each school district shall maintain such records and make such reports as are required for the purposes of this section.

The foundation transportation program of a school district shall be based upon the allowable costs of:

1. Transporting public school pupils one and one-half (1 1/2) miles or more to school;
2. Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;
3. The costs of payments when transportation not furnished, as provided in section 33-1503, Idaho Code;
4. The costs of providing transportation to and from approved school activities such as may be approved by regulations of the state board of education;
5. Anticipated additional costs for transporting additional pupils in a new district the boundaries of which have been extended and which as a newly organized district is operating for the first time in the year when transportation allowances authorized are apportioned and paid.

The state's share of the transportation foundation program shall be ninety-eighty-five per cent (98.85%) of the difference between the total of allowable transportation costs and the estimated proceeds of a tax levy of one mill applied to the adjusted value of the taxable property of the district for the next preceding year, but shall not exceed ten dollars ($10.00) per month per transported child except the state board of education may increase such limit to fifteen dollars ($15.00) upon the request of a school district board of trustees accompanied with such data as the state board of education may deem necessary in the consideration of such request.

SECTION 9. That Section 33-1009, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009. APPORTIONMENTS FROM THE PUBLIC SCHOOL INCOME FUND. 1. Not later than the fifteenth day of July and the fifteenth day of October in each year the state board of education shall compute the ratio which moneys in the public school income fund bear to the total apportionments made from said fund for the preceding year; and it shall apportion to each school district that same ratio, but not to exceed forty per cent (40%) on the fifteenth day of July and not to exceed twenty per cent (20%) on the fifteenth day of October, of the apportionments received by any school district for the preceding school year.

2. No later than the fifteenth day of February in each year, the state board of education shall compute the state average cost distribution factor based on the total weighted average daily attendance for the first semester of the then current school year. Such factor will be used in apportionments of state funds in February and May as provided in paragraph 4 of this section and apportionments from the county school fund as provided in section 33-1012, Idaho Code, as amended.

As of the thirtieth day of June of each year the state board of education shall determine final apportionments to be made on July fifteenth next succeeding to the several school districts from the public school income fund for the school year ended June 30. Such apportionments shall take into consideration

(a) the average daily attendance of the several school districts for the twenty-eight (28) best weeks of the school year completed not later than the thirtieth of June,
(b) all funds available in the public school income fund for the fiscal year ending on the thirtieth of June,
(c) all apportionments distributed for the current fiscal year to
the several school districts,
(d) all estimated funds available in the county school fund,
(e) apportionments made or due for transportation and ancillary personnel.

3. Not--later--than--the-second-Monday-in-September-in-each-year; the state board of education shall annually compute for each county the total of:
   a. The--estimated--proceeds--of-the-minimum-county-school-levy-as prescribed-in-section-33-1015(a);
   b. Other receipts required by law to be made a part of the county school fund;
   c. Any balance remaining in the county school fund, unapportionable for the preceding year;
   d. Any minus balance in the county school fund by reason of overdraft or insufficient funds for the full, lawful apportionment to school districts for the preceding school year;
   e. The--estimated-proceeds-of-the-minimum-school--district--levies as-prescribed-in-section-33-1015(b);
   
In computing the proceeds of (a) and (c) hereinabove, the state board of education shall proceed as though any joint school district were wholly situate in that county which is its home county;

4. To the total thus obtained for each county, the state board of education shall add an amount from the public school income fund which, together with such total, will provide for each school district in said county, and as though any joint district were wholly situate in that county which is its home county, its foundation program computed according to the provisions of this chapter; said amount from the public school income fund for each district to be computed, as follows:
   a. Calculate the percentage of the weighted average daily attendance of each school district for which the county is its home county to the total weighted average daily attendance of all such school districts.
   b. Multiply the total county participation of each county by the percentage thus determined for each school district for which such county is the home county.
   c. From the total state and county funds due each district for the foundation educational and transportation program, subtract the county's share, as calculated in b, of this subsection.

5. The state board of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund as of the fifteenth day of July, October, February and May, in each year, taking into account the advance made under subsection (1) of this section, in such amounts as will provide in full for each district its foundation program, and not more than therefor required; but no apportionments to all school districts in any county shall be made for any year in the total aggregate amount of less than ten thousand dollars ($10,000), and no school district shall
receive less than fifty dollars ($50.00);

6. If the full amount appropriated by the legislature is not transferred to the public school income fund, such deficiency resulting therefrom shall be considered calculated in computing county school district levies, and any such additional levy shall be certified to the board of county commissioners and added to the district's maintenance and operation levy, and the additional levy shall be exempt from the limitations imposed by section 63-923(1), Idaho Code;

7. Any apportionments in any year, made to any school district, which may within the succeeding three (3) year period be found to have been in error either of computation or transmittal, may be corrected during such three (3) year period by reduction of apportionments to any school district to which over-apportionments may have been made or received, and corresponding addition to apportionments to any school district to which under-apportionments may have been made or received.

8. Any apportionment made pursuant to this statute shall be subject to the payments from the public school income fund to the public employee retirement fund as required by section 59-1332A, Idaho Code. Such payments shall be prior to the payment of funds from the public school income fund to the several school districts as provided herein.

SECTION 10. That Section 33-1011, Idaho Code, be, and the same is hereby amended to read as follows:

33-1011. TAXES TO BE LEVIED BY COUNTY COMMISSIONERS -- DETERMINATION AND CERTIFICATION. Not later than the second Monday in September of each year the state board of education shall determine and certify to the board of county commissioners the amounts of money to be provided as follows:

a. For the county school fund: The amount required to be provided as determined in section 33-1015(a);

b. For the county school fund: Any amount as may be required to be provided under the provisions of section 33-1009;

c. For the district contribution to the foundation program: In any county where the same is applicable, such amount as shall be required under the provisions of section 33-1016 this chapter.

SECTION 11. That Section 33-1014, Idaho Code, be, and the same is hereby amended to read as follows:

33-1014. ASSESSMENT RATIOS AND EQUIVALENCY DETERMINATIONS. The state tax commission shall annually ascertain the ratio between the market value for assessment purposes of real property, as defined in section 63-202, Idaho Code, and the assessed valuation of real property in each county, and from the ratio so ascertained compute the adjusted value of all taxable property in each county.
The state tax commission shall on or before February 15 of each year report to each county in the state all of the following data that will be used by the state tax commission in conducting such ratio study within such county:

(1) sales of real property,
(2) appraisals of real property.

The report of the state tax commission shall be made available for public inspection in the office of the county assessor.

The county assessor and the board of county commissioners shall review such data and certify such review to the tax commission on or before March 15. If the county objects to the use of such data by the state tax commission, or desires additional data to be used by the state tax commission, it must report such objections, and the basis therefor, and furnish to the commission any additional data it desires used, by March 15. The state tax commission shall advise such county whether or not its objections or additional data have been accepted for use in the ratio study. If the state tax commission fails to accept such objections or additional data by March 30 the county may appeal such action by the state tax commission to the Idaho board of tax appeals by filing such appeal with the board of tax appeals on or before April 15. The board of tax appeals shall issue a decision determining all sales of real property and all appraisals of real property to be used by the state tax commission in performing such ratio study on or before July 15. The decision of the board of tax appeals shall be binding upon the Idaho state tax commission when they calculate and certify their sales ratio findings.

The state tax commission shall compute for each school district in each county an equivalent valuation which, with a mill levy equal to that levy certified by such school district to the proper taxing authorities for the next preceding year, would produce an amount of money equal to that which is apportioned to said school district by the county or state revenue in lieu of direct taxation for the fiscal school year ending June 30th of the year in which such valuation is being made, and shall certify on or before the fourth Monday of August of each year such equivalent valuation to the state board of education.

On or before the fourth Monday of August of each year, the executive officer of the state tax commission shall provide the county auditor of each county with a statement of the amounts of the adjusted value and the assessed value of taxable property in the county and the ratio between the same. At the same time, the state board of education shall be given a statement summarizing the statements provided to the several county auditors.

SECTION 12. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT --
ELECTIONS TO AUTHORIZE ISSUANCE. For the purposes of this chapter the following definitions shall have the meanings specified: "Assessed valuation" means the amount of the last preceding equalized assessment of all taxable property within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. "Aggregate outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. "Issue," "issued," or "issuance" mean a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

A school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed twenty-five per centum (25%) of the assessed valuation thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten per centum (10%) of the assessed valuation thereof less the aggregate outstanding indebtedness. The assessed valuation, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 33-401--33-406, Idaho Code.

The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the Constitution of the State of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time within two (2) years from the date of such election.

Levies required to satisfy all maturing bond and bond interest obligations shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 13. That Section 33-1114, Idaho Code, be, and the same is hereby amended to read as follows:

33-1114. LEVY FOR LIQUIDATION OF BONDED INDEBTEDNESS. Whenever it shall appear that the board of trustees of any school district has
failed to certify to the board of county commissioners the levy required in section 33-801802, Idaho Code, said board of county commissioners shall, in addition to all other levies set by them, set levies sufficient to meet all accruing bond, bond interest and judgment obligations of the district maturing during the year when such levies shall be collected and paid.

Such levies shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 14. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX ACCOUNT -- CREATION -- SALES TAX REFUND ACCOUNT -- APPROPRIATIONS. (a) There is hereby created in the office of the state treasurer and subject to his control and custody in the state operating fund an account to be known and designated as the "Sales Tax Account."

(b) All moneys collected under this act shall be paid by the tax collector into the sales tax 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 account to the permanent building 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 account to the social security trust 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 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 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 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 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 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 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. For the purposes of this section, for fiscal year 1979-80, a school district shall receive a portion of the distribution equal to the proportion it received during the previous year plus the proportion it received from the county school fund during the previous year.

(2) The moneys set aside and appropriated to the county treasurer out of the sales tax 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 account, but not in excess of fifty thousand dollars ($50,000), shall be retained in this account as a "Sales Tax Refund 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 account so much thereof as may be necessary for the payment of the refunds herein provided for. The balance of the sales tax refund account in excess of fifty thousand dollars ($50,000) shall be transferred to the general account.

(k) Any moneys remaining in the sales tax 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 account.

(l) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945."

SECTION 15. To comply fully with the provisions of section 63-2220 (1), Idaho Code, to finance a district's ad valorem tax portion of its operating budget for its fiscal year beginning in 1979 and ending in 1980, each school district shall reduce from the dollar amount certified for that same purpose in fiscal year 1978-79 a dollar amount equal to seven (7) mills times the 1978 assessed valuation of the district.

SECTION 16. There is hereby appropriated the sum of $29,975,000 out of the general account to the public school income fund.

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, Section 15 of this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1979.

Approved March 30, 1979.
C. 256 '79  IDAHO SESSION LAWS  679

PROVIDE FOR UNIFORMITY WITH THE INTERNAL REVENUE CODE OF 1954, AS AMENDED, AND IN EFFECT ON THE FIRST DAY OF JANUARY OF 1979, EXCEPT FOR SECTION 151 OF THE INTERNAL REVENUE CODE, WHICH FOR 1979 SHALL CONTINUE AS IT WAS IN EFFECT ON THE FIRST DAY OF JANUARY, 1978; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

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

63-3004. INTERNAL REVENUE CODE. The term "Internal Revenue Code" means the Internal Revenue Code of 1954 of the United States, as amended, and in effect on the 1st day of January, 1979, except for section 151 of the Internal Revenue Code, which section shall for 1979 only continue as it was in effect on the 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, 1979.

Approved March 30, 1979.

CHAPTER 256  
(H.B. No. 323)

AN ACT 
RELATING TO LIQUOR LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903b, TO PROVIDE LIMITATIONS ON SALES OR TRANSFERS OF LICENSES ISSUED TO OWNERS, OPERATORS OR LESSEES OF GOLF COURSES, SKI AND LAKE RESORTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 9, Title 23, Idaho Code, be, and the same hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-903b, Idaho Code, and to read as follows:

23-903b. LICENSES ISSUED TO OWNERS, OPERATORS OR LESSEES OF GOLF COURSES, SKI RESORTS AND LAKE RESORTS -- LIMITATIONS ON SALES OR
TRANSFERS. No license issued to an owner, operator, or lessee of a bona fide golf course, ski resort or lake resort, as defined in sections 23-903 and 23-948, Idaho Code, shall be transferable to another location or facility.

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

Approved March 30, 1979.
AN ACT
AMENDING SECTION 2, CHAPTER 232, LAWS OF 1978, RELATING TO THE APPROPRIATION TO
THE DEPARTMENT OF LAW ENFORCEMENT BY ADDING AN APPROPRIATION FOR THE BUREAU
OF MEDICAID/FRAUD INVESTIGATION PROGRAM BY $127,500 FROM THE MEDICAID FRAUD
ACCOUNT AND $9,800 FROM THE MISCELLANEOUS RECEIPTS ACCOUNT; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 2, Chapter 232, Laws of 1978, 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, 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. 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>
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<tr>
<td>B. DATA PROCESSING:</td>
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</tr>
<tr>
<td>FROM:</td>
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<td></td>
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</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$182,300</td>
<td>$221,600</td>
<td></td>
<td>$403,900</td>
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<tr>
<td>C. BUREAU OF MEDICAID/FRAUD INVESTIGATIONS:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicaid Fraud Account</td>
<td>$86,100</td>
<td>$31,700</td>
<td>$9,700</td>
<td>$127,500</td>
</tr>
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<td>Miscellaneous Receipts Account</td>
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<td>9,800</td>
</tr>
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<td>$34,300</td>
<td>$9,700</td>
<td>$137,300</td>
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<td>E. OPERATORS LICENSE:</td>
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<td></td>
<td></td>
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<tr>
<td>FROM:</td>
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<td></td>
<td></td>
<td></td>
</tr>
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<td>Motor Vehicle Account</td>
<td>$455,400</td>
<td>$259,000</td>
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<td>F. SAFETY RESPONSIBILITY:</td>
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<td>FROM:</td>
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<tr>
<td>Motor Vehicle Account</td>
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<td>G. VEHICLE TITLES:</td>
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<td></td>
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</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
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<td>$800</td>
<td>$436,500</td>
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<td>H. VEHICLE REGISTRATIONS:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
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</tr>
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<td>Motor Vehicle Account</td>
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<td>6-H. MOTOR CARRIER BUREAU:</td>
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<td>7-H. WEIGH STATION BUREAU:</td>
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<td>Motor Vehicle Account</td>
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<td>8-J. IDAHO STATE POLICE:</td>
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<tr>
<td>Motor Vehicle Account</td>
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<td>$ 49,000</td>
<td>$ 1,569,100</td>
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<tr>
<td>Alcohol Safety Action</td>
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<tr>
<td>Program Account</td>
<td>$3,087,600</td>
<td>$ 701,400</td>
<td>$247,100</td>
<td>$ 4,036,100</td>
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<td>$ 4,634,600</td>
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<tr>
<td>J-K. BRAND INSPECTION:</td>
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</tr>
<tr>
<td>State Brand Board</td>
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<td>$ 916,900</td>
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<tr>
<td>K-L. HORSE RACING COMMISSION:</td>
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<tr>
<td>Idaho State Horse Racing Commission</td>
<td>$ 116,500</td>
<td>$ 55,400</td>
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<tr>
<td>GRAND TOTAL</td>
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<td></td>
<td>7,956,900</td>
<td>2,586,900</td>
<td>417,300</td>
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</table>

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

Approved March 30, 1979.
CHAPTER 258
(H.B. No. 325)

AN ACT
APPROPRIATING MONEYS TO THE IDAHO DAIRY PRODUCTS COMMISSION IN THE
DEPARTMENT OF SELF-GOVERNING AGENCIES, TO BE EXPENDED ACCORDING TO
DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD
JULY 1, 1979, THROUGH JUNE 30, 1980.

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

SECTION 1. There is hereby appropriated to the Idaho Dairy
Products Commission in the Department of Self-governing Agencies the
following amount, to be expended according to designated expense
classes from the listed account for the period July 1, 1979, through
June 30, 1980:

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
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<tr>
<td>Operating Expenditures</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,400,000</strong></td>
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</table>

FROM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Idaho Dairy Products Commission Account</td>
<td>$1,400,000</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
AN ACT
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, 1979, THROUGH JUNE 30, 1980; 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. 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, 1979, through June 30, 1980:

<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: FROM:</td>
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<tr>
<td>State Highway Account</td>
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<td>B. HIGHWAYS: FROM:</td>
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<tr>
<td>State Highway Account</td>
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<td>$119,644,200</td>
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<td>Alcohol Safety Action Program Account</td>
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<td>900</td>
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<tr>
<td>Idaho Traffic Safety Commission Account</td>
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<td>101,900</td>
<td>7,200</td>
<td>$1,325,000</td>
<td>1,545,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$27,083,100</td>
<td>$15,139,100</td>
<td>$77,667,300</td>
<td>$1,325,000</td>
<td>$121,214,500</td>
</tr>
<tr>
<td>C. AERONAUTICS: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>$279,900</td>
<td>$179,700</td>
<td>$67,500</td>
<td>$389,300</td>
<td>$916,400</td>
</tr>
<tr>
<td>D. PUBLIC TRANSPORTATION: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td>$9,700</td>
<td>$4,100</td>
<td></td>
<td>$13,800</td>
<td></td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>40,300</td>
<td>17,400</td>
<td></td>
<td>$548,700</td>
<td>606,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$50,000</td>
<td>$21,500</td>
<td></td>
<td>$548,700</td>
<td>$620,200</td>
</tr>
<tr>
<td>E. INTER AND INTRA DEPARTMENTAL SERVICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interaccount Account</td>
<td>$108,900</td>
<td>$1,100,000</td>
<td></td>
<td>$1,208,900</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$31,184,700</td>
<td>$18,666,900</td>
<td>$77,889,900</td>
<td>$2,601,100</td>
<td>$130,342,600</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated $31,400 from the Motor Vehicle Account to the Idaho Traffic Safety Commission Account to provide the required state matching money for the operation of the Idaho Traffic Safety Commission for the period July 1, 1979, through June 30, 1980.

Approved March 30, 1979.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON HUMAN RIGHTS, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 on Human Rights the following amounts, to be expended according to the expense classes designated from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$89,400</td>
<td>$28,000</td>
</tr>
<tr>
<td>Human Rights Account</td>
<td>$34,600</td>
<td>$45,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$124,000</td>
<td>$73,400</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATION AS PROVIDED BY HOUSE BILL NO. 243, FIRST REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, FOR THE FOREST RESOURCES MANAGEMENT PROGRAM BY $208,000 FROM THE INSECT AND DISEASE CONTROL ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the amount appropriated to the Department of Lands by House Bill No. 243, First Regular Session, Forty-fifth Idaho Legislature, there is hereby appropriated the following amounts, to be expended for the Forest Resources Management Program according to expense classes designated from the listed account for the period July 1, 1978, through June 30, 1979.
FOR:
Personnel Costs $50,000
Operating Expenditures $158,000
TOTAL $208,000
FROM:
Insect and Disease Control Account $208,000

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

Approved March 30, 1979.

CHAPTER 262
(H.B. No. 331)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE ENDOWMENT FUND INVESTMENT BOARD, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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 according to the expense classes designated from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$85,600</td>
<td>$95,000</td>
<td>$180,600</td>
</tr>
<tr>
<td>Interaccount Account</td>
<td>15,000</td>
<td>8,500</td>
<td>23,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$100,600</td>
<td>$103,500</td>
<td>$204,100</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
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, 1979, THROUGH JUNE 30, 1980; 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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,907,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,606,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>38,900</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>20,134,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$24,686,300</strong></td>
</tr>
</tbody>
</table>

FROM:

| General Account          | $2,031,000 |
| Driver Training Account  | 1,065,600  |
| Professional Standards Commission Account | 30,000 |
| Commodity Distribution Account | 143,500 |
| Local School District Contributions Account | 233,300 |
| Miscellaneous Receipts Account | 2,700 |
| Federal Accounts         | 21,180,200 |
| **TOTAL**                | **$24,686,300** |

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, 1979, through June 30, 1980:

<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>General Account</td>
<td>$102,000</td>
<td>$33,300</td>
<td>$200</td>
<td></td>
<td>$135,500</td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>$66,800</td>
<td>$36,100</td>
<td>600</td>
<td>$ 500</td>
<td>104,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$168,800</td>
<td>$69,400</td>
<td>$800</td>
<td>$500</td>
<td>$239,500</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
<td>--------------------</td>
<td>-----------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>B. FINANCE AND ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 361,300</td>
<td>$ 83,500</td>
<td>$ 3,600</td>
<td>$ 200,000</td>
<td>$ 648,400</td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>68,400</td>
<td>32,900</td>
<td>4,300</td>
<td>960,000</td>
<td>1,065,600</td>
</tr>
<tr>
<td>Commodity Distribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Food Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterans Approval Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver Retraining and Safety Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 737,800</td>
<td>$ 393,800</td>
<td>$23,400</td>
<td>$ 7,180,000</td>
<td>$ 8,335,000</td>
</tr>
<tr>
<td>C. STATE-FEDERAL-INSTRUCTIONAL 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>$ 446,100</td>
<td>$ 249,200</td>
<td>$ 6,100</td>
<td>$ 3,700</td>
<td>$ 705,100</td>
</tr>
<tr>
<td>Indian Education Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education Account</td>
<td>$ 944,300</td>
<td>$ 477,000</td>
<td>$ 4,400</td>
<td>$11,940,200</td>
<td>$13,365,900</td>
</tr>
<tr>
<td>Adult Basic Education Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Education-Teacher Training Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deaf and Blind Children Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Standards Commission Account</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Food Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,520,500</td>
<td>$ 849,100</td>
<td>$10,700</td>
<td>$12,953,500</td>
<td>$15,333,800</td>
</tr>
<tr>
<td>D. STATEWIDE EDUCATIONAL PLANNING &amp; REPORTING SYSTEM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 357,100</td>
<td>$ 182,400</td>
<td>$ 2,500</td>
<td></td>
<td>$ 542,000</td>
</tr>
<tr>
<td>Local School District Contributions Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 480,000</td>
<td>2,700</td>
<td>$ 4,000</td>
<td></td>
<td>$ 778,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,907,100</td>
<td>$1,606,300</td>
<td>$38,900</td>
<td>$20,134,000</td>
<td>$24,686,300</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 2, Subsection A of this act, may be used at the discretion of the Superintendent of Public Instruction to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Superintendent of Public Instruction and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 30, 1979.
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, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

FOR:
Personnel Costs $ 5,708,100
Operating Expenditures 4,435,700
Capital Outlay 258,700
Trustee & Benefit Payments 341,000
TOTAL $10,743,500

FROM:
General Account $ 4,788,000
Miscellaneous Receipts Account 40,300
Scaling Practices Account 117,700
Forest & Range Conservation Account 8,300
Land Commissioners Scaling Trust Account 394,500
Forest Management Account 979,500
U.S., Clark-McNary Account 952,100
Soil Erosion Control Account 282,400
Insect Disease Control Account 157,800
Clearwater Potlatch Timber Protection Association Account 1,093,900
Southern Idaho Timber Protection Association Account 77,700
10% Grazing Lease Account 110,600
10% Recreation Lease Account 32,900
10% Timber Lease Account 1,227,500
Lands Federal Account 220,300
Oil and Gas Commission Account 5,000
Site Restoration Account 255,000
TOTAL $10,743,500

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, 1979, through June 30, 1980:
<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 CAPITAL BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. SUPPORTING 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>$ 611,700</td>
<td>$ 205,200</td>
<td>$ 9,300</td>
<td></td>
<td>$ 826,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Clark-McNary Account</td>
<td>147,400</td>
<td>22,700</td>
<td>300</td>
<td></td>
<td>170,400</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>9,000</td>
<td>8,600</td>
<td></td>
<td></td>
<td>17,600</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 768,100</td>
<td>$ 262,600</td>
<td>$ 18,100</td>
<td></td>
<td>$ 1,048,800</td>
</tr>
<tr>
<td><strong>B. FOREST &amp; RANGE FIRE PROTECTION:</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>$ 901,500</td>
<td></td>
<td></td>
<td></td>
<td>$ 1,098,500</td>
</tr>
<tr>
<td>Forest &amp; Range</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Account</td>
<td>$ 5,300</td>
<td>3,000</td>
<td></td>
<td></td>
<td>8,300</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>499,100</td>
<td>431,200</td>
<td>$ 31,600</td>
<td></td>
<td>961,900</td>
</tr>
<tr>
<td>U.S. Clark-McNary Account</td>
<td>717,400</td>
<td>9,200</td>
<td>55,100</td>
<td></td>
<td>781,700</td>
</tr>
<tr>
<td>Soil Erosion Control Account</td>
<td>71,300</td>
<td>211,100</td>
<td></td>
<td></td>
<td>282,400</td>
</tr>
<tr>
<td>Clearwater Potlatch Timber Protection Association Account</td>
<td>1,093,900</td>
<td>1,093,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern Idaho Timber Protection Association Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lands Federal Account</td>
<td>2,500</td>
<td>1,200</td>
<td>3,700</td>
<td></td>
<td>119,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$1,295,600</td>
<td>$2,728,800</td>
<td>$ 86,700</td>
<td>$197,000</td>
<td>$ 4,308,100</td>
</tr>
<tr>
<td><strong>C. FOREST RESOURCES MANAGEMENT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 928,000</td>
<td>$ 185,000</td>
<td>$ 49,800</td>
<td></td>
<td>$ 1,162,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Land Commissioners Scaling Trust Account</td>
<td>346,300</td>
<td>37,500</td>
<td>10,700</td>
<td></td>
<td>394,500</td>
</tr>
<tr>
<td>Insect Disease Control Account</td>
<td>54,000</td>
<td>102,700</td>
<td>1,100</td>
<td></td>
<td>157,800</td>
</tr>
<tr>
<td>Site Restoration Account</td>
<td>10,000</td>
<td>245,000</td>
<td></td>
<td></td>
<td>255,000</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
<td>639,400</td>
<td>549,100</td>
<td>33,900</td>
<td></td>
<td>1,222,400</td>
</tr>
<tr>
<td>Lands Federal Account</td>
<td>119,800</td>
<td></td>
<td></td>
<td></td>
<td>119,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,097,500</td>
<td>$1,119,300</td>
<td></td>
<td></td>
<td>$ 3,323,100</td>
</tr>
</tbody>
</table>

**D. LANDS AND RANGE RESOURCES MANAGEMENT:**
FROM: 


FOR TRUSTEE AND PROGRAM PERSONNEL OPERATING CAPITAL BENEFIT EXPENDITURES OUTLAY PAYMENTS TOTAL

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 575,300</td>
<td>$ 107,900</td>
<td>$ 24,700</td>
<td></td>
<td>$ 707,900</td>
</tr>
<tr>
<td>10% Grazing Lease Account</td>
<td>46,100</td>
<td>48,400</td>
<td>16,100</td>
<td></td>
<td>110,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 621,400</td>
<td>$ 156,300</td>
<td></td>
<td>$40,800</td>
<td>$ 818,500</td>
</tr>
</tbody>
</table>

E. EARTH RESOURCES MANAGEMENT:

FROM:

| General Account               | $ 486,900 | $ 57,300 |         |         | $ 544,200 |
| Oil and Gas Commission Account| 5,000     |          |         |         | 5,000    |
| Lands Federal Funds Account   | 13,700    | 21,600   | $ 6,500 |         | 41,800   |
| 10% Recreation Lease Account  | 9,200     | 23,700   |         |         | 32,900   |
| TOTAL                         | $ 509,800 | $107,600 | $ 6,500 |         | $623,900 |

F. SOILS & WATER MANAGEMENT:

FROM:

| General Account               | $ 267,500 | $ 36,900 |         |         | $144,000 | $ 448,400 |
| Lands Federal Funds Account   | 55,000    |          |         |         | 55,000   |
| TOTAL                         | $ 322,500 | $ 36,900 |         |         | $144,000 | $ 503,400 |

G. SCALING PRACTICES:

FROM:

| Log Scalers Law Account       | $ 93,200 | $ 24,200 | $ 300   |         | $ 117,700 |

GRAND TOTAL: $5,708,100 $4,435,700 $258,700 $341,000 $10,743,500

Approved March 30, 1979.
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, 1979, THROUGH JUNE 30, 1980; 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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>A. RENAL DISEASE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$234,200</td>
<td>$234,200</td>
</tr>
<tr>
<td>Vocational Rehabilitation Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Account</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$284,200</td>
<td>$284,200</td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$974,300</td>
<td>$974,300</td>
</tr>
<tr>
<td>Vocational Rehabilitation Account</td>
<td>$2,140,200</td>
<td>$493,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>291,100</td>
<td>291,100</td>
</tr>
<tr>
<td>Vocational Rehabilitation Donated Account</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Federal Third Party Account</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,140,200</td>
<td>$493,600</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,140,200</td>
<td>$493,600</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that for the period July 1, 1979, through June 30, 1980, 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.

Approved March 30, 1979.
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, 1979, THROUGH JUNE 30, 1980.

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

SECTION 1. There is hereby appropriated to the State Board of
Education for Vocational Education the following amounts, to be
expended for designated programs in the prescribed expenditure
classifications for the period July 1, 1979, through June 30, 1980:

FOR MAJOR PROGRAMS:
Administration and Supervision $ 995,700
General Programs 3,581,900
Post Secondary Programs 9,782,900
Advisory Council 99,900
TOTAL $14,460,400

BY EXPENDITURE CLASSIFICATION
TO BE EXPENDED FOR ALL PROGRAMS:
Personnel Costs $ 865,600
Operating Expenditures 223,600
Capital Outlay 6,400
Trustee & Benefit Payments 13,364,800
TOTAL $14,460,400

FROM:
General Account $11,778,800
Vocational Education Act of 1963 Account 2,581,700
Vocational Education Advisory Council Account 99,900
TOTAL $14,460,400

Approved March 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 Military Division, as set forth in section 2, not exceed the following amounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,348,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$1,082,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$26,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,457,100</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts, to be expended for the designated programs according to the expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<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. ADMINISTERING THE MILITARY DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$229,800</td>
<td>$16,700</td>
<td>$6,200</td>
<td>$252,700</td>
</tr>
<tr>
<td>B. ADMINISTRATION AND OPERATION OF MILITARY FACILITIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$102,900</td>
<td>$304,900</td>
<td>$16,800</td>
<td>$424,600</td>
</tr>
<tr>
<td>C. ADMINISTERING FEDERAL/STATE CONTRACTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$72,900</td>
<td>$103,200</td>
<td></td>
<td>$176,100</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>$593,600</td>
<td>$473,000</td>
<td></td>
<td>$1,066,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$666,500</td>
<td>$576,200</td>
<td></td>
<td>$1,242,700</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. ADMINISTERING DISASTER 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>$87,400</td>
<td>$27,000</td>
<td>$400</td>
<td>$114,800</td>
</tr>
<tr>
<td>Civil Defense--</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Administration and Personnel Account</td>
<td>127,000</td>
<td>19,200</td>
<td>400</td>
<td>146,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$214,400</td>
<td>$46,200</td>
<td>$800</td>
<td>$261,400</td>
</tr>
<tr>
<td>E. MILITARY OPERATIONS AND TRAINING:</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>$111,300</td>
<td>$66,700</td>
<td>$2,300</td>
<td>$180,300</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>37,100</td>
<td></td>
<td></td>
<td>37,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$111,300</td>
<td>$103,800</td>
<td>$2,300</td>
<td>$217,400</td>
</tr>
<tr>
<td>F. RECRUITING AND RETENTION:</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>$34,700</td>
<td></td>
<td></td>
<td>$34,700</td>
</tr>
<tr>
<td>G. FACILITY AND OPERATIONAL EMERGENCIES:</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>Miscellaneous Receipts Account</td>
<td>$23,600</td>
<td></td>
<td></td>
<td>$23,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,348,500</td>
<td>$1,082,500</td>
<td>$26,100</td>
<td>$2,457,100</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
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, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$9,864,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>3,620,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>467,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$13,952,100</td>
</tr>
</tbody>
</table>

FROM:

| General Account        | $1,741,600 |
| Law Enforcement Drug Suspense Account | 20,000 |
| Liquor Law Enforcement Account | 379,500 |
| Motor Vehicle Account  | 9,660,300  |
| Idaho State Horse Racing Commission Account | 172,800 |
| State Brand Board Account | 953,000 |
| Alcohol Safety Action Program Account | 568,600 |
| Training Account       | 48,800     |
| Medicaid Fraud Account | 153,300    |
| 55 MPH Compliance Account | 254       |
| TOTAL                  | $13,952,100|

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GENERAL ADMINISTRATION:</td>
<td>FOR</td>
<td>FOR</td>
<td>FOR</td>
<td>FOR</td>
</tr>
<tr>
<td>FROM:</td>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>CAPITAL</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$329,900</td>
<td>$130,500</td>
<td></td>
<td>$460,400</td>
</tr>
</tbody>
</table>

(1) It is legislative intent that with the utilization of the appropriation for the General Administration program, the positions of Deputy Director and Purchasing Officer II shall be deleted and the responsibilities of the Purchasing Officer II be combined with the responsibilities of the Controller.
## PROGRAM

<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><strong>B. DATA PROCESSING:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$203,300</td>
<td>$221,600</td>
<td></td>
</tr>
<tr>
<td><strong>C. TRAINING:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$15,700</td>
<td>$3,500</td>
<td></td>
</tr>
<tr>
<td>Training Account</td>
<td>$17,600</td>
<td>$31,200</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$33,300</strong></td>
<td><strong>$34,700</strong></td>
<td></td>
</tr>
<tr>
<td><strong>D. CRIMINAL IDENTIFICATION BUREAU:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$207,200</td>
<td>$291,000</td>
<td>$1,900</td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$148,200</td>
<td>$208,300</td>
<td>$1,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$355,400</strong></td>
<td><strong>$499,300</strong></td>
<td><strong>$3,300</strong></td>
</tr>
<tr>
<td><strong>E. NARCOTICS AND DRUG ENFORCEMENT:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$617,300</td>
<td>$211,400</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Drug Suspense Account</td>
<td>$12,000</td>
<td>$8,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$619,300</strong></td>
<td><strong>$223,400</strong></td>
<td><strong>$8,000</strong></td>
</tr>
<tr>
<td><strong>F. STATE BUREAU OF INVESTIGATION:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$315,200</td>
<td>$69,300</td>
<td>$11,200</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>$273,000</td>
<td>$86,200</td>
<td>$20,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$588,200</strong></td>
<td><strong>$155,500</strong></td>
<td><strong>$31,500</strong></td>
</tr>
<tr>
<td><strong>G. BUREAU OF MEDICAID/FRAUD INVESTIGATIONS:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$11,900</td>
<td>$5,200</td>
<td></td>
</tr>
<tr>
<td>Medicaid Fraud Account</td>
<td>$107,600</td>
<td>$43,200</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$119,500</strong></td>
<td><strong>$48,400</strong></td>
<td><strong>$2,500</strong></td>
</tr>
</tbody>
</table>

(1) It is legislative intent that the Department of Law Enforcement shall provide information in their FY1981 budget request showing the number of cases investigated and the number of dollars recovered as a result of the activities of the Bureau of Medicaid/Fraud Investigations.

**H. OPERATORS LICENSE:** FROM: | | | |
| Motor Vehicle Account | $478,300 | $275,000 | $1,800 | $755,100 |

**I. SAFETY RESPONSIBILITY:** FROM: | | | |
| Motor Vehicle Account | $89,300 | $10,700 | | $100,000 |

**J. VEHICLE TITLES:** FROM: | | | |
| Motor Vehicle Account | $380,200 | $73,900 | $3,600 | $457,700 |

**K. VEHICLE REGISTRATIONS:** FROM: | | | |
<p>| Motor Vehicle Account | $269,500 | $530,400 | $12,200 | $812,100 |</p>
<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>L. MOTOR CARRIER BUREAU: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$462,400</td>
<td>$131,500</td>
<td>$1,800</td>
<td>$595,700</td>
</tr>
<tr>
<td>M. WEIGH STATION BUREAU: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$1,374,400</td>
<td>$125,300</td>
<td>$8,400</td>
<td>$1,508,100</td>
</tr>
<tr>
<td>N. IDAHO STATE POLICE: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$3,079,700</td>
<td>$721,300</td>
<td>$368,200</td>
<td>$4,169,200</td>
</tr>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>439,700</td>
<td>128,900</td>
<td></td>
<td>568,600</td>
</tr>
<tr>
<td>55 MPH Compliance Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,657,800</td>
<td>$966,000</td>
<td>$368,200</td>
<td>$4,992,000</td>
</tr>
</tbody>
</table>

(1) It is legislative intent that with the utilization of the appropriation for the Idaho State Police program, a position of Captain shall be deleted.

O. BRAND INSPECTION:
FROM:
State Brand Board Account               | $788,200            | $138,800                    | $26,000            | $953,000   |

P. HORSE RACING COMMISSION:
FROM:
Idaho State Horse Racing Commission Account | $117,400            | $55,400                     |                    | $172,800   |

GRAND TOTAL                             | $9,864,400          | $3,620,400                  | $467,300           | $13,952,100 |

Approved March 30, 1979.
CHAPTER 269
(H.B. No. 343)

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, 1979, THROUGH JUNE 30, 1980; AND SPECIFYING THE PURPOSES FOR WHICH CERTAIN GENERAL ACCOUNT MONEYS ARE APPROPRIATED.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account $ 275,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Federal Funds:</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Postsecondary Education Commission Account $ 38,600</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Title I Higher Education Account $ 136,500</td>
</tr>
<tr>
<td></td>
<td>Student Financial Aid Assistance Training Program Account $ 2,000</td>
</tr>
<tr>
<td></td>
<td>State Student Incentive Grant Account $ 206,200</td>
</tr>
<tr>
<td></td>
<td>Corporation for Public Broadcasting Account $ 555,900</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account $ 100</td>
</tr>
</tbody>
</table>

TOTAL $3,972,900

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980:

<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>General Account</td>
<td>$ 16,000</td>
<td>$ 24,800</td>
<td>$ 100,000</td>
<td></td>
<td>$ 140,800</td>
</tr>
</tbody>
</table>
### II. GENERAL ADMINISTRATION:

<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 Account</td>
<td>$181,800</td>
<td>$65,900</td>
<td>$1,200</td>
<td></td>
<td>$248,900</td>
</tr>
<tr>
<td>Postsecondary Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>14,100</td>
<td>20,300</td>
<td>4,200</td>
<td></td>
<td>38,600</td>
</tr>
<tr>
<td>Title I Higher Education</td>
<td>24,200</td>
<td>6,900</td>
<td>105,400</td>
<td></td>
<td>136,500</td>
</tr>
<tr>
<td>Student Financial Aid Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training Program Account</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$220,100</td>
<td>$95,200</td>
<td>$1,200</td>
<td></td>
<td>$426,100</td>
</tr>
</tbody>
</table>

### III. PUBLIC BROADCASTING:

| FROM                          |                     |                             |                    |                                  |        |
| General Account               | $39,600             | $7,500                      | 1,063,400          |                                  | $1,110,500 |
| Corporation for Public Broadcasting Account |      |                             | 555,900            |                                  | 555,900 |
| TOTAL                         | $39,600             | $7,500                      | $1,619,300         |                                  | $1,666,400 |

### IV. MEDICAL EDUCATION:

| FROM                          |                     |                             |                    |                                  |        |
| General Account               | $1,250,400          |                             |                    |                                  | $1,250,400 |

### V. SCHOLARSHIPS & GRANTS:

| FROM                          |                     |                             |                    |                                  |        |
| General Account               | $283,000            |                             | 206,200            |                                  | 489,200 |
| State Student Incentive Grant Account |     |                             |                    |                                  |        |
| TOTAL                         | $275,700            | $127,500                    | $1,200             |                                  | $3,972,900 |

**SECTION 3.** The $100,000 general account appropriation in trustee and benefit payments in the State Board of Education program in Section 2 of this act is provided to the State Board of Education and the Board of Regents of the University of Idaho for the following purposes during fiscal year 1980: 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, 1980.

Approved March 30, 1979.
CHAPTER 270
(H.B. No. 45, As Amended in the Senate)

AN ACT
RELATING TO RESPONSIBILITIES AND LIABILITIES OF SKIERS AND SKI AREA OPERATORS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 6, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR DUTIES OF SKI AREA OPERATORS WITH RESPECT TO SKI AREAS, TO PROVIDE FOR DUTIES OF SKI AREA OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS, TO PROVIDE FOR DUTIES OF PASSENGERS, TO PROVIDE FOR DUTIES OF SKIERS, TO PROVIDE FOR LIABILITY OF SKI AREA OPERATORS, TO PROVIDE FOR LIABILITY OF PASSENGERS, AND TO PROVIDE FOR LIABILITY OF SKIERS.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 11, Title 6, Idaho Code, and to read as follows:

CHAPTER 11
RESPONSIBILITIES AND LIABILITIES OF SKIERS AND SKI AREA OPERATORS

6-1101. LEGISLATIVE PURPOSE. The legislature finds that the sport of skiing is practiced by a large number of citizens of this state and also attracts a large number of nonresidents, significantly contributing to the economy of Idaho. Since it is recognized that there are inherent risks in the sport of skiing which should be understood by each skier and which are essentially impossible to eliminate by the ski area operation, it is the purpose of this chapter to define those areas of responsibility and affirmative acts for which ski area operators shall be liable for loss, damage or injury, and to define those risks which the skier expressly assumes and for which there can be no recovery.

6-1102. DEFINITIONS. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Aerial passenger tramway" means any device operated by a ski area operator used to transport passengers, by single or double reversible tramway; chair lift or gondola lift; T-bar lift, J-bar lift, platter lift or similar device; or a fiber rope tow, which is subject to regulations adopted by the proper authority.

(2) "Passenger" means any person who is lawfully using an aerial passenger tramway, or is waiting to embark or has recently disembarked
from an aerial passenger tramway and is in its immediate vicinity.

(3) "Ski area" means the property owned or leased and under the
control of the ski area operator within the state of Idaho.

(4) "Ski area operator" means any person, partnership,
corporation or other commercial entity and their agents, officers,
employees or representatives, who has operational responsibility for
any ski area or aerial passenger tramway.

(5) "Skiing area" means all designated slopes and trails but
excludes any aerial passenger tramway.

(6) "Skier" means any person present at a skiing area under the
control of a ski area operator for the purpose of engaging in the
sport of skiing by utilizing the ski slopes and trails and does not
include the use of an aerial passenger tramway.

(7) "Ski slopes and trails" mean those areas designated by the
ski area operator to be used by skiers for the purpose of
participating in the sport of skiing.

6-1103. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO SKI AREAS.
Every ski area operator shall have the following duties with respect
to their operation of a skiing area:

(1) To mark all trail maintenance vehicles and to furnish such
vehicles with flashing or rotating lights which shall be in operation
whenever the vehicles are working or are in movement in the skiing
area;

(2) To mark with a visible sign or other warning implement the
location of any hydrant or similar equipment used in snowmaking
operations and located on ski slopes and trails;

(3) To mark conspicuously the top or entrance to each slope or
trail or area, with an appropriate symbol for its relative degree of
difficulty; and those slopes, trails, or areas which are closed, shall
be so marked at the top or entrance;

(4) To maintain one or more trail boards at prominent locations
at each ski area displaying that area's network of ski trails and
slopes with each trail and slope rated thereon as to its relative
degree of difficulty;

(5) To designate by trail board or otherwise which trails or
slopes are open or closed;

(6) To place, or cause to be placed, whenever snowgrooming or
snowmaking operations are being undertaken upon any trail or slope
while such trail or slope is open to the public, a conspicuous notice
to that effect at or near the top of such trail or slope;

(7) To post notice of the requirements of this chapter concerning
the use of ski retention devices. This obligation shall be the sole
requirement imposed upon the ski area operator regarding the
requirement for or use of ski retention devices;

(8) To provide a ski patrol with qualifications meeting the
standards of the national ski patrol system;

(9) To post a sign at the bottom of all aerial passenger tramways
which advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(10) Not to intentionally or negligently cause injury to any person; provided, that except for the duties of the operator set forth in subsections (1) through (9) of this section and in section 6-1104, Idaho Code, the operator shall have no duty to eliminate, alter, control or lessen the risks inherent in the sport of skiing, which risks include but are not limited to those described in section 6-1106, Idaho Code; and, that no activities undertaken by the operator in an attempt to eliminate, alter, control or lessen such risks shall be deemed to impose on the operator any duty to accomplish such activities to any standard of care.

6-1104. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS. Every ski area operator shall have the duty to construct, operate, maintain and repair any aerial passenger tramway in accordance with the American national standards safety requirements for aerial passenger tramways.

6-1105. DUTIES OF PASSENGERS. Every passenger shall have the duty not to:

(1) Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose;
(2) Drop, throw or expel any object from an aerial passenger tramway;
(3) Do any act which shall interfere with the running or operation of an aerial passenger tramway;
(4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction until the passenger has requested and received sufficient instruction to permit safe usage;
(5) Embark on an aerial passenger tramway without the authority of the ski area operator;
(6) Use any aerial passenger tramway without engaging such safety or restraining devices as may be provided.

6-1106. DUTIES OF SKIERS. It is recognized that skiing as a recreational sport is hazardous to skiers, regardless of all feasible safety measures which can be taken. Each skier expressly assumes the risk of and legal responsibility for any injury to person or property which results from participation in the sport of skiing including any injury caused by the following, all whether above or below snow surface: variations in terrain; surface or subsurface snow or ice conditions; bare spots, rocks, trees, other forms of forest growth or debris, lift towers and components thereof; utility poles, and snowmaking and snowgrooming equipment which is plainly visible or plainly marked in accordance with the provisions of section 6-1103, Idaho Code. Therefore, each
skier shall have the sole individual responsibility for knowing the range of his own ability to negotiate any slope or trail, and it shall be the duty of each skier to ski within the limits of the skier's own ability, to maintain reasonable control of speed and course at all times while skiing, to heed all posted warnings, to ski only on a skiing area designated by the ski area operator and to refrain from acting in a manner which may cause or contribute to the injury of anyone. The responsibility for collisions by any skier while actually skiing, with any person, shall be solely that of the individual or individuals involved in such collision and not that of the ski area operator.

No person shall place any object in the skiing area or on the uphill track of any aerial passenger tramway which may cause a passenger or skier to fall; cross the track of any T-bar lift, J-bar lift, platter lift or similar device, or a fiber rope tow, except at a designated location; or depart when involved in a skiing accident, from the scene of the accident without leaving personal identification, including name and address, before notifying the proper authorities or obtaining assistance when that person knows that any other person involved in the accident is in need of medical or other assistance.

No skier shall fail to wear retention straps or other devices to help prevent runaway skis.

6-1107. LIABILITY OF SKI AREA OPERATORS. Any ski area operator shall be liable for loss or damages caused by its failure to follow the duties set forth in sections 6-1103 and 6-1104, Idaho Code, where the violation of duty is causally related to the loss or damage suffered. The ski area operators shall not be liable to any passenger or skier acting in violation of their duties as set forth in sections 6-1105 and 6-1106, Idaho Code, where the violation of duty is causally related to the loss or damage suffered; nor shall a ski area operator be liable for any injury or damage to a person who is not legally entitled to be in the ski area; or for any loss or damages caused by any object dropped, thrown or expelled by a passenger from an aerial passenger tramway.

6-1108. LIABILITY OF PASSENGERS. Any passenger shall be liable for loss or damages resulting from violations of the duties set forth in section 6-1105, Idaho Code, and shall not be able to recover from the ski area operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

6-1109. LIABILITY OF SKIERS. Any skier shall be liable for loss or damages resulting from violations of the duties set forth in section 6-1106, Idaho Code, and shall not be able to recover from the ski area operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

Approved March 30, 1979.
CHAPTER 271
(H.B. No. 77, As Amended in the Senate)

AN ACT
RELATING TO THE ELECTION OF SCHOOL BOARD TRUSTEES; AMENDING SECTION 33-313, IDAHO CODE, TO PROVIDE THAT ALL SCHOOL TRUSTEES MAY SERVE FOR THE TERM OF ELECTION OR APPOINTMENT WHETHER OR NOT TRUSTEE ZONES ARE CHANGED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-313, Idaho Code, be, and the same is hereby amended to read as follows:

33-313. TRUSTEE ZONES. Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) or more than nine (9) trustee zones according to the provisions of section 33-501, Idaho Code. Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population. For the purpose of this act, population shall be construed to be the legal residents of the district and children of such legal residents as provided in article 6, section 2 of the constitution of the state of Idaho.

Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed, but not more than once every two (2) years in the manner hereinafter provided.

A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees, and submitted to the state board of education, or by petition signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within sixty (60) days following the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change
which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal, or petition, shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

Within sixty (60) days after it has received the said petition and plan the state board of education may approve or disapprove any proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education approve the proposal, the board of trustees shall within sixty (60) days after notification of the approval of such proposal submit to the school district electors residing in the district, in an election to be held not less than thirty (30) days prior to the date of the next ensuing annual election of school district trustees, the question of approving or disapproving the proposal to change trustees zones. Notice of such election shall be posted and published, the election shall be held and conducted and the ballots canvassed, as provided in sections 33-401--33-406, Idaho Code. If a majority of the school district electors residing in the district, and voting in the election, should approve the proposal, the trustee zones shall be changed in accordance with the proposal.

At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership or from the patrons resident in each trustee zone, a person from that zone to serve as a trustee until the next regularly scheduled trustee election for that zone.

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

Approved March 30, 1979.

CHAPTER 272
(H.B. No. 192, As Amended in the Senate)

AN ACT
RELATING TO WATER AND/OR SEWER DISTRICTS; AMENDING SECTION 42-3202A, IDAHO CODE, BY STRIKING EXISTING LANGUAGE RELATING TO A COURT DECREE AND DEFINING QUALIFIED ELECTOR, AND ADDING NEW LANGUAGE DEFINING RECREATIONAL WATER AND/OR SEWER DISTRICTS AND SETTING FORTH CRITERIA FOR SUCH; AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION TO BE KNOWN AND
DESIGNATED AS SECTION 42-3202B, IDAHO CODE, PROVIDING FOR WATER
AND/OR SEWER DISTRICTS MEETING THE CRITERIA OF RECREATIONAL WATER
AND/OR SEWER DISTRICTS AND THEIR CREATION, AND SPECIFYING WHAT
CONSTITUTES A QUALIFIED ELECTOR; AMENDING CHAPTER 32, TITLE 42,
IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 42-3232,
IDAHO CODE, PROVIDING FOR VALIDATION OF ACTS TAKEN PURSUANT TO
CHAPTER 32, TITLE 42, IDAHO CODE, IN ORDER TO SUPPLY LEGISLATIVE
AUTHORITY AS NECESSARY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-3202A, Idaho Code, be, and the same is
hereby amended to read as follows:

42-3202A. RECREATIONAL WATER AND/OR SEWER DISTRICT -- DEFINITION.
A recreational water and/or sewer district is one in which less than
a majority of the landowners in the district sought to be created
reside within the district and at least fifty per cent (50%) of the
land area of which said district is in a natural state, or used for
agricultural purposes and--with residences located thereon; if any;
occupied by the owners of such residences for less than six (6) months
per annum. Each petition filed with the clerk of the district court
pursuant to the provisions of this chapter shall be verified and the
petitioners shall certify to the fact that a majority of the
landowners do or do not reside within the district sought to be
created and the court decree determining the nature of such district
pursuant to the provisions of section 42-3207, Idaho Code, shall be
conclusive for all purposes; if the water and/or sewer district sought
to be created is a recreational water and/or sewer district as defined
in this section, such recreational water or sewer district shall be
created in the manner provided in chapter 32, title 42, Idaho Code;
except that the term "qualified elector" shall mean any person
qualified to vote in a general election, who has been a resident of
the district for at least thirty (30) days prior to any election or
who is an owner of land situated in the proposed district. No
registration shall be required of qualified electors at any election
held pursuant to this act; but each voter shall be required to execute
an oath of election attesting his qualifications. The holder or
holders of a bona fide contract to purchase any land within the
proposed district and whose names appear upon the next preceding
county assessment roll for the payment of taxes on the land shall be
deemed an owner of land for all the purposes of this section.

The actual or potential development anticipated for said district
shall be predominantly recreational in character. The district or
areas near the district shall meet one or more of the following
criteria: have unique scenic value; man-made or natural recreational
facilities such as waterways, marinas, ski slopes, wilderness areas;
provide open space; and be removed from large, densely populated urban
areas. Recreational water and/or sewer districts shall provide services and/or facilities to landowners. The proposed district shall be in the best interests of the state of Idaho in that the benefits derived by property owners shall effectuate the preservation and development of recreational opportunities within the state.

SECTION 2. That Chapter 32, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3202B, Idaho Code, and to read as follows:

42-3202B. WATER AND/OR SEWER DISTRICTS MEETING THE CRITERIA OF RECREATIONAL WATER AND/OR SEWER DISTRICTS -- CREATION. Each petition filed with the clerk of the district court pursuant to the provisions of this chapter shall be verified and the petitioner(s) shall certify or prove to the satisfaction of the court that the district sought to be created is a recreational water and/or sewer district under the terms of section 42-3202A, Idaho Code. The court decree pursuant to the provision of section 42-3207, Idaho Code, determining the nature of such district pursuant to the petitioner's prayer shall be conclusive for this and all other purposes. If the water and/or sewer district sought to be created is a recreational water and/or sewer district as defined in section 42-3202A, Idaho Code, such recreational water or sewer district shall be created in the manner provided in chapter 32, title 42, Idaho Code, except that the term, "qualified elector" shall mean any natural person who is qualified to vote in an Idaho general election, and who is an actual resident of the district, or who is an actual resident of Idaho, owning land within the boundaries of the district or area to be included within the district, irrespective of his or her place of residence in Idaho. No registration shall be required of qualified electors at any election held pursuant to this chapter, but each voter shall be required to execute an oath of election attesting to his or her qualifications. The holder or holders of a bona fide contract to purchase any land within the proposed district whose names appear upon the next preceding county assessment roll for the payment of taxes on the land shall be deemed an owner of land for the purposes of this section.

SECTION 3. That Chapter 32, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3232, Idaho Code, and to read as follows:

42-3232. VALIDATION OF ACTS TAKEN PURSUANT TO THIS CHAPTER. (1) All acts and proceedings heretofore taken pursuant to chapter 32, title 42, Idaho Code, for the organization of the district, the elections incidental thereto, the authorization, issuance, and sale of bonds of any such district, are hereby confirmed, validated and
declared legally effective, including all acts and proceedings of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale or exchange of such bonds authorized to be issued under such statutes, notwithstanding any lack of power, authority or otherwise, and notwithstanding any defects and irregularities in the creation of such public body, including all election procedures incidental thereto, and in such public securities, acts and proceedings, and in such authorization, execution, sale, issuance and payment.

(2) The provisions of this section shall not operate to confirm, validate or legalize any action or proceedings, the legality of which is being contested or inquired into any legal proceeding now pending and undetermined and shall not operate to confirm, validate or legalize any action or proceedings which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(3) Any action or proceeding contesting the validity of any action or proceeding referred to in subsection (1) of this section shall be brought within thirty (30) days from the effective date of this act.

(4) This act shall operate to supply such legislative authority as may be necessary to validate any public securities heretofore issued and any such acts and proceedings heretofore taken which the legislature could have supplied or provided for in the law under which such public securities were issued and such acts or proceedings were taken.

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

Approved March 30, 1979.

CHAPTER 273
(H.B. No. 215, As Amended, As Amended in the Senate)

AN ACT
RELATING TO THE VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS;
AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-105D, IDAHO CODE, TO PROVIDE PROCEDURES TO DETERMINE THE VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS FOR AD VALOREM TAX PURPOSES; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. 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 63-105D, Idaho Code, and to read as follows:

63-105D. VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS. Residential property located in an area which was previously zoned residential but has been changed to a zone other than residential shall be appraised, assessed and taxed as if such property were in an area zoned residential as long as such property is continuously used by the owner thereof solely for residential purposes.

SECTION 2. An emergency existing 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, 1979.

Approved March 30, 1979.

CHAPTER 274
(H.B. No. 345)

AN ACT
MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1980 TO LISTED INSTITUTIONS FOR THE PURPOSE OF ROOF REPAIRS, COATINGS, AND/OR ROOF REPLACEMENTS, GENERAL BUILDING REPAIR AND PAINTING; 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 1980 operations of the following listed state institutions, the amounts of money listed for the purposes of roof repairs, coatings and/or roof replacements, general building repair and painting. 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
STATE BOARD OF EDUCATION:
1. University of Idaho $65,900
2. Idaho State University 18,600
3. Lewis-Clark State College 84,000
TOTAL $168,500

SECTION 2. The Division of Public Works shall have supervision of
roof repairs, coatings, and/or roof replacements, general building repair and painting at the state institutions 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 30, 1979.

CHAPTER 275
(H.B. No. 316, As Amended)

AN ACT
RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS; AMENDING SECTION 31-3113, IDAHO CODE, TO PROVIDE FOR A MAXIMUM SALARY FOR COUNTY PROSECUTING ATTORNEYS, AND PRESCRIBING THAT CERTAIN COUNTY PROSECUTING ATTORNEYS SHALL DEVOTE FULL TIME TO THE DISCHARGE OF THEIR DUTIES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3113, Idaho Code, be, and the same is hereby amended to read as follows:

> 31-3113. SALARIES OF PROSECUTING ATTORNEYS -- SCHEDULE {Effective After-October-1-1978}. The salaries of the prosecuting attorneys in the various counties shall be as set forth no higher than as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$30,500</td>
</tr>
<tr>
<td>Adams</td>
<td>$12,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$27,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$7,500</td>
</tr>
<tr>
<td>Benewah</td>
<td>$12,000</td>
</tr>
<tr>
<td>Bingham</td>
<td>$19,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$20,000</td>
</tr>
<tr>
<td>Boise</td>
<td>$9,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$16,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$24,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$18,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$8,600</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$21,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$8,600</td>
</tr>
<tr>
<td>Cassia</td>
<td>$18,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$4,200</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$16,000</td>
</tr>
</tbody>
</table>

{Effective-January-8-1979}
Custer $7,000
Elmore $16,000 $17,500
Franklin $8,000 $200
Fremont $13,000
Gem $12,000 $13,200
Gooding $12,500 $13,800
Idaho $15,000 $17,500

October 1 to
September 30

Jefferson $12,000
Jerome $15,500 $17,000
Kootenai $21,000 $24,000
Latah $17,000
Lemhi $11,000
Lewis $10,800
Lincoln $10,500 $12,000
Madison $16,000
Minidoka $24,500
Nez Perce $25,000
Oneida $6,500 $7,000
Owyhee $16,000
Payette $10,000
Power $16,000

{Effective-January-1-1978}

Shoshone $24,000
Teton $4,200
Twin Falls $19,000 $25,000
Valley $12,000
Washington $15,000

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, Kootenai, Latah, Minidoka, Twin Falls. 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. This act shall be in full force and effect on and after October 1, 1979.

Approved March 30, 1979.
AN ACT
RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; AMENDING SECTION 31-3104, IDAHO CODE, TO PROVIDE FOR A MAXIMUM SALARY FOR COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3104, Idaho Code, be, and the same is hereby amended to read as follows:

### 31-3104. SALARIES OF THE COUNTY COMMISSIONERS -- SCHEDULE {Effect: After-October-17-1978}

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 no higher than as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>October-1-to</th>
<th>September-30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$21,000</td>
<td></td>
</tr>
<tr>
<td>Adams</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Bannock</td>
<td>$17,500</td>
<td>$18,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$4,200</td>
<td>$4,500</td>
</tr>
<tr>
<td>Benewah</td>
<td>$7,500</td>
<td></td>
</tr>
<tr>
<td>Bingham</td>
<td>$12,000</td>
<td></td>
</tr>
<tr>
<td>Blaine</td>
<td>$5,400</td>
<td></td>
</tr>
<tr>
<td>Boise</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Bonner</td>
<td>$13,500</td>
<td>$14,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$12,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$6,600</td>
<td>$7,100</td>
</tr>
<tr>
<td>Butte</td>
<td>$2,400</td>
<td></td>
</tr>
<tr>
<td>Camas</td>
<td>$2,700</td>
<td></td>
</tr>
<tr>
<td>Canyon</td>
<td>$17,000</td>
<td></td>
</tr>
<tr>
<td>Caribou</td>
<td>$4,200</td>
<td></td>
</tr>
<tr>
<td>Cassia</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Clark</td>
<td>$2,400</td>
<td></td>
</tr>
<tr>
<td>Clearwater</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Custer</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>Elmore</td>
<td>$6,000</td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>$4,200</td>
<td></td>
</tr>
<tr>
<td>Fremont</td>
<td>$6,500</td>
<td></td>
</tr>
<tr>
<td>Gem</td>
<td>$5,800</td>
<td></td>
</tr>
<tr>
<td>Gooding</td>
<td>$4,000</td>
<td>$4,400</td>
</tr>
<tr>
<td>Idaho</td>
<td>$8,400</td>
<td></td>
</tr>
</tbody>
</table>
Jefferson $4,200,000
Jerome $5,000,000
Kootenai $16,500,000
Latah $10,000
Lemhi $3,600
Lewis $3,600
Lincoln $3,500,000
Madison $6,500
Minidoka $6,000
Nez Perce $15,000
Oneida $4,000
Owyhee $5,500
Payette $4,800
Power $3,000,200
Shoshone $17,500
Teton $2,400
Twin Falls $12,600
Valley $5,300
Washington $6,500

SECTION 2. This act shall be in full force and effect on and after October 1, 1979.

Approved March 30, 1979.
CHAPTER 277
(H.B. No. 346)

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 ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW; REAPPROPRIATING THE BALANCE OF THE GENERAL ACCOUNT MONEYS APPROPRIATED BY SECTION 2, CHAPTER 111, LAWS OF 1978, TO THE STATE BOARD OF EDUCATION FOR THE SPECIFIED PROGRAM; AND PROVIDING EFFECTIVE DATES.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL SUPPORT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' UNEMPLOYMENT INSURANCE</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$150,690,500</td>
<td>$16,998,500</td>
<td>$900,000</td>
<td></td>
<td>$168,589,000</td>
</tr>
<tr>
<td>Sales Tax:</td>
<td></td>
<td></td>
<td>$12,100,000</td>
<td></td>
<td>$23,688,600</td>
</tr>
<tr>
<td>School Districts</td>
<td>(9,207,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counties</td>
<td>(2,381,600)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endowment Income</td>
<td>11,395,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mineral royalties, car</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>company tax and misc. receipts</td>
<td>1,880,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Funds</td>
<td>950,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Education</td>
<td>1,300,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$178,304,200</td>
<td>$16,998,500</td>
<td>$900,000</td>
<td></td>
<td>$208,302,700</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated out of the accounts enumerated the following moneys, to be deposited in the public school income fund for the designated programs for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public School Foundation</td>
<td>$116,415,500</td>
</tr>
<tr>
<td>Employees' Retirement Program</td>
<td>16,998,500</td>
</tr>
<tr>
<td>Unemployment Insurance Program</td>
<td>700,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$134,114,000</td>
</tr>
</tbody>
</table>
FROM:
General Account $133,614,000
Driver Training Account 500,000
TOTAL $134,114,000

SECTION 3. There is hereby appropriated from the public school income fund to the State Board of Education to be expended pursuant to law, all moneys which may accrue to such fund for the period July 1, 1979, through June 30, 1980.

SECTION 4. The balance of any unexpended and unencumbered general account moneys appropriated for the Public School Employees' Unemployment Insurance Program by Section 2, Chapter 111, Laws of 1978, to the State Board of Education, is hereby reappropriated to the State Board of Education, to be deposited in the Public School Income Fund for the Public School Employees' Unemployment Insurance Program.

SECTION 5. This act shall be in full force and effect on and after July 1, 1979, except for Section 4 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after June 30, 1979.

Approved March 30, 1979.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE TAX COMMISSION, TO BE EXPENDED FOR THE AUDIT AND COLLECTIONS PROGRAM, accordance to the designated expense class from the listed accounts for the period July 1, 1979, through June 30, 1980.

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

SECTION 1. There is hereby appropriated to the State Tax Commission the following amount, to be expended for the Audit and Collections Program according to the expense class designated from the listed accounts for the period July 1, 1979, through June 30, 1980.

FOR:

Operating Expenditures

FROM:
State Highway Account
Hotel/Motel Tax Account

TOTAL

Approved March 30, 1979.

$16,500
$ 3,500
13,000
$16,500
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, 1979, through June 30, 1980.

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, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th></th>
<th>General Account</th>
<th>Water Administration Account</th>
<th>Cooperative State River Basin Account</th>
<th>Watermaster Service Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,908,700</td>
<td>$491,100</td>
<td>$37,100</td>
<td>$312,000</td>
<td>$2,748,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$491,100</td>
<td>$96,000</td>
<td>$6,000</td>
<td>$14,000</td>
<td>$657,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$37,100</td>
<td>$8,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$135,100</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>$312,000</td>
<td>$101,800</td>
<td>$177,200</td>
<td>$177,200</td>
<td>$576,200</td>
</tr>
<tr>
<td>Total</td>
<td>$2,748,900</td>
<td>$657,100</td>
<td>$135,100</td>
<td>$275,000</td>
<td>$400,200</td>
</tr>
</tbody>
</table>

Section 2. There is hereby appropriated to the Department of Water Resources the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1979, through June 30, 1980.

<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. 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>$253,100</td>
<td>$171,300</td>
<td>$29,000</td>
<td></td>
<td>$453,400</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$292,200</td>
<td>$179,300</td>
<td>$29,000</td>
<td></td>
<td>$500,500</td>
</tr>
<tr>
<td>II. REGIONAL OFFICES:</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>$491,200</td>
<td>$96,000</td>
<td>$6,000</td>
<td></td>
<td>$593,200</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>64,900</td>
<td>14,000</td>
<td></td>
<td></td>
<td>78,900</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Watermaster Service Account</td>
<td>$63,600</td>
<td>$38,200</td>
<td>$6,000</td>
<td>$101,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$619,700</td>
<td>$148,200</td>
<td>$6,000</td>
<td>$773,900</td>
<td></td>
</tr>
<tr>
<td>III. TECHNICAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$357,400</td>
<td>$53,600</td>
<td>$2,100</td>
<td>$312,000</td>
<td>$725,100</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>$18,000</td>
<td>$14,500</td>
<td></td>
<td></td>
<td>32,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$375,400</td>
<td>$68,100</td>
<td>$2,100</td>
<td></td>
<td>$757,600</td>
</tr>
<tr>
<td>IV. PROJECT STUDIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$271,300</td>
<td>$26,300</td>
<td></td>
<td></td>
<td>$297,600</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,500</td>
</tr>
<tr>
<td>Cooperative State River Basin Account</td>
<td>$34,500</td>
<td>$15,500</td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$305,800</td>
<td>$45,300</td>
<td></td>
<td></td>
<td>$351,100</td>
</tr>
<tr>
<td>I. OPERATIONS BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$306,300</td>
<td>$44,300</td>
<td></td>
<td></td>
<td>$350,600</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>$9,300</td>
<td>$5,900</td>
<td></td>
<td></td>
<td>15,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$315,600</td>
<td>$50,200</td>
<td></td>
<td></td>
<td>$365,800</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,908,700</td>
<td>$491,100</td>
<td>$37,100</td>
<td>$312,000</td>
<td>$2,748,900</td>
</tr>
</tbody>
</table>

Approved March 30, 1979.
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 Health Planning and Resource Development Program the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 377,200</td>
<td>$161,600</td>
<td></td>
<td>$ 538,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>92,000</td>
<td>20,000</td>
<td></td>
<td>112,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>579,900</td>
<td>267,200</td>
<td>$750,000</td>
<td>1,597,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,049,100</td>
<td>$448,800</td>
<td>$750,000</td>
<td>$2,247,900</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.

Approved March 30, 1979.
AN ACT
RELATING TO VALUATION OF LIMITED ESTATES FOR INHERITANCE TAX; AMENDING
SECTION 14-412, IDAHO CODE, TO PROVIDE A REFERENCE TO THE INTERNAL
REVENUE SERVICE'S VALUATION OF CERTAIN LIMITED ESTATES.

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

SECTION 1. That Section 14-412, Idaho Code, be, and the same is
hereby amended to read as follows:

14-412. TAX ON LIMITED ESTATE, WHEN DUE -- ESTATES IN EXPECTANCY
AND CONDITIONAL ESTATES -- BOND REQUIRED. 1. When any grant, gift,
legacy, devise or succession upon which a tax is imposed by section
14-402, Idaho Code, shall be an estate, income, or interest for a term
of years, or for life, or determinable upon any future or contingent
event, or shall be a remainder, reversion, or other expectancy, real
or personal, the entire property or fund by which such estate, income
or interest is supported, or of which it is a part, shall be
appraised, immediately after the death of the decedent, and the market
value thereof determined, in the manner provided in section 14-418,
Idaho Code, and the tax prescribed by this act shall be immediately
due and payable to the state tax commission, and, together with the
interest thereon, shall be and remain a lien on said property until
the same is paid.

2. In estimating the value of any estate or interest in property,
to the beneficial enjoyment or possession whereof there are persons or
corporations presently entitled thereto, no allowance shall be made on
account of any contingent encumbrance thereon, nor on account of any
contingency upon the happening of which the estate or property or some
part thereof or interest therein might be abridged, defeated or
diminished; provided, however, that in the event of such encumbrance
taking effect as an actual burden upon the interest of the
beneficiary, or in the event of the abridgement, defeat or diminution
of said property or interest therein as aforesaid, a return shall be
made to the person entitled thereto of a proportionate amount of such
tax on account of the encumbrance when taking effect, or so much as
will reduce the same to the amount which would have been assessed on
account of the actual duration or extent of the estate or interest
enjoyed. Such return of tax shall be made in the manner provided for
other refunds of transfer and inheritance taxes.

3. When property is transferred in trust or otherwise, and the
rights, interest or estates of the transferees are dependent upon
contingencies or conditions whereby they may be wholly or in part
created, defeated, extended, or abridged, a tax shall be imposed upon
said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; provided, however, that on the happening of any contingency whereby the said property, or any part thereof is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act; such return of overpayment shall be paid from the transfer and inheritance tax act refund fund; provided, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax or the trustees thereof may elect not to pay the same until such person or persons, or body politic or corporate beneficially interested in such property shall come into the actual possession or enjoyment thereof, and in that case such person or persons or body politic or corporate or trustees shall execute a bond to the people of the state of Idaho in a penalty of the amount of said tax plus interest thereon for five (5) years at the rate of six per cent (6%) per annum with such sureties as the said state tax commission may approve, conditioned for the payment of said tax and interest thereon at the rate of six per cent (6%) per annum commencing at the expiration of one (1) year from the death of the decedent at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed and the returns made as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond and all renewals thereof shall be filed with the state tax commission; provided, further, that such person or persons or body politic or corporate, or trustees, shall enter into such security within the period of ninety (90) days after the entry of the order fixing the inheritance tax charged against such transfer, or within such period thereafter as the state tax commission may in its discretion permit, and shall make a full and verified return of such property to said commission and file the same with the state tax commission within six (6) months from the date of such order fixing the tax, and at such times thereafter as the state tax commission may require. Such security shall be renewed every five (5) years after the date of the approval thereof. Upon the approval of said bond as herein provided, said tax shall cease to be a lien upon the property so transferred. If such security shall not be renewed before the expiration of each five-(5) year period, said bond shall immediately become due and payable and if the same be not paid forthwith, the attorney-general shall file in the name of the people of the state on the relation of the state tax commission, to recover
the same and the penalties thereunder and no demand for payment shall be necessary before the institution of such suit. Whenever it shall appear that any surety on such bond or undertaking has for any reason become insufficient the state tax commission may after notice to all interested persons require the giving of a new undertaking with sufficient sureties in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking, or subsequent undertaking, shall cease and the amount of said tax and interest thereon shall immediately become due and payable.

4. Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for the purposes of taxation, upon which said estates in expectancy may have been limited.

5. Where an estate or interest can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

6. The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule; methods and standards of mortality and of value that are set forth in the actuaries combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies; save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five percent (5%) per annum application of the tables and interest rate as set forth under Internal Revenue Code sec. 2031 and the regulations thereunder. The state tax commission shall, without a fee, on the application of any interested person, determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such application submitted and such certificate shall be conclusive evidence that the method of computation therein is correct. When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of said interest for the purpose of taxation under this act shall be the amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which such annuitant or life tenant was entitled to the annuity or was in possession of the life estate.

Approved March 30, 1979.
CHAPTER 282
(H.B. No. 286, As Amended in the Senate)

AN ACT
RELATING TO ADMISSION OF FOREIGN CORPORATIONS; AMENDING SECTION 30-1-29, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1069, FIRST REGULAR SESSION, FOURTY-FIFTH IDAHO LEGISLATURE, BY PROVIDING FOR SPECIFIED BENEFICIAL SHAREHOLDERS TO RECEIVE NOTICE OF SHAREHOLDERS' MEETINGS; AMENDING SECTION 30-1-35, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1069, FIRST REGULAR SESSION, FOURTY-FIFTH IDAHO LEGISLATURE, BY PROVIDING FOR THE SECRETARY TO FORWARD A COPY OF A DIRECTOR'S DISSERT WITHIN THREE DAYS AFTER ADJOURNMENT OF BOARD OF DIRECTORS' MEETING; AMENDING SECTION 30-1-47, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1069, FIRST REGULAR SESSION, FOURTY-FIFTH IDAHO LEGISLATURE, BY PROVIDING EXEMPTIONS TO PROVISIONS OF THE SECTION TO ANY BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION; AND AMENDING SECTION 30-1-106, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1069, FIRST REGULAR SESSION, FOURTY-FIFTH IDAHO LEGISLATURE, BY PROVIDING THAT THE PROVISIONS OF SUBSECTION (h) SHALL NOT BE CONSTRUED TO ALLOW ACTIONS CONTRARY TO CHAPTER 22, TITLE 26, IDAHO CODE.

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

SECTION 1. That Section 30-1-29, Idaho Code, as enacted by Senate Bill No. 1069, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

30-1-29. NOTICE OF SHAREHOLDERS' MEETINGS. Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting, or to each specified beneficial shareholder certified for the purpose of receiving such notice under section 30-1-2(f), Idaho Code. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation or at such other last known address of which the corporation may have notice, with postage thereon prepaid.
SECTION 2. That Section 30-1-35, Idaho Code, as enacted by Senate Bill No. 1069, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

30-1-35. BOARD OF DIRECTORS. All corporate powers shall be exercised by or under authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors except as may be otherwise provided in this act or the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

A director shall perform his duties as a director, including his duties as a member of any committee of the board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented,
(b) Counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence, or
(c) A committee of the board upon which he does not serve, duly designated in accordance with a provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence,

but he shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs his duties shall have no liability by reason of being or having been a director of the corporation.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he
shall file his written dissent to such action with the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately within three (3) days after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

SECTION 3. That Section 30-1-47, Idaho Code, as enacted by Senate Bill No. 1069, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

30-1-47. LOANS TO EMPLOYEES AND DIRECTORS. A corporation shall not lend money to or use its credit to assist its directors without authorization in the particular case by its shareholders, but may lend money to and use its credit to assist any employee of the corporation or of a subsidiary, including any such employee who is a director of the corporation, if the board of directors decides that such loan or assistance may benefit the corporation. This section shall not apply to any bank, savings bank, savings and loan association, or credit union as defined by Idaho law.

SECTION 4. That Section 30-1-106, Idaho Code, as enacted by Senate Bill No. 1069, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

30-1-106. ADMISSION OF FOREIGN CORPORATION. No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this act to transact in this state any business which a corporation organized under this act is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this act contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state for the purposes of this act, by reason of carrying on in this state any one or more of the following activities:

(a) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(b) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.
(c) Maintaining bank accounts.
(d) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.
(e) Effecting sales through independent contractors.
(f) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.
(g) Creating as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.
(h) Securing or collecting debts or enforcing any rights in property securing the same. This subsection shall not be construed to allow any person or corporation to act in a manner contrary to the provisions of chapter 22, title 26, Idaho Code.
(1) Transacting any business in interstate commerce.
(j) Conducting an isolated transaction completed within a period of thirty (30) days and not in the course of a number of repeated transactions of like nature.

Approved March 30, 1979.

CHAPTER 283
(H.B. No. 251, As Amended in the Senate)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF INSURANCE, TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1979, THROUGH JUNE 30, 1980.

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, 1979, through June 30, 1980:
REGULATION OF INSURANCE INDUSTRY PROGRAM:
FOR:
Personnel Costs $405,400
Operating Expenditures 117,500
TOTAL $522,900
FROM:
General Account $522,900

Approved March 30, 1979.
CHAPTER 284
(H.B. No. 355)

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 according to the designated expense classes from the listed accounts, for the period July 1, 1979, through June 30, 1980:

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 509,300</td>
<td>$ 97,100</td>
<td>$23,000</td>
<td></td>
<td>$ 629,400</td>
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<tr>
<td>Cooperative Welfare</td>
<td></td>
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<td></td>
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<tr>
<td>Account</td>
<td>723,800</td>
<td>479,500</td>
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<td></td>
<td>1,203,300</td>
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<td></td>
<td></td>
<td></td>
<td>$7,500,000</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,233,100</td>
<td>$576,600</td>
<td>$23,000</td>
<td>$7,500,000</td>
<td>$9,332,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 30, 1979.
AN ACT
RELATING TO LIMITATIONS ON AD VALOREM TAXES; AMENDING SECTION 63-923, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 166, FIRST REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO SPECIFY APPLICATION OF LIMITATIONS TO PRINCIPAL AS WELL AS INTEREST ON INDEBTEDNESS INCURRED AS PROVIDED IN THIS SECTION; AMENDING SECTION 63-2220, IDAHO CODE, AS ENACTED BY HOUSE BILL NO. 166, FIRST REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO FURTHER DEFINE LEVY LIMITATIONS; AND PROVIDING AN EFFECTIVE DATE, DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION OF CERTAIN SECTIONS OF THIS ACT.

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

SECTION 1. That Section 63-923, Idaho Code, as amended by House Bill No. 166, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-923. LIMITATION ON AD VALOREM TAXES -- VALUE OF REAL AND PERSONAL PROPERTY -- SPECIAL TAX LEVIES. (1) (a) During any one tax year, the maximum amount of all ad valorem taxes from all sources on any property subject to appraisal, assessment, and taxation within the state of Idaho shall not exceed one percent (1%) of the market value for assessment purposes of such property. All ad valorem taxes shall be collected by the proper county officers as provided by law, and such taxes shall be apportioned according to law.

(b) The limitation provided for in paragraph (a) of this subsection shall not apply to ad valorem taxes or special assessments to pay the principal of and the interest and redemption charges on any indebtedness approved incurred prior to the time this section becomes effective, nor shall the limitation provided for in paragraph (a) apply to ad valorem taxes to pay the principal of and the interest and redemption charges on any indebtedness approved incurred on or after November 7, 1978, as prescribed by the constitution of the state of Idaho, nor shall the limitation provided for in paragraph (a) apply to special assessments approved levied on or after November 7, 1978, as provided by law.

(2) (a) The market value for assessment purposes of real and personal property subject to appraisal by the county assessor shall be determined by the county assessor according to the rules and regulations prescribed by the state tax commission, as provided in section 63-202, Idaho Code, but where real property is concerned it shall be the actual and functional use of the real property. All taxable property which has not been appraised at 1978 market value
levels shall be reappraised or indexed to reflect that valuation for the tax year commencing January 1, 1980. All property placed on the assessment roll for the first time after 1978, and all property which is reappraised after 1978, shall be appraised or indexed to reflect 1978 market value levels.

(b) The 1978 market values for assessment purposes of real and personal property shall be adjusted from year to year to reflect the inflationary rate but at a rate not to exceed two percent (2%) for any given year as shown in the consumer price index or comparable data for the area under taxing jurisdiction.

(3) If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect.

SECTION 2. That Section 63-2220, Idaho Code, as enacted by House Bill No. 166, First Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-2220. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) (a) For its fiscal year commencing in 1979 and ending in 1980, no taxing district shall certify a budget request to finance the ad valorem portion of its operating budget that exceeds the dollar amount of ad valorem taxes certified for that same purpose in 1978.

(b) No board of county commissioners shall set a levy in 1979, nor shall the state tax commission approve a levy for operating budget purposes in 1979 which exceeds the limitation imposed by paragraph (a) of this subsection, unless authority to exceed such limitation has been approved by a two-thirds (2/3) majority of the taxing district's electors voting on the question at an election called for that purpose.

(2) (a) For its fiscal year commencing in 1980 and ending in 1981, no taxing district shall certify a budget request to finance the ad valorem portion of its operating budget that exceeds the lesser of:

(i) the dollar amount of ad valorem taxes certified for that same purpose in 1978; or

(ii) when combined with the budget requests from all other taxing districts imposing taxes on the same property, the limitation imposed by section 63-923 (1), Idaho Code.

(b) No board of county commissioners shall set a levy in 1980, nor shall the state tax commission approve a levy for operating budget purposes in 1980 which exceeds the limitation imposed by paragraph (a) of this subsection, unless authority to exceed such limitation has been approved by a two-thirds (2/3) majority of the taxing district's electors voting on the question at an election called for that purpose.

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 retroactively to January 1, 1979. An emergency existing therefor, which emergency is hereby declared to exist, subsection (1) (b) of section 63-923, Idaho Code, as herein enacted, shall be in full force and effect on and after its passage and approval, and retroactively to November 7, 1978. Subsection (1) (a) of section 63-923, Idaho Code, as herein enacted, shall be in full force and effect on and after January 1, 1980.

Approved March 30, 1979.

CHAPTER 286
(H.B. No. 232)

AN ACT
RELATING TO THE APPROVAL AND CERTIFICATION OF SUBDIVISION PLATS;
AMENDING SECTION 50-1308, IDAHO CODE, TO REQUIRE THAT PLATS BE CERTIFIED BY COUNTY TREASURERS TO INDICATE THAT ALL PROPERTY TAXES ARE PAID PRIOR TO BEING RECORDED.

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

SECTION 1. That Section 50-1308, Idaho Code, be, and the same is hereby amended to read as follows:

50-1308. APPROVALS. If a subdivision is not within the corporate limits of a city, the plat thereof shall be submitted, accepted and approved by the board of commissioners of the county in which the tract is located in the same manner and as herein provided. If the city or county has established a planning commission, then all plats must be submitted to said commission in accordance with provisions of section 50-1106, Idaho Code. No plat of a subdivision requiring city approval shall be accepted for record by the county recorder unless said plat shall have first been submitted to the city and has been accepted and approved and shall have written thereon the acceptance and approval of the said city council and bear the signature of the city engineer and city clerk. No plat of a subdivision shall be accepted for record by the county recorder unless said plat has been certified, within thirty (30) days prior to recording, by the county treasurer of the county in which the tract is located. The county treasurer shall not withhold certification for any reason except for county property taxes due, either or both delinquent and current, but not paid, upon the property included in the proposed subdivision. The current year's tax shall be computed by using the previous year's levy unless the current year's levy has been set.

Approved March 30, 1979.
CHAPTER 287
(H.B. No. 228)

AN ACT
RELATING TO HIGHWAY-USER REVENUES; AMENDING SECTION 40-137, IDAHO CODE, BY CHANGING THE DATES OF CERTIFICATION OF DEDICATED HIGHWAY-USER FUNDS, AND EMPOWERING THE STATE AUDITOR TO NOTIFY AND DIRECT THE AUTHORITY MAKING DISTRIBUTION OF HIGHWAY-USER FUNDS TO WITHHOLD SUCH FUNDS FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE SECTION.

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

SECTION 1. That Section 40-137, Idaho Code, be, and the same is hereby amended to read as follows:

40-137. POLICY OF LEGISLATURE ON EXPENDITURES. It is the declared policy of the legislature that, except as hereinafter provided, all highway-user revenues accruing to the state highway fund be spent exclusively for the maintenance, construction and development of highways in the state highway system as herein defined; that, except as otherwise specifically provided in this act, all revenues accruing to the county road funds be spent exclusively for the maintenance, construction and development of highways in the respective county road systems as herein defined; and that all revenues distributed to cities be spent exclusively for the maintenance, construction and development of highways in the respective municipal street systems as herein defined; provided, however, that, either (1) by mutual cooperative written agreements; or, (2) in the event of emergencies or other unusual circumstances where the financial or general welfare of the people is concerned, two (2) or more units of government may, upon due showing of cause declared and entered upon the minutes of an official meeting of the Idaho transportation board, the boards of county commissioners and/or the governing body of the municipalities involved, as the case may be, share jointly the costs of the maintenance, construction or development of highways in any state, county or municipal system.

All moneys hereinabove apportioned to the county, state transportation board, highway districts or good roads districts, and cities from the proceeds from the imposition of any tax on motor fuel and from any tax or fee for the registration or operation of motor vehicles for general road construction and maintenance, bridge and culvert moneys, shall be accounted for to the state auditor as dedicated funds by a certification of the governing unit so receiving,
budgeting and expending such dedicated funds as to the actual expenditure of such funds. Such certification shall state the actual funds so received for the budgetary period in each category of dedicated funds, the actual expenditure of such used dedicated funds, any balances of dedicated funds unexpended must be shown and accounted for as beginning balances in the next regular budget. Such certification shall be prepared by the proper officer, county auditor, highway or good roads district treasurer, city clerk, and signed by the elected commissioners, mayor, council, or board members of the respective reporting governmental unit. Such certification shall be made by the 15th of February November of each year for the preceding fiscal budget year. Such certification shall be published once as a legal notice between February November 15th and the end of February November. Failure to make certification, failure to publish or the making of false statements in such certification shall subject the person so doing to the penalties prescribed in section 40-140, Idaho Code, or be used as the grounds for removal from office of the offending officials. The state auditor is empowered, authorized and directed to notify and direct the state officer or authority making distribution of highway-user revenues and funds to the county, state transportation board, highway districts, good roads districts and cities, to withhold such distribution of funds for noncompliance with the provisions of this section, but upon compliance shall authorize such distribution to be made.

Moneys remaining unexpended in such dedicated funds shall not in any case be budgeted and expended for uses other than the limits of the dedicated fund.

The certification herein required shall be effective February 15, 1972, for the 1971 year. A copy of such certification shall be filed as a matter of record with the county auditor. The minutes of the respective governmental units required to certify shall record the certification and filing with the county auditor.

Approved March 30, 1979.

CHAPTER 288
(H.B. No. 134)

AN ACT
RELATING TO THE ORGANIZATION, MANAGEMENT AND OPERATION OF SAVINGS AND LOAN ASSOCIATIONS; AMENDING SECTION 26-1802, IDAHO CODE, TO DEFINE CERTAIN TERMS; AMENDING SECTION 26-1803, IDAHO CODE, TO PROVIDE FOR REQUIREMENTS FOR INCORPORATION; AMENDING SECTION 26-1812, IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP; AMENDING SECTION 26-1814, IDAHO CODE, TO PROVIDE CONDITIONS FOR FOREIGN ASSOCIATIONS CONDUCTING BUSINESS IN IDAHO; AMENDING SECTION
26-1817, IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP; AMENDING
SECTION 26-1818, IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP;
AMENDING SECTION 26-1819, IDAHO CODE, TO CLARIFY ASSOCIATION
OWNERSHIP AND TO PROVIDE REQUIREMENTS GOVERNING VOLUNTARY
LIQUIDATION; AMENDING SECTION 26-1820, IDAHO CODE, TO CLARIFY
ASSOCIATION OWNERSHIP PERTAINING TO REORGANIZATION, MERGER, AND
CONSOLIDATION OF ASSOCIATIONS; AMENDING SECTION 26-1822, IDAHO
CODE, TO CLARIFY ASSOCIATION OWNERSHIP WHEN PERTAINING TO THE
ELECTION OF BOARDS OF DIRECTORS; AMENDING SECTION 26-1823, IDAHO
CODE, TO CLARIFY ASSOCIATION OWNERSHIP PERTAINING TO QUALIFICATIONS FOR DIRECTORS OF ASSOCIATIONS; AMENDING SECTION
26-1827, IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP WHEN
PERTAINING TO MEETINGS OF SHAREHOLDERS; REPEALING SECTION 26-1828,
IDAHO CODE, PERTAINING TO PROHIBITION OF MEMBERSHIP CHARGES;
AMENDING SECTION 26-1829, IDAHO CODE, TO CLARIFY ASSOCIATION
OWNERSHIP WHEN PERTAINING TO SHAREHOLDER ACCESS TO THE BOOKS AND
RECORDS OF AN ASSOCIATION; AMENDING SECTION 26-1830, IDAHO CODE,
TO PROVIDE FOR CLOSING THE BOOKS OF AN ASSOCIATION ANNUALLY
INSTEAD OF SEMIANNUALLY AND TO CLARIFY ASSOCIATION OWNERSHIP;
AMENDING SECTION 26-1839, IDAHO CODE, TO PROVIDE AUTHORITY TO THE
DEPARTMENT DIRECTOR TO ORDER DISCONTINUANCE OF UNSOUND BUSINESS
PRACTICES; AMENDING SECTION 26-1840, IDAHO CODE, TO PROVIDE
AUTHORITY TO THE DEPARTMENT DIRECTOR TO REMOVE AN ASSOCIATION
DIRECTOR PARTICIPATING IN UNSOUND BUSINESS PRACTICES; AMENDING
SECTION 26-1842, IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP WHEN
PERTAINING TO CONSERVATORSHIPS; AMENDING SECTION 26-1843, IDAHO
CODE, TO CLARIFY ASSOCIATION OWNERSHIP WHEN PERTAINING TO THE
POWERS AND DUTIES OF A CONSERVATOR; AMENDING SECTION 26-1844,
IDAHO CODE, TO CLARIFY ASSOCIATION OWNERSHIP WHEN PERTAINING TO
THE APPOINTMENT OF RECEIVERS; REPEALING SECTION 26-1852, IDAHO
CODE, PERTAINING TO AUTHORIZATION TO CREATE AN ADVISORY BOARD;
AMENDING SECTION 26-1853, IDAHO CODE, TO PROVIDE FOR THE
CONTINUATION OF BUSINESS BY ASSOCIATIONS ORGANIZED PRIOR TO JULY
1, 1979; AMENDING CHAPTER 18, TITLE 26, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 26-1856, IDAHO CODE, TO PROVIDE FOR
CUSTOMER SAVINGS AND LOAN COMMUNICATION TERMINALS AND TO PROVIDE
REGULATIONS TO GOVERN THEIR OPERATIONS; AMENDING SECTION 26-1905,
IDAHO CODE, TO PROVIDE FOR CHECKING ACCOUNTS WHEN CERTAIN
CONDITIONS HAVE OCCURRED; AMENDING SECTION 26-1907, IDAHO CODE, TO
PROVIDE THAT INVESTMENTS IN SAVINGS ACCOUNTS MAY BE MADE WITH
NEGOTIABLE INSTRUMENTS OTHER THAN CASH; AMENDING SECTION 26-1909,
IDAHO CODE, TO PROVIDE FOR ADDITIONAL MEANS TO SHOW EVIDENCE OF
OWNERSHIP OF AN ACCOUNT; AMENDING SECTION 26-1912, IDAHO CODE, TO
STRIKE REFERENCE TO ACCOUNTS OF MARRIED WOMEN; REPEALING SECTION
26-1913, IDAHO CODE, PERTAINING TO ACCOUNTS OWNED BY TWO OR MORE
PERSONS; REPEALING SECTION 26-1914, IDAHO CODE, PERTAINING TO
ACCOUNTS OWNED JOINTLY BY A HUSBAND AND WIFE; REPEALING SECTION
26-1917, IDAHO CODE, PERTAINING TO TRUST ACCOUNTS; AMENDING
SECTION 26-1920, IDAHO CODE, TO PROVIDE FOR THE ASSESSMENT OF A PENALTY FOR EARLY WITHDRAWALS OF DEPOSITS AND TO ALLOW AN ASSOCIATION TO PAY IN FULL ALL WITHDRAWAL REQUESTS; REPEALING SECTION 26-1921, IDAHO CODE, PERTAINING TO REDEMPTION; REPEALING SECTION 26-1923, IDAHO CODE, PERTAINING TO DIVIDENDS ON SAVINGS ACCOUNTS; AMENDING CHAPTER 19, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-1923, IDAHO CODE, TO PROVIDE FOR INTEREST RATES ON DEPOSITS; AMENDING SECTION 26-1924, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY PERTAINING TO INTEREST AND DEPOSITS; REPEALING SECTION 26-1926, IDAHO CODE, PERTAINING TO TRANSFERS TO LOSS RESERVES; AMENDING CHAPTER 19, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-1926, IDAHO CODE, TO PROVIDE FOR ALLOCATION OF NET PROFIT TO NET WORTH BEFORE PAYING OR CREDITING INTEREST ON ACCOUNTS; AMENDING SECTION 26-1927, IDAHO CODE, TO PROVIDE FURTHER REGULATION PERTAINING TO PAYMENT OF DIVIDENDS ON CAPITAL STOCK; AMENDING SECTION 26-1928, IDAHO CODE, TO PROVIDE FOR USE OF AN ASSOCIATION'S UNDIVIDED PROFITS AND EXPENSE FUND CONTRIBUTIONS; AMENDING SECTION 26-1930, IDAHO CODE, TO PROVIDE FOR INVESTMENT IN PROPERTY IMPROVEMENT LOANS UP TO $25,000 AND REPAYABLE OVER 120 MONTHS; AMENDING SECTION 26-1931, IDAHO CODE, TO PROVIDE FOR AN ASSOCIATION AND A BORROWER TO AGREE ON TERMS FOR CREDITING OF INTEREST PAYMENTS AND PREPAYMENT OF PRINCIPAL, AND TO PROVIDE FOR TERMS OF LOANS FOR SINGLE FAMILY, MULTI-FAMILY AND COMMERCIAL CONSTRUCTION; AMENDING SECTION 26-1935, IDAHO CODE, TO PROVIDE FOR REAL ESTATE LOANS FOR UP TO ONE HUNDRED THOUSAND DOLLARS AND NOT IN EXCESS OF NINETY-FIVE PERCENT OF THE VALUE OF THE SECURITY AND ALLOWING AN ASSOCIATION TO CONSIDER MORTGAGE INSURANCE IN VALUATION OF THE SECURITY; AMENDING SECTION 26-1936, IDAHO CODE, TO PROVIDE FOR LONGER TERMS FOR REAL ESTATE LOANS; AMENDING SECTION 26-1937, IDAHO CODE, TO PROVIDE AUTHORITY TO ASSOCIATIONS TO MAKE REAL ESTATE LOANS AT A HIGHER PERCENTAGE OF APPRAISED VALUE; AMENDING SECTION 26-1942, IDAHO CODE, TO CORRECT A MISSPELLED WORD; REPEALING SECTION 26-1943, IDAHO CODE, PERTAINING TO CAPITAL STOCK AND RESERVE REQUIREMENTS; AND AMENDING SECTION 26-1944, IDAHO CODE, TO ALLOW ASSOCIATIONS TO MAKE LOANS REGARDLESS OF LIQUIDITY REQUIREMENTS WHEN SECURED BY THE ACCOUNT OF AN ACCOUNT HOLDER OF AN ASSOCIATION.

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

SECTION 1. That Section 26-1802, Idaho Code, be, and the same is hereby amended to read as follows:

26-1802. DEFINITIONS. As used in this act, the following terms, unless otherwise clearly indicated by the context, shall have the meanings specified below:

1) "Account," "savings account," or "deposit" are synonymous and
each shall mean any deposit of money in an association, however evidenced, which represents the interest of any account holder in the deposit liabilities of the association.

(2) "Account holder" shall mean the party who, by the terms of the savings account contract, has a present right to payment from the account.

(3) "Agency" shall mean a place of business, other than the home office or a branch office of an association, at which an agent or agents of the association transact authorized business of the association.

(4) "Association" shall mean a savings and loan association subject to the provisions of this act.

(5) "Borrower" shall mean a party borrowing from or assuming or obligated upon a loan in which an association has an interest, or owning property which secures a loan in which an association has an interest.

(6) "Business property" shall mean real estate used for the purpose of producing income but shall not include a home as defined in this section.

(7) "Branch office" shall mean an office which is a legally established place of business of the association, other than the home office or an agency, authorized by the board of directors and approved by the director of the department of finance, at which payments on account and loans will be accepted and applications for loans will be received and at which account books and members' certificates will be issued and loans will be closed or a customer savings and loan communication terminal.

(8) "Community" shall mean a centralized area or locality in which a body of inhabitants is gathered in one (1) group having common residential, social or business interests. The term does not necessarily mean a municipal corporation or other political subdivision; a community need not be limited by lines and boundaries. A village, town or other governmental unit, either incorporated or unincorporated, may constitute one (1) community, but a large, populous area under one or more forms of government may be composed of several communities.

(9) "Dividends-on-savings-accounts" shall mean that part of the net income of an association which is declared payable on savings accounts from time to time by the board of directors. "Dividends" shall be synonymous with "earnings."".

(10) "Deposit liability" shall mean the aggregate amount of the withdrawal value of all accounts of an association, including interest credited to such accounts.

(11) "Director" shall mean the director of the department of finance of the state of Idaho.

(12) "Dwelling unit" shall mean a single, unified combination of rooms designed for residential use by one (1) family in a multiple dwelling unit structure, and which is not a "home."
(9) "Federal association" shall mean a savings and loan association within this state operating under the provisions of a charter issued by the federal government or an agency thereof.

(10) "Financial institution" shall mean any banking corporation, trust company, savings and loan association or other institution engaged primarily in lending or investing funds.

(11) "Home" shall mean a dwelling designed for occupancy by a single family unit or a dwelling designed for occupancy for one (1) to four (4) family units if one (1) of such units is occupied by the owner or if the borrower in good faith intends to do so.

(12) "Home office" shall mean the principal place of business maintained by the association and is so designated in its articles of incorporation.

(13) "Impaired condition" shall mean a condition in which the assets of an association in the aggregate do not have a fair value equal to the aggregate amount of liabilities of the association to its creditors, including its members and all other persons.

(14) "Improved real estate" shall mean real estate on which there is a structure or an inclosure or which is cultivated, reclaimed, used for the purpose of agriculture in any form, prepared as building lots or sites or otherwise occupied, made better, more useful or of greater value by care so as to produce an enjoyment thereof.

(15) "Interest" shall mean that part of the net income of an association which is paid or payable, from time to time to an account holder.

(16) "Liquid assets" shall mean cash on hand, ninety- (90) day time certificates of deposit, cash on deposit in federal home loan banks, state banks performing similar reserve functions or in commercial banks, which may be withdrawn upon not more than thirty (30) days' notice and which is not pledged as security for indebtedness, except that any deposits in a bank under the control or in the possession of any supervisory authority shall not be considered as liquid assets and obligations of, or obligations which are fully guaranteed as to principal and interest by, the United States or the state of Idaho.

(17) "Loss reserves" shall mean the aggregate amount of the reserves allocated by an association for the sole purpose of absorbing losses.

(18) "Net worth" shall mean the aggregate of capital stock accounts, capital surplus and retained earnings accounts, and all other "loss reserve" accounts, except specific loss reserve accounts.

(19) "Primarily residential property" shall mean real estate on which there is located or will be located pursuant to a real estate loan, any of the following: a structure or structures designed or used primarily for residential rather than nonresidential purposes and consisting of more than one (1) dwelling unit, a structure or structures designed or used primarily for residential rather than
nonresidential purposes for students, residents and persons under care, employees or members or the staff of an educational, health or welfare institution or facility and a structure or structures which are used in part for residential purposes for not more than one (1) family and in part for business purposes, provided that the residential use of such structure or structures must be substantial and permanent, not merely transitory.

(i) "Member" shall mean a person holding a savings account in an association, or borrowing from or assuming or obligated upon a loan in which an association has an interest, or owning property which secures a loan in which an association has an interest.

(ii) "Savings-account" shall mean that part of the savings liability of an association which is credited to the account of the holder thereof. "Savings-account" shall be synonymous with "share account."

(iii) "Savings-liability" shall mean the aggregate amount of the withdrawal value of the savings accounts of the members of an association, including earnings credited to such accounts, less redemptions and withdrawals.

(ii4) "Withdrawal value" shall mean the amount credited to a savings account of a member an account holder, less lawful deductions therefrom, as shown by the records of the association.

SECTION 2. That Section 26-1803, Idaho Code, be, and the same is hereby amended to read as follows:

26-1803. REQUIREMENTS FOR INCORPORATION. Any association incorporating under the provisions of this act may be organized by five (5) or more natural persons who are residents of the state of Idaho in compliance with the general corporation laws of the state of Idaho and the provisions of this act, and not otherwise. An association may be organized on a capital stock basis or on a mutual basis with savings accounts only.

(1) If the association is organized with capital stock, the incorporators must show, to the satisfaction of the director, subscribed and paid up capital stock in at least the following minimum amounts in relation to the population of the community in which the home office of the association is to be located:

(a) In communities having not more than ten thousand (10,000) residents, a minimum of one hundred thousand dollars ($100,000);
(b) In communities having more than ten thousand (10,000) but less than one hundred thousand (100,000) residents, a minimum of three hundred thousand dollars ($300,000)
(c) In communities having one hundred thousand (100,000) or more residents, a minimum of five hundred thousand dollars ($500,000). The population of the community shall be determined by the director based on the most recent federal census.
The capital stock shall be common stock of one (1) class. No other form or type of stock or shares shall be issued. Such capital stock, when issued, may not be retired or withdrawn except as provided in this act and until after all liabilities of the association shall have been satisfied in full, including the withdrawal value of all savings accounts deposits. Such capital stock must be fully paid for in cash in advance of issuance and the association may not make any loans against the shares of such stock. Shares of such stock may have a par value of not less than one dollar ($1.00) nor more than one hundred dollars ($100) each. An association authorized to issue such stock must have at all times issued and outstanding an amount thereof of capital stock equal in par value to $50,000 one hundred thousand dollars ($100,000) or two and one-half percent (2 1/2%) of its gross assets, whichever is greater, but no association shall be required to have more than one million dollars ($1,000,000) of the par value of such stock outstanding.

For associations organized on a capital stock basis; the director may require in addition to the amount paid in for such stock a paid-in surplus in an amount up to but not in excess of the aggregate amount of the capital stock required above. Such paid-in surplus may be used in lieu of earnings to pay organization and operating expenses, dividends on savings accounts and to meet any loss reserve requirements.

Associations organized on a capital stock basis whose savings accounts deposits are insured by the Federal Savings and Loan Insurance Corporation may retire in whole or in part any such stock previously issued if the basis of such retirement shall have been first approved by the director and consent to such retirement upon the part of the Federal Savings and Loan Insurance Corporation has been filed in writing with the director.

(2) If the association is organized without capital stock, the incorporators must show to the satisfaction of the director subscribed, and paid in savings accounts in the following aggregate amounts in relation to the population of the community in which the home office of the association is to be located: in communities having not more than 10,000 residents, a minimum of $100,000; in communities having more than 10,000 but less than 100,000 residents, a minimum of $300,000; in communities having 100,000 or more residents, a minimum of $500,000: The population of the community shall be determined by the director based on the most recent federal census.

In addition to the savings account subscriptions required above, the incorporators must show to the satisfaction of the director that an expense fund has been subscribed and paid in to the credit of the association equal to not less than fifty percent (50%) of the minimum amount of the savings accounts required above. Such expense fund shall be used to pay organization and operating expenses, dividends on savings accounts and to meet any loss reserve requirements. The amounts so contributed to the expense fund shall not constitute a
liability--of--the--association--:--in--the--case-of-liquidation,-before
contributions--to--the--expense--fund--are--repaid;--all--expenses--of
liquidation--and--the--full-withdrawal-value--of--all--savings-accounts--must
be--paid--:

SECTION 3. That Section 26-1812, Idaho Code, be, and the same is
hereby amended to read as follows:

26-1812. AMENDMENT OF ARTICLES. The members shareholders of an
association may at any meeting called for such purpose, amend the
articles of incorporation. Proposed amendments of the articles shall
be submitted to the director at least thirty (30) days before the
meeting of the members shareholders called for such purpose. The
amended articles shall be filed with the director and be subject to
the same procedure for approval, rejection, appeal and filing with the
secretary of state and county recorder as provided for the original
articles.

SECTION 4. That Section 26-1814, Idaho Code, be, and the same is
hereby amended to read as follows:

26-1814. FOREIGN ASSOCIATIONS. No association which has not been
incorporated or organized under the laws of Idaho, or which is not a
federally chartered association shall be authorized to conduct
business under this act in this state; provided, however, that any
foreign association which has received a valid permit from the
director of finance to do business as a savings and loan association
within this state pursuant to an application filed prior to the
effective date of this act with and approved by the director shall be
authorized to conduct such business within the geographical area for
which it has received such a permit but shall not be authorized to
conduct such business outside said geographical area nor shall it be
authorized to extend its operation by way of branch offices or in any
other manner outside said geographical area within the state of Idaho
in this state. With respect to any such foreign association the
provisions of section 26-1822, Idaho Code, requiring that a majority
of the board of directors must be Idaho residents shall not be
applicable.

SECTION 5. That Section 26-1817, Idaho Code, be, and the same is
hereby amended to read as follows:

26-1817. CONVERSION TO FEDERAL SAVINGS ASSOCIATION. At an annual
meeting or at any special meeting of the members shareholders called
to consider such action, any association doing business under this act
may convert itself into a federal savings association or federal
savings and loan association, hereinafter called "federal
association," in accordance with the provisions of section 5 of the
Home Owners' Loan Act of 1933, as now or hereafter amended, upon a vote of fifty-one percent (51%) or more of the total number of votes of the members shareholders eligible to be cast. A copy of the minutes of the proceedings of such meeting of the members shareholders, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the director within ten (10) days after the date of such meeting. A sworn copy of the proceedings of such meeting, when so filed, shall be presumptive evidence of the holding and action of such meeting. Within three (3) months after the date of such meeting, the association shall take such action in the manner prescribed and authorized by the laws of the United States as shall make it a federal association. There shall be filed with the director a copy of the charter issued to such federal association by the federal home loan bank board or a certificate showing the organization of such association as a federal association, certified by the secretary or assistant secretary of the federal home loan bank board. A similar copy of the charter, or of such certificate, shall be filed by the association with the secretary of state. No failure to file any such instruments with either the director or the secretary of state shall affect the validity of such conversion. Upon the grant to any association of a charter by the federal home loan bank board, the association receiving such charter shall cease to be an association incorporated under this act and shall no longer be subject to the supervision and control of the director. Upon the conversion of any association into a federal association, the corporate existence of such association shall not terminate, but such federal association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles, and interests in and to all property of whatever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately by operation of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such federal association into which the state association has converted itself, and such federal association shall have, hold, and enjoy the same in its own right as fully and to the same extent as the same was possessed, held, and enjoyed by the converting association, and such federal association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting association. All pending actions and other judicial proceedings to which the converting state association is a party shall not be deemed to have abated or to have discontinued by reason of such conversion, but may be prosecuted to final judgment, order, or decree in the same manner as if such conversion into such federal association had not been made and such federal association resulting from such conversion may continue such action in its corporate name as a federal
association, and any judgment, order, or decree may be rendered for or against it which might have been rendered for or against the converting state association theretofore involved in such judicial proceedings.

SECTION 6. That Section 26-1818, Idaho Code, be, and the same is hereby amended to read as follows:

26-1818. CONVERSION TO STATE-CHARTERED ASSOCIATION. At an annual meeting or at any special meeting of the members shareholders called to consider such action, any federal association may convert itself into an association under this act upon a vote of fifty-one percent (51%) or more of the total number of votes of the members shareholders of such federal association eligible to be cast. Copies of the minutes of the proceedings of such meeting of members shareholders, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the director and mailed to the Federal Home Loan Bank Board, Washington, D.C., within ten (10) days after such meeting. Such verified copies of the proceedings of the meeting when so filed shall be presumptive evidence of the holding and action of such meeting. At the meeting at which conversion is voted upon, the members shareholders shall also vote upon the directors who shall be the directors of the state-chartered association after conversion takes effect. Such directors then shall execute two (2) copies of the articles of incorporation provided for in this act and two (2) copies of the bylaws, as provided in this act. The director shall insert in articles of incorporation, at the end of the paragraph preceding the testimonium clause, the following:

This association is incorporated by conversion from a federal association.

All of the directors who are chosen for the association shall sign and acknowledge the articles of incorporation as subscribers thereto and the proposed bylaws as incorporators of the association. The provisions of this act shall, so far as applicable, apply to such conversion under this act. The director may provide, by regulation, for the procedure to be followed by any such federal association converting into an association under this act. All the provisions regarding property and other rights contained in section 26-1817, Idaho Code, shall apply, in reverse order, to the conversion of a federal association into an association incorporated under this act, so that the state-chartered association shall be a continuation of the corporate entity of the converting federal association and continue to have all of its property and rights.

SECTION 7. That Section 26-1819, Idaho Code, be, and the same is hereby amended to read as follows:

26-1819. VOLUNTARY LIQUIDATION. At any annual meeting or any
special meeting called for such purpose, any association may by majority vote of its members shareholders resolve to liquidate and dissolve the association; provided, that before such resolution shall take effect, a copy thereof certified to by the president and the secretary of the association, together with an itemized statement of its assets and liabilities sworn to by a majority of its board of directors, shall be filed with and be approved by the director. When the director shall have approved such resolution it shall thereafter be unlawful for such association to accept any additional savings accounts or additions to savings accounts or to make any additional loans, but all its income and receipts in excess of actual expenses of liquidation of the association shall be applied to the discharge of its liabilities. The board of directors of the association, under the supervision of the director and in accordance with a plan of liquidation approved by him, shall thereupon proceed to liquidate the affairs of the association and reduce the assets thereof to cash for the purpose of paying, satisfying and discharging all existing liabilities and obligations of the association, including the withdrawal value of all savings-accounts; deposits. The balance remaining, after paying all deposits and all other liabilities, if any there be, to-be-distributed-pro-rata-among-the-savings-account-holders of-record-on-the-date-of-adoption-by-the-association-of-the-resolution to-liquidate; provided; however; that-if-the-association-is-organized on-a-capital-stock-basis-and-has-issued-and-has-outstanding-such stock; then-any-such-balance-remaining-after-all-liabilities-and obligations-should-have-been-fully-paid-and-satisfied;--including--the withdrawal-value-of-all-savings-accounts; shall be distributed among the holders of such stock in proportion to their stockholding. All expenses incurred by the director or any of his representatives during the course of any such liquidation shall be paid from the assets of the association prior to any payment to shareholders. Upon completion of liquidation, the board of directors shall file with the director a final report and accounting of such liquidation. The approval of such report by the director shall operate as a complete and final discharge of the board of directors and each member in connection with the liquidation of such association.

SECTION 8. That Section 26-1820, Idaho Code, be, and the same is hereby amended to read as follows:

26-1820. REORGANIZATION, MERGER AND CONSOLIDATION. Pursuant to a plan adopted by the board of directors and approved by the director as equitable to the members shareholders of the association and as not impairing the usefulness and success of other properly managed associations in the same community, an association shall have power to reorganize or to merge or consolidate with another association or federal association within the community; provided, that the plan of such organization, merger or consolidation shall be approved by a
majority of the total vote of the members shareholders of all associations involved in such reorganization, merger or consolidation. Approval may be voted at either an annual meeting or at a special meeting called to consider such action. In all cases the corporate continuity of the resulting corporation shall possess the same incidents rights and liabilities as that of an association which has converted in accordance with this act.

SECTION 9. That Section 26-1822, Idaho Code, be, and the same is hereby amended to read as follows:

26-1822. BOARD OF DIRECTORS. The business of an association shall be directed by a board of directors of not less than five (5) nor more than twenty-one (21) elected by a majority vote at each annual meeting of the members shareholders. A majority of the members of the board of directors shall be residents of the state of Idaho. Provided, however, that the bylaws of the association may provide for the election of directors for terms up to three (3) years with approximately the same number of directors to be elected each year. The number and terms of directors shall be fixed from time to time within such limits by the bylaws of the association or by resolution adopted at any annual meeting of members shareholders or at any special meeting called for such purpose. Any vacancy among directors may be filled by a majority vote of the remaining directors, though less than a quorum, by electing a director to serve until the next annual meeting of the members shareholders, at which time a director shall be elected to fill the vacancy for the unexpired term. In event of a vacancy on the board of directors from any cause, the remaining directors shall have full power and authority to continue direction of the association until such vacancy is filled.

SECTION 10. That Section 26-1823, Idaho Code, be, and the same is hereby amended to read as follows:

26-1823. QUALIFICATIONS OF DIRECTORS. No person shall be eligible to be elected as director or to continue to serve as a director unless in an association organized on a capital stock basis he is the owner, in his own right, of unhypothecated capital stock of the association of at least one thousand dollars ($1,000) par value or unless in an association organized on a mutual basis he is the owner in his own right of an unhypothecated savings account, the withdrawal value of which is at least $1,000. For the purpose of this section, a person who owns stock or a savings account as a joint tenant or in community ownership shall be considered to own, in his own right, one half (1/2) of such stock or savings account. Evidence of such stock or savings account ownership shall be made available for inspection upon the demand of the director during the course of any examination by the department. Evidence of such ownership may be in
the form of actual stock certificates, an affidavit signed by the
director or in such form as the director may prescribe. Except with
the written consent of the director, no member shareholder shall be
eligible for election or shall serve as a director officer of an
association who has been adjudicated a bankrupt or convicted of a
criminal offense involving dishonesty or a breach of trust. A director
shall automatically cease to be a director when he ceases to be an
owner of stock or a savings account of the value herein provided, when
he is adjudicated a bankrupt or is convicted of a criminal offense as
herein provided. Additional qualifications for director of an
association may be provided by its bylaws.

SECTION 11. That Section 26-1827, Idaho Code, be, and the same is
hereby amended to read as follows:

26-1827. MEETINGS OF MEMBERS SHAREHOLDERS -- VOTING RIGHTS. The
annual meeting of the members shareholders of each association shall
be held each year at the time fixed in the bylaws of the association.
Special meetings may be called as provided in the bylaws. The members
shareholders who shall be entitled to vote at any meeting of the
members shareholders shall be those who are members shareholders of
record at the end of the calendar month next preceding the date of the
meeting, except those who have ceased to be members shareholders. The
number of votes which members shareholders shall be entitled to cast
shall be in accordance with the books and records of the association
on the said date determinative of entitlement to vote. In the
determination of all questions requiring action by the members
shareholders, each member shareholder shall be entitled to cast one
vote by virtue of his membership; plus an additional vote for each
share of the capital stock of the association, if any, owned by such
member shareholder; and an additional vote for each $100 or fraction
thereof of the withdrawal value of savings accounts; if any; by
such member; no member; however, shall cast more than 100 votes; A
loan or a savings account shall create a single membership for voting
purposes even though more than one person is obligated on such loan or
has an interest in such savings account; Voting may be in person or by
proxy, provided that no proxy shall be eligible to be voted at any
meeting unless such proxy shall have been filed with the secretary of
the association for verification at least five (5) days prior to the
date of such meeting. Every proxy shall be in writing and signed by
the member shareholder or his duly authorized attorney-in-fact and,
when filed with the secretary, shall, unless otherwise specified in
the proxy, continue in force from year to year until a revocation in
writing is duly delivered to the secretary or until superseded by
subsequent proxies. The bylaws of each association shall specify the
quorum requirements and other voting requirements for conducting
business at membership shareholders' meetings.
SECTION 12. That Section 26-1828, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 26-1829, Idaho Code, be, and the same is hereby amended to read as follows:

26-1829. ACCESS TO BOOKS AND RECORDS. (1) Every member shareholder shall have the right to inspect such books and records of an association as pertain to his loan, capital stock or savings account deposits. Otherwise, the right of inspection and examination of the books and records shall be limited to the director or his duly authorized representatives as provided in the act, to persons duly authorized to act for the association and to any federal instrumentality or agency authorized to inspect or examine the books and records of an insured association. The books and records pertaining to the deposits and loans of members shall be kept confidential by the association, its directors, officers and employees and by the director, his examiners and representatives, except where disclosure thereof shall be compelled by a court of competent jurisdiction; and no member or other person shall have access to the books and records or shall be furnished or shall possess a partial or complete list of the members except upon express action and authority of the board of directors. The books, records and files of an association shall not be admissible as evidence in any proceeding concerning the validity of any tax assessment or the collection of delinquent taxes, penalties and interest except where:

(a) the owner of an account is a proper party to the proceeding in which event the books, files and records pertaining to the account of such party shall be admissible; or

(b) the association itself is a proper party to the proceeding in which event any book, file or record material to the proceeding shall be admissible.

(2) In the event that any member shareholder or members shareholders desire to communicate with the other members shareholders of the association with reference to any question pending or to be presented for consideration at a meeting of the members shareholders, the association shall furnish upon request a statement of the approximate number of members shareholders of the association at the time of such request, and an estimate of the cost of forwarding such communication. The requesting member or members shall then submit the communication; together with an sworn statement that the proposed communication is not for any reason other than the business welfare of the association; to the director who, if he finds it to be appropriate, truthful and in the best interests of the association and its members, shall execute a certificate setting out such findings; forward the certificate together with the communication to the association; and direct that the communication shall be prepared and mailed by the association to the members shareholders upon the
requesting member's shareholder's or members' shareholders' payment to it of the expenses of such preparation and mailing.

(3) Insofar as the provisions of this section are not inconsistent with federal law, such provisions shall apply to federal associations whose home offices are located in this state, and to the members thereof, except that the communication and statement provided for in subsection (2) of this section shall be tendered to the Federal Home Loan Bank Board, Washington, D.C., in the case of a federal association and forwarded only upon that board's certificate and direction.

**SECTION 14.** That Section 26-1830, Idaho Code, be, and the same is hereby amended to read as follows:

26-1830. RECORDS. (1) Every association shall keep at the home office correct and complete books of account and minutes of the proceedings of members shareholders, directors and the executive committee. Complete records of all business transacted at the home office shall be maintained at the home office. Control records of all business transacted at each branch office or agency shall be maintained at the home office, with all entries indentified as to origin, disposition and purpose. In addition, each association shall maintain detailed records of transactions involving other financial institutions.

(2) Every branch office shall keep detailed records of all transactions at such branch office and shall furnish full control records to the home office.

(3) Every agent of an association shall keep an original record of each transaction of business of the association and shall report promptly to the home office. Complete detailed permanent records of such transactions are not required to be maintained at such agency.

(4) Every association shall use such forms and observe such accounting principles and practices as the director may require from time to time.

(5) Every association shall close its books at the close of business on June 30 and December 31 of each year, or more-often-if authorized-for-all-associations at least annually, as of the end of such month or months as may be designated by the association's board of directors, and approved by the director, or more often if directed or deemed necessary by the director.

(6) No association by any system of accounting or any device of bookkeeping shall, either directly or indirectly, enter any of its assets upon its books in the name of any other person, partnership, association or corporation or under any title or designation that is not truly descriptive of such assets.

(7) The director may, after a determination of value made in accordance with section 26-1942, Idaho Code, order that assets, individually or in the aggregate, to the extent that such assets are
overvalued on an association's books, be charged off, or that a special reserve or reserves equal to such overvaluation be set up by transfers from undivided profits or reserves.

(8) The bonds or other interest-bearing obligations purchased by an association shall not be carried on its books at more than the cost thereof.

(9) An association shall not carry any real estate on its books at a sum in excess of the total amount invested by such association on account of such real estate, including advances, costs, and improvements but excluding accrued but uncollected interest.

(10) Every association shall have appraised each parcel of real estate at the time of acquisition thereof. The report of each such appraisal shall be submitted in writing to the board of directors and shall be kept in the records of the association. A photograph of each residential structure shall be taken and shall be permanently attached to the appraisal report. In addition to his powers under section 26-1942, Idaho Code, the director may require the appraisal of real estate securing loans which are delinquent more than four (4) months.

(11) Every association shall maintain complete loan and investment records in a manner satisfactory to the director. Detailed records necessary to make determinations of compliance by an association with the requirements of this act shall be maintained consistently and at all times, the record of each real estate loan or other secured loan or investment containing documentation to the satisfaction of the director of the type, adequacy and complexity of the security.

(12) Every association shall maintain membership shareholders' records, which shall show the name and address of each member; the status of the member as a savings account holder; an obligor or a savings account holder and obligor and the date of membership thereof; in the case of members holding a savings account the shareholder. The association shall obtain a savings account contract containing the signature of each holder of such account or his duly authorized representative, and shall preserve such contract in the records of the association. In the case of a savings account opened by an adult person with his own funds in any association or federal association, such adult person is authorized to sign the savings account contract on behalf of any minor person named on the account who, because of his tender years, is incapable of signing his own name.

(13) Any association may cause any or all records kept by such association to be copied or reproduced by a photostatic, photographic or microfilming process which correctly and permanently copies, reproduces or forms a medium for copying or reproducing the original record on a film or other durable material, and such association may thereafter dispose of the original record. Any such copy or reproduction shall be deemed to be an original record for all purposes and shall be treated as an original record in all courts or administrative agencies for the purpose of its admissibility in
evidence. A facsimile, exemplification or certified copy of any such copy or reproduction reproduced from a film record shall, for all purposes, be deemed a facsimile, exemplification or certified copy of the original record.

(14) Any association using electronic bookkeeping facilities outside the association must obtain prior written approval of the director before entering into any agreement for such service so that the records of the association on the machine shall be available at the time of examination or audit. If any such system is "in house" then the prior written approval of the director must be obtained before service is sold or otherwise made available to any outside customers.

SECTION 15. That Section 26-1839, Idaho Code, be, and the same is hereby amended to read as follows:

26-1839. DIRECTOR SHALL ORDER DISCONTINUANCE OF VIOLATIONS OR UNSOUND PRACTICES. If the director, as a result of any examination or from any report made to him shall find that any association or any director, officer or employee of any association is violating the provisions of the charter or bylaws of the association, or the laws of this state, or the laws of the United States, or any lawful rule or regulation promulgated by the director, or is conducting business in an unsafe or unsound manner, he shall deliver a formal written order to the board of directors of the association in which the facts known to the director are set forth, demanding the discontinuance of such violation or unsafe or unsound practices and conformance with all requirements of law. The association affected by such order may within ten (10) days after the same has been delivered to the association request a public hearing before the director in regard to such order, at which hearing any pertinent evidence relating to said order or the facts stated therein may be presented. After such hearing the director, on the basis of the evidence presented and any matters of record in his office, shall either continue such order in effect, modify the same or set it aside.

SECTION 16. That Section 26-1840, Idaho Code, be, and the same is hereby amended to read as follows:

26-1840. DIRECTOR MAY REMOVE DIRECTORS, OFFICERS AND EMPLOYEES PARTICIPATING IN VIOLATIONS OR UNSAFE OR UNSOUND PRACTICES. The director may require that any director, officer or employee of an association, who has participated in a violation or an unsafe or unsound practice as described in section 26-1839, Idaho Code, be removed from the association if the action of the person or persons concerned was knowingly and wilfully taken. Prior to entering an order of removal, the director shall deliver a full statement of the acts and conduct to which he objects to the board of directors of the
association and the person or persons concerned and of his intention to enter a removal order. If a hearing on the matter is requested within ten days after such delivery, the director shall hold a public hearing at which any pertinent evidence relating to the matters set forth in such statement may be presented. After such hearing the director, on the basis of the evidence presented at such hearing, may proceed to enter an order for the immediate removal of the director, officer or employee affected, a reprimand of the individuals and association concerned or a dismissal of the entire matter. If no hearing is requested within the time specified, the director may proceed to enter an order of removal on the basis of the facts set forth in his original statement.

SECTION 17. That Section 26-1842, Idaho Code, be, and the same is hereby amended to read as follows:

26-1842. CONSERVATOR. If the director, as a result of any examination or from any report made to him believes that the public interest may be served by the appointment of a conservator, and if he shall find that any association:

(1) Is in an impaired condition;
(2) Is engaging in practices which threaten to result in an impaired condition;
(3) Is conducting its business in an unlawful, unauthorized or unsafe manner;
(4) Is in an unsound or unsafe condition, or has a management which is unsafe or unfit to manage a savings and loan association;
(5) Cannot with safety continue in business;
(6) Is pursuing a course that is jeopardizing or injurious to the interests of its members shareholders, creditors or the public;
(7) Has suspended payment of its obligations;
(8) Has refused to submit its books, papers, records or affairs for inspection to any examiner or lawful agent appointed by the department;
(9) Has any officer who has refused to be examined on or touching the affairs, business or concerns of any such association insofar as such relate to the solvency of the association, or matters having to do with the supervision of the director; or
(10) Is in violation of an order or injunction, as authorized by this section, which has become final in that time to appeal has expired without appeal or a final order entered from which there can be no appeal, the director may appoint a conservator for such association, which may be the director, his deputy or any other person, and upon such appointment shall apply immediately to a court of general jurisdiction in the county in which the home office of the association is located for confirmation of such appointment, and such court shall have exclusive jurisdiction to determine the issues and all related matters. Such proceedings shall be given precedence over
other cases pending in such court, and shall in every way be expedited. Such court shall confirm such appointment if it shall find that one or more such grounds exist, and a certified copy of the order of the court confirming such appointment shall be evidence thereof. Such conservator shall have the power and authority provided in this act and such other power and authority as may be expressed in the order of the court. Such conservator shall endeavor promptly to remedy the situations complained of by the director in his application for confirmation of such appointment. Within six (6) months of the date of such appointment, or within twelve (12) months if the court shall extend such six (6) months' period, such association shall be returned to the board of directors thereof and thereafter shall be managed and operated as if no conservator had been appointed, or a receiver shall be appointed as hereinafter provided. If the director, or his deputy, or examiner is appointed conservator he shall receive no additional compensation, but if another person is appointed, then the compensation of the conservator, as determined by the court, shall be paid by the association. A certified copy of the order of the court discharging such conservator and returning such association to the directors thereof shall be sufficient evidence thereof.

SECTION 18. That Section 26-1843, Idaho Code, be, and the same is hereby amended to read as follows:

26-1843. POWERS AND DUTIES OF CONSERVATOR. (1) Any conservator appointed shall have all the rights, powers and privileges possessed by the officers, board of directors and members shareholders of the association.

(2) The conservator shall not retain special counsel or other experts, incur any expense other than normal operating expenses, or liquidate assets except in the ordinary course of operations, without the approval of the court.

(3) The directors and officers shall remain in office and the employees shall remain in their respective positions, but the conservator may remove any director, officer or employee, providing the order of removal of a director or officer shall be approved in writing by the director.

(4) While the association is in the charge of a conservator, members--of borrowers from such association shall continue to make payments to the association in accordance with the terms and conditions of their contracts, and the conservator, in his discretion, may permit savings account members holders to withdraw their accounts from the association pursuant to the provisions of this act or under and subject to such rules and regulations as the director may prescribe. The conservator shall have power to accept savings accounts and additions-to-savings--accounts deposits, but any such amounts received by the conservator may be segregated if the director shall so order in writing; if so ordered, such amounts shall not be subject to
offset and shall not be used to liquidate any indebtedness of such association existing at the time the conservator was appointed for it or any subsequent indebtedness incurred for the purposes of liquidating the indebtedness of any such association existing at the time such conservator was appointed. All expenses of the association during such conservatorship shall be paid by the association.

SECTION 19. That Section 26-1844, Idaho Code, be, and the same is hereby amended to read as follows:

26-1844. APPOINTMENT OF RECEIVER. If the director shall find that any association:
(1) Is in an impaired condition;
(2) Is engaging in practices which threaten to result in an impaired condition;
(3) Is conducting its business in an unlawful, unauthorized or unsafe manner;
(4) Is in an unsound or unsafe condition, or has a management which is unsafe or unfit to manage a savings association;
(5) Cannot with safety continue in business;
(6) Is pursuing a course that is jeopardizing or injurious to the interests of its members shareholders, creditors or the public;
(7) Has suspended payment of its obligations;
(8) Has refused to submit its books, papers, records or affairs for inspection to any examiner or lawful agent appointed by the department;
(9) Has any officer who has refused to be examined on or touching the affairs, business or concerns of any such association insofar as such relate to the solvency of the association, or matters having to do with the supervision of the director; or
(10) Is in violation of an order or injunction, as provided in the preceding section, which has become final in that the time to appeal has expired without appeal or a final order entered from which there can be no appeal, the director may appoint a receiver for such association, which may be the director, his deputy or any other person, and upon such appointment shall apply immediately to a court of general jurisdiction in the county in which the home office of the association is located for confirmation of such appointment, and such court shall have exclusive jurisdiction to determine the issues and all related matters. Such proceedings shall be given precedence over other cases pending in such court, and shall in every way be expedited. Such court shall confirm such appointment if it shall find that one or more such grounds exist, and a certified copy of the order of the court confirming such appointment shall be evidence thereof. In the case of an insured association, the appointment by the director of a receiver under this section shall constitute an official determination of a public authority of this state pursuant to which a receiver is appointed for the purpose of liquidation as contemplated
by and within the meaning of section 401(d) of the National Housing Act of 1934, as amended, if within ten (10) days after the date the application of the director is filed, confirmation of such appointment or denial of confirmation has not been issued by the court. Such receiver shall have all the powers and authority of a conservator plus the power to liquidate, and shall have such other powers and authority as may be expressed in the order of the court. If the director, or his deputy, or examiner is appointed receiver, he shall receive no additional compensation, but if another person is appointed, then the compensation of the receiver, as determined by the court, shall be paid from the assets of the association.

SECTION 20. That Section 26-1852, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 26-1853, Idaho Code, be, and the same is hereby amended to read as follows:

26-1853. EFFECT OF ACT ON SAVINGS AND LOAN ASSOCIATIONS QUALIFIED TO DO BUSINESS UNDER PRIOR LAW. All savings and loan associations legally qualified to do business under prior law, and legally doing business as of July 1, 1979, shall not be subject to the requirements of this act relating to bylaws and articles of incorporation in conflict with the existing bylaws and articles of incorporation of such savings and loan associations.

SECTION 22. That Chapter 18, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-1856, Idaho Code, and to read as follows:

26-1856. CUSTOMER SAVINGS AND LOAN COMMUNICATION TERMINAL. A savings and loan association may make available for use by its customers one or more electronic devices or machines through which the customer may communicate to the savings and loan association a request to withdraw money either from his account or from a previously authorized line of credit, or an instruction to receive or transfer funds for the customer's benefit. The device may receive or dispense cash in accordance with such a request or instruction, subject to verification on line or off line by the savings and loan. Any transactions initiated through such a device shall be subject to verification by the savings and loan association either by direct wire transmission or otherwise. Such facilities may be unmanned or manned.

A person may perform as would a device so long as the person does not perform any functions not specifically authorized by this section.

These devices shall be designated as a customer savings and loan communication terminal (CSLCT). The use of a CSLCT at locations other than the main office or a branch office of the savings and loan
association does not constitute a branch. A savings and loan association shall provide insurance protection under its bonding program for transactions involving such devices.

(1) The establishment and use of a CSLCT is subject to the following limitations:

(a) Written notice must be given to the director's office no less than thirty (30) days before any CSLCT is put into operation. Any savings and loan association presently utilizing a CSLCT shall comply with the notice requirements within thirty (30) days. Such notice shall describe with regard to the communication system:
   1. The location;
   2. A general description of the area where located and the manner of installation;
   3. The manner of operation;
   4. The kinds of functions which will be performed;
   5. Whether the CSLCT will be shared, and, if so, under what terms and with what other institutions and their location;
   6. The manufacturer and, if owned, the purchase price, or, if leased, a copy of the lease;
   7. The distance from the nearest savings and loan office and from the nearest similar CSLCT of the reporting savings and loan association; and
   8. The distance from the nearest savings and loan office and nearest CSLCT of another savings and loan association, which will share the facility, and the name of such other savings and loan association or savings and loans associations.

(b) The functions of the CSLCT shall be limited to:
   1. The receiving of deposits;
   2. The cashing of checks;
   3. The dispensing of cash;
   4. Payment of loan proceeds on a prearranged line of credit;
   5. The communication of other such information directly related to the customer's account; and
   6. Receiving loan payments.

(c) Arrangements may be made at the CSLCT for the placing or installation of a receptacle in which a customer may place packaged communication intended for the savings and loan association.

(d) The CSLCT shall be a communication service available only to customers of the savings and loan association or other financial institutions which the management of the savings and loan association may approve.

(e) The CSLCT shall not be advertised as a full service branch or as performing anything other than activities set out in subsection (1)(b) of this section.

(2) To the extent consistent with the anti-trust laws, savings and loan associations are required to share unmanned CSLCT's at a reasonable fee with one or more other financial institutions if
requested by the other financial institution.

(3) The director may issue a cease and desist order upon a finding that a savings and loan association utilizing a CSLCT is doing so in a manner not specifically authorized by this section.

(4) The provisions of section 26-1855, Idaho Code, which prohibit a savings and loan association from transacting business on Saturdays and legal holidays shall not apply to customer savings and loan communication terminals operated under the provisions of this section.

(5) This section shall be deemed to apply to federal savings and loan associations operating customer savings and loan communication terminals and for the purpose of this act a financial institution shall mean any state or federally chartered commercial bank, savings and loan association or credit union authorized by the department of finance or a comparable federal agency to do business in the state of Idaho.

SECTION 23. That Section 26-1905, Idaho Code, be, and the same is hereby amended to read as follows:

26-1905. CHECKING ACCOUNTS PROHIBITED. (1) No association shall have or carry on its books or records for any shareholder account holder any checking account of whatever kind, nor allow any credit to be withdrawn from the savings account of any shareholder upon the presentation of any negotiable check or draft, except that in the event a savings and loan association subject to the jurisdiction of the federal government shall be allowed to have or carry checking accounts, negotiable orders of withdrawal, or payable orders of withdrawal for account holders, the director may by regulation authorize state savings and loan associations, until ninety (90) days after the close of the next regular session of the legislature, to offer such services.

(2) An account holder may withdraw part or all of his funds subject to the terms applicable to his savings account. For this purpose, withdrawal may be effected by use of plastic-card operated dispensers or other electronic devices.

SECTION 24. That Section 26-1907, Idaho Code, be, and the same is hereby amended to read as follows:

26-1907. WHO MAY OPEN A SAVINGS ACCOUNT. Investments in savings accounts may be made only with cash or checks or drafts or orders subject to collection and may be made by any person in his own right or in a trust or other fiduciary capacity and by any partnership, association or corporation.

SECTION 25. That Section 26-1909, Idaho Code, be, and the same is hereby amended to read as follows:
26-1909. EVIDENCE OF OWNERSHIP OF AN ACCOUNT. As evidence of each savings account, the association shall issue to the holder of such account either an account book, or certificate, receipt, card, or other evidence of his account acceptable to the association and the director.

SECTION 26. That Section 26-1912, Idaho Code, be, and the same is hereby amended to read as follows:

26-1912. SAVINGS ACCOUNTS OF MARRIED--WOMEN--AND MINORS. Any association and any federal association may accept a savings account from any married woman or a minor as the sole and absolute owner of such savings accounts, and pay withdrawals, accept pledges to the association and act in any other manner with respect to such account on the order of such married woman or minor. Any payment or delivery of rights to a married woman or to any minor, or a receipt or acquittance signed by a married woman or by a minor who holds a savings account, shall be a valid and sufficient release and discharge of such association for any payment so made or delivery of rights to such married woman or minor. In the case of a minor, the receipt, acquittance, pledge or other action required by the association to be taken by the minor shall be binding upon such minor with like effect as if he were of full age and legal capacity. The parent or guardian of such minor shall not in his capacity as parent or guardian have the power to attach or in any manner to transfer any savings account issued to or in the name of such minor, provided, however, that in the event of the death of such minor, the receipt or acquittance of either parent or guardian of such minor shall be valid and sufficient discharge of such association for any sum or sums not exceeding in the aggregate $1,000, unless the minor shall have given written notice not to accept the signature of such parent or guardian.

SECTION 27. That Section 26-1913, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Section 26-1914, Idaho Code, be, and the same is hereby repealed.

SECTION 29. That Section 26-1917, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 26-1920, Idaho Code, be, and the same is hereby amended to read as follows:

26-1920. WITHDRAWALS. Any savings account holder may at any time present a written application for withdrawals of all or any part of his savings account except to the extent the same may be pledged to the association or to another person on the books of the association.
The association may pay in full each and every withdrawal request as presented and without requiring that written application therefor be made; provided, however, that all withdrawals shall be subject to any penalty for early withdrawals required by law or other regulatory authority. The association may elect to number; date; and; file; in the order of receipt; every withdrawal application and to pay such requests out of its net receipts. Not more than one half \((1/2)\) of the net receipts of the association in any month shall be applied to the payment of withdrawal applications unless the board of directors specifically authorizes the use of a greater portion of such receipts for such purpose. The term \(\text{"net receipts\"}\) means the cash receipts of the association as loan repayments; interest; and; investments in savings accounts; less; disbursements for all expenses necessary and incidental to the operation of the association in carrying on its business. Whenever the net receipts so made applicable to withdrawal applications on file for a particular month are not sufficient to pay such applications in full; the applications on file shall be paid out of such net receipts on a pro rata basis or, with the approval of the director; the board of directors may fix maximum amounts to be paid upon any one \((i)\) application during any one \((i)\) month; and; payments shall be made pro rata out of such net receipts to all applications on file subject to such maximum payment limitation. No association shall be permitted to obligate itself to pay withdrawals on any plan other than that set forth above. While an application for withdrawal by a member remains in effect and unpaid; no withdrawal applications subsequently filed by the same member shall be paid and no loan shall be made secured by transfer or pledge of the account. A member; filing an application for withdrawal; shall not become a creditor of the association by reason of such filing. Full payment may be made at any time to holders of savings accounts in the association which have a total withdrawal value of \(\$100\) or less. The director may invoke a uniform limitation on the amounts withdrawable from savings accounts of associations subject to this act during any period when he determines that such limitation is in the public interest. The membership of a savings account holder who has filed an application for withdrawal shall remain unimpaired so long as any withdrawal value remains to his credit on the books of the association. An application for withdrawal may be canceled in whole or in part at any time by a member the account holder.

SECTION 31. That Section 26-1921, Idaho Code, be, and the same is hereby repealed.

SECTION 32. That Section 26-1923, Idaho Code, be, and the same is hereby repealed.

SECTION 33. That Chapter 19, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 26-1923, Idaho Code, and to read as follows:

26-1923. INTEREST ON DEPOSITS. Subject to any limitations, terms and conditions imposed by the director or other federal or state regulatory authority, the board of directors of the association shall from time to time determine the interest rates to be paid upon deposits of account holders in subsequent earning periods.

SECTION 34. That Section 26-1924, Idaho Code, be, and the same is hereby amended to read as follows:

26-1924. METHOD OF PAYING DIVIDENDS-ON SAVINGS-ACCOUNTS INTEREST ON DEPOSITS. Dividends Interest shall be credited to savings-accounts deposits on the books of the association unless a-savings an account holder shall have requested and the association shall have agreed to pay dividends interest on such savings--account deposit in cash. Dividends Interest payable in cash may be paid by check or bank draft.

SECTION 35. That Section 26-1926, Idaho Code, be, and the same is hereby repealed.

SECTION 36. That Chapter 19, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-1926, Idaho Code, and to read as follows:

26-1926. ALLOCATION. TO NET WORTH. Before paying or crediting interest on accounts, an association shall allocate to net worth at each normal interest distribution period, an amount not less than five percent (5%) of net profit exclusive of interest payable on savings accounts for that period and shall continue such allocation until such time as net worth shall equal at least five percent (5%) of the aggregate net unpaid principal balances of all its loans secured by real estate and/or equals five percent (5%) of deposits, whichever is greater. Thereafter, at each distribution period, it shall be necessary to allocate, from net profit to net worth, an amount sufficient to maintain net worth at five percent (5%) of the aggregate net unpaid balance of all its loans secured by real estate and/or equals five percent (5%) of its deposits, whichever is greater.

SECTION 37. That Section 26-1927, Idaho Code, be, and the same is hereby amended to read as follows:

26-1927. DIVIDENDS ON CAPITAL STOCK. The balance of net income of the association, after transfers to loss reserves and the payment of interest on deposits, if any, may be credited to surplus-account undivided profits, from which the board of directors of---any
association—whose-articles-provide-for-the-issuance-of-capital-stock; and-which-has-such-stock-outstanding; may, at their discretion, with the prior written approval of the director, and at such times as they may determine, declare and pay dividends in cash or additional stock to the holders of record of such stock outstanding at the date such dividends are declared.

SECTION 38. That Section 26-1928, Idaho Code, be, and the same is hereby amended to read as follows:

26-1928. USE OF SURPLUS-AccountS UNDIVIDED PROFITS AND EXPENSE FUND CONTRIBUTIONS. Any association at any closing date may use all or any part of any surplus accounts, whether earned or paid-in, of its undivided profits or any expense fund contributions on its books at such time to meet all or any part of the expenses of operating the association for the period just closed, required transfers to loss reserves, or the payment or credit of dividends-declared-on-savings accounts interest on deposits.

SECTION 39. That Section 26-1930, Idaho Code, be, and the same is hereby amended to read as follows:

26-1930. LOANS AND OTHER INVESTMENTS. Subject to the restrictions and limitations provided in this act, every association shall be authorized to invest in loans and other investments as follows:

(1) Loans secured by savings accounts to the extent of the withdrawal value thereof;

(2) Real estate loans in any amount not exceeding the value of the security and subject to such other conditions as are provided in this act;

(3) Property improvement loans made pursuant to any title of the National Housing Act and other loans, secured or unsecured, to homeowners and other property owners, subject to a maximum of $5,000 twenty-five thousand dollars ($25,000) and repayable in monthly instalments over a period not to exceed 60 one hundred twenty (120) months for the maintenance, repair, alteration, modernization, landscaping, improvement, new construction and furnishing or equipment in connection therewith, of their properties.

(4) For the purchase of such real property or interest therein as the directors may deem necessary or convenient for the conduct of the business of the association, which for the purposes of this act shall be deemed to include the ownership of stock of a wholly owned subsidiary corporation having as its exclusive activity the ownership and management of such property or interests, but the amount so invested shall not exceed the sum of the reserves and undivided profits of the association, provided—that unless the director may authorize a greater amount to be so invested.
SECTION 40. That Section 26-1931, Idaho Code, be, and the same is hereby amended to read as follows:

26-1931. REAL ESTATE LOAN PLANS. Subject to the restrictions and limitations otherwise provided in this act, real estate loans eligible for investment by an association under this act may be written upon the following plan, or upon any other loan plan approved by the director:

(1) No investment in a real estate loan shall be made until a qualified person or persons approved by the board of directors shall have made a physical inspection and submitted a signed appraisal of the value of the real estate securing such loan;

(2) Unless otherwise agreed in writing, payments on real estate loans shall be applied first to the payments of interest on the unpaid balance of the loan and the remainder on the reduction of principal; provided that if the loan is in default in any manner, payments may be applied by the association as provided in the loan contract. Subject to the provisions of sections 28-33-209, and 28-33-210, Idaho Code, relating to consumer loans, all real estate loans may be prepaid in part or in full, at any time, and unless otherwise agreed in writing the association shall not charge for such privilege of anticipatory payment an amount greater than two percent (2%) of the amount of such anticipatory payment. Any prepayment of principal may, at the option of the association, be applied on the final instalment of the note or other obligation until fully paid; and thereafter on the instalments in the inverse order of their maturity;

(3) Every loan shall be evidenced by a note or instrument of obligation for the amount of the loan. The note or instrument shall specify the amount, rate of interest and terms of repayment including any penalty or charge for late payment, and may contain all other terms of the loan contract;

(4) Every real estate loan shall be secured by a mortgage, deed of trust or other transaction or instrument constituting a first lien or claim, or the full equivalent thereof, upon the real estate securing the loan, according to any lawful and recognized practice which is suited to the transaction. Any such instrument or transaction constituting a first lien or claim is herein termed a "mortgage." Such mortgage shall provide specifically for full protection to the association with respect to such loan and additional advances and the usual insurance risks, ground rents, taxes, assessments, other governmental levies, maintenance and repairs. It may provide for an assignment of rents, and if such assignment is made, any such assignment shall be absolute upon the borrower's default, becoming operative upon written demand made by the association. All such mortgages shall be recorded in accordance with the law of this state;

(5) Lien of mortgage. Any mortgage that can be made by an association under the provisions of this act may be made to secure
existing debts or obligations, to secure debts or obligations created simultaneously with the execution of the mortgage; to secure future advances necessary to protect the security, and to secure future advances to be made at the option of the parties. An amount stated in the mortgage, and all debts, obligations and future advances shall from and as of the time the mortgage is filed for record, as provided by the law of this state, be secured by such mortgage equally with, and have the same priority over the rights of all persons who subsequently to the recording of such mortgage acquire any rights in or liens upon the mortgaged real estate as the debts and obligations secured thereby at the time of the filing of the mortgage for record, except that

(a) the mortgagor or his successor in title is hereby authorized to file for record, and the same shall be recorded, a notice limiting the amount of optional future advances secured by such mortgage to not less than the amount actually advanced at the time of such filing; provided a copy of such filing is also filed with the mortgagee; and

(b) if any optional future advance shall be made by the mortgagee to the mortgagor or his successor in title after written notice of any mortgage, lien or claim against such real property which is junior to such mortgage, lien or claim of which such written notice was given;

(6) Before making a an interim construction loan on a home or primarily residential property, the association shall obtain a set of plans and specifications, a list of materials to be used, a breakdown of the estimated cost of construction, and a statement of the estimated market value of the completed structure. No association shall make a construction loan for a term exceeding eighteen (18) months on single-family (one to four units) residential property or exceeding twenty-four (24) months on multi-family or thirty-six (36) months on commercial construction. The association shall make inspections of the property before each draw by or disbursement to the contractor. The written reports of each inspection, properly completed, dated, signed and accompanied by a photograph taken at the time of each inspection shall be made a permanent part of the credit file of the individual loan; provided that prior to any advance such reports shall contain a photograph of the interior and/or exterior of the home or residential property that is the subject of the loan indicating any additional work accomplished subsequent to the previous report.

On all construction loans, as construction of the improvements progresses, an association shall disburse funds in amounts equal to the labor performed and materials furnished in the improvements from the date of the initial or the preceding disbursement, as the case may be, to the date of the disbursement then to be made. The association shall be responsible to determine that any disbursement made represents the value of labor performed and materials furnished in the said improvements. Any disbursement by the association may be made to
the borrower or the contractor, materialmen and laborers or any of them, for materials furnished and/or labor performed in connection with such improvement as of the date of said disbursement.

In lieu of the foregoing, an association may adopt for its use with every construction loan, a construction loan agreement acceptable to the director which shall be executed by the association, borrower and contractor.

(7) An association may pay taxes, assessments, ground rents, insurance premiums and other similar charges for the protection of its real estate loans. All such payments shall be added to the unpaid balance of the loan and shall be equally secured by the first lien on the property as provided above. An association may require life insurance to be assigned as additional collateral upon any real estate loan. In such event, the association shall obtain a first lien upon such policy and may advance premiums thereon, and such premium advances shall be added to the unpaid balance of the loan and shall be equally secured by the first lien on the property as provided above;

(8) An association may require the borrower to pay monthly in advance, in addition to interest or interest and principal payments, the equivalent of one-twelfth (1/12) of the estimated annual taxes, assessments, insurance premiums, ground rents, and other charges upon the real estate securing a loan, or any of such charges, so as to enable the association to pay such charges as they become due from the funds so received. The amount of such monthly charges may be increased or decreased so as to provide reasonably for the payment of the estimated annual taxes, assessments; insurance premiums and other charges. The association at its option may hold such funds in trust and commingle them with other such funds and use the same for such purposes, or place such funds in savings accounts and withdraw and use the same for such purposes, or hold such funds in open account and advance like amounts for such purposes, or credit such funds as received to the mortgage account and advance a like amount for the purposes stated. If such funds are held in trust or invested in savings accounts, the amounts shall be pledged to further secure the indebtedness and, if held in open account or credited to the loan account, the amounts when advanced for the purposes stated shall be secured by the mortgage with the same priority as the original amount advanced under the mortgage. The association shall have no obligation to pay interest, earnings or other increment to the borrower upon such monthly payments, nor to invest the same for the benefit of the borrower, unless such funds have been placed in a savings account or accounts. Every association shall keep a record of the status of taxes, assessments, insurance premiums, ground rents and other charges on all real estate securing its loans and on all real and other property owned by it.

SECTION 41. That Section 26-1935, Idaho Code, be, and the same is hereby amended to read as follows:
26-1935. RESTRICTIONS ON LENDING TRANSACTIONS. (1) No association shall make a real estate loan to an officer or director of the association unless such loan be first approved unanimously by the members of the board of directors other than the director to whom the loan is made and such approval is recorded in the minutes of the meeting of the board at which such loan was approved.

(2) No association shall commit itself to make any loans, other than loans on savings accounts, in excess of the total of the following amount without the prior written approval of the director:

(a) Amount of cash available for loan purposes.
(b) Amount of cash which can be readily realized from the sale of loans and the redemption or sale of investments over and above the requirements for liquidity.
(c) Amount of credit available for loan purposes from the Federal Home Loan Bank or other financial institutions.

(3) No association shall make a real estate loan unless an appraisal by an appraiser or committee of appraisers appointed by the board of directors first be made and filed in writing with the association as a part of its permanent files.

The director may examine upon written request at any time, any appraisal or appraisals made by any association of any improved real property owned by it or held by it as security for any loan made since the last examination by the department. The association shall forward within ten (10) days from the date of said request, the signed appraisal or appraisals requested by the director, each of which appraisal shall be accompanied by a photograph of the improved real property appraised.

The director may make a revaluation of any improved real property of an association owned by the association which constitutes security for any loan of an association based upon the appraisal or appraisals submitted by the association or the director may appoint an independent appraiser, who is not an employee of the state of Idaho, to appraise the real property described in the appraisal or appraisals submitted by an association to the director. The association shall reimburse the director for the expense of such independent appraisal.

Each appraiser so appointed by the director shall make a verified report in writing to the director, which report shall contain an appraisal of each and every parcel of improved real property so examined and appraised, and the director shall furnish a copy of each verified report to the association whose properties were appraised within ten (10) days after receipt, by the director, of said report.

(4) No association shall make a real estate loan which is not secured by a first and prior lien upon the property described in the mortgage, deed or trust or other instrument creating or constituting such lien, unless every prior lien thereon is owned by such association.

(5) No association shall make a real estate loan unless the
association is furnished with either a satisfactory abstract of title or a policy of title insurance issued by a title company authorized to insure titles in this state showing that the lien securing such loan meets the requirements of the subsection (4) of this section.

(6) No association shall make a real estate loan unless the insurable improvements thereon are insured against loss by a fire and extended coverage policy or its equivalent issued by an insurance company authorized to do business in this state.

(7) No association shall sell or transfer a prior lien held by the association while retaining a junior lien on the same security to secure an unsatisfied obligation due the association.

(8) Every association shall promptly record in the proper county records every mortgage, deed of trust or other instrument, creating, constituting or transferring any lien securing in whole or in part any real estate or the association's interest therein.

(9) No association shall make any one (1) direct real estate loan on existing property in an amount exceeding $25,000 one hundred thousand dollars ($100,000) or one percent (1%) of the total savings liability of the association, whichever is greater, without the written consent of the director. This subsection shall not apply to loans insured or guaranteed by an agency of the federal government.

(10) No association shall make any construction loans to any one (1) borrower, or under any one (1) transaction, or applicable to any one (1) project, without the written consent of the director, if the loans are in excess of whichever of the following is the lesser:

(a) Ten percent (10%) of the assets of the association.

(b) An amount equal to the sum of the association's capital, surplus, undivided profits, loan reserve, federal insurance reserve and such other reserves as the director may prescribe.

This subsection shall not apply to loans upon which the association holds commitments for insurance by the Federal Housing Administration or insured or guaranteed by the Veterans Administration.

(11) No association shall make, disburse any portion of, or invest its funds in, any loan secured by real property until it has made, or caused to be made, a written appraisal of the real property offered as security for any loan. Each written appraisal shall contain sufficient information and data concerning the appraised real property to substantiate the fair market value of the property as determined by the appraiser. A photograph of the property should also be attached to such appraisal when on existing property.

This subsection shall not apply to loans upon which an association holds commitments for insurance by the Federal Housing Administration, or insured or guaranteed by the Veterans Administration.

(12) No association shall make the aggregate of any loan or loans outside the state of Idaho which exceeds one percent (1%) of the total savings liability of the association without prior written approval of the director.
Upon written notice to any association the director may enjoin and forbid any association from making any further loan or loans outside of the state of Idaho when the director determines that such loan or loans to be made would constitute unsafe business practice by the association such as to render its further operations hazardous to the public.

This subsection shall not apply to loans upon which the association holds commitments for insurance by the Federal Housing Administration or insured or guaranteed by the Veterans Administration.

(13) No association shall make a real estate loan to one (1) borrower if the sum of:
(a) the amount of such loan; and
(b) the total balances of all outstanding real estate loans owed to such association by such borrower exceeds an amount equal to ten percent (10%) of such association's savings liability or an amount equal to the sum of such association's reserves for losses and undivided profits, whichever amount is less, except that any such loan may be made if the sum of (a) and (b) does not exceed one hundred thousand dollars ($100,000);
(c) An association may sell without recourse any real estate loan it holds or any participating interest therein and may service any real estate loans sold by it.

(14) Direct-reduction real estate loans on home property not in excess of $100,000 and not in excess of ninety-five percent (95%) of the value of the security, and direct-reduction real estate loans on primarily residential property not in excess of eighty percent (80%) of the value of the security, including participating interests in such loans, shall average annually, based on monthly computations, at least sixty percent (60%) of assets, other than liquid assets, held by the association. For the purposes of this subsection, any portion of a loan which is covered by private company mortgage insurance shall not be considered as a portion of the loan in the computation of the value of the property in relation to the loan.

SECTION 42. That Section 26-1936, Idaho Code, be, and the same is hereby amended to read as follows:

26-1936. RESTRICTIONS ON TERMS. Real estate loans made by an association to members shall be subject to the restrictions and limitations as follows:

(1) All loans on improved real estate, except loans on building lots or building sites, made by an association shall be repayable in equal monthly installments of principal and interest sufficient to amortize the full debt, both principal and interest, within a period not exceeding 30 forty (40) years from the date the loan is made except in the following instances:
(a) Real estate loans without any amortization of principal provided the interest is payable at least semiannually and the term of loan does not exceed five (5) years;
(b) Real estate loans repayable in equal annual, semiannual or quarterly installments provided such installments are in an amount sufficient to retire the debt, both interest and principal, within thirty (30) years;
(c) Interim construction loans on real estate with or without any amortization of principal until maturity provided any such loan matures and becomes payable within eighteen (18) months from the date the loan is made or is merged into a permanent loan otherwise provided for herein within such time, and provided further that the interest on such loans is payable at least semiannually.

(2) On all real estate loans on lots or building sites, the principal shall be amortized in a lump sum payment or any other installments incident to payment in full within five (5) years from the date the loan is made and the interest on such loan shall be paid at least semiannually, provided that one (1) loan on a single lot or building site may be made to a borrower and amortized in equal monthly, quarterly, or semiannual installments sufficient to repay the loan, both principal and interest within a period not exceeding ten (10) years from the date the loan is made.

(3) So long as the terms of amortization for the full debt on any loan are within the limitations provided herein, the loan agreement may provide for additional principal payments on the debt to be made by the borrower at stated intervals.

SECTION 43. That Section 26-1937, Idaho Code, be, and the same is hereby amended to read as follows:

26-1937. RESTRICTIONS ON PERCENTAGE OF APPRAISAL. Every association may make real estate loans to members borrowers secured by a mortgage, deed of trust or other instrument creating or constituting a first and prior lien on improved real estate within the following limits:

(1) A loan on real estate on which is located a home or homes or combination of home and business property, that does not exceed eighty ninety percent (80%90%) of the appraised valuation of such real estate plus the value of any savings account in the association or any real estate loan otherwise qualifying hereunder pledged as additional collateral to secure such loan.

(2) A loan on improved real estate other than the type described in (1) above, that does not exceed seventy-five eighty percent (75%80%) of the appraised valuation plus the value of any additional collateral of the type described in (1) above pledged to secure such loan.

(3) A real estate loan that does not exceed ninety-five percent (90%95%) of the actual sales price or the appraised value of such real
estate, whichever is less, if the purpose of the loan is for purchase
money funds to buy such real estate, whichever is less; provided such
loan does not exceed limitations prescribed in section 26-1935(9),
Idaho Code, and, provided further, that the total funds of the
association invested in loans qualifying under the provisions of this
act do not exceed twenty percent (20%) in amount of the total assets
of the association, and provided the following requirements are met:
(a) The loan is made upon the security of the first lien upon
real estate on which there is located a single family dwelling
which the borrower is actually occupying as a dwelling or that the
borrower in good faith intends so to do.
(b) The loan is made to provide purchase money funds to buy the
real estate security and the borrower pays the difference at the
closing of such loan between the amount of said loan and the
actual sales price of such real estate in cash without any
secondary lien or charge being placed on such property, or the
loan is made to provide funds to refinance or to add to or to
repair improvements on existing real estate security and the
equity of the borrower as indicated by the appraised valuation
equals or exceeds ten percent (10%).

SECTION 44. That Section 26-1942, Idaho Code, be, and the same is
hereby amended to read as follows:

26-1942. REVALUATION OF REAL PROPERTY BY DIRECTOR. Based upon the
appraisal or appraisals to be submitted by an association, and/or
based upon the verified appraisal report of an independent appraiser,
the director may revaluate the improved real property of an
association and the director may require an association to establish
and maintain as a specific "Loss Reserve" an amount equal to the
overvaluation or an amount by which the unpaid balance of any loan
exceeds the appraised value of the improved real property securing
said loans as determined by the director.
If the director determines from the appraisal or appraisals that
any of the improved real property of the association is overvalued on
its books, exclusive of overvaluation due to fluctuations in value
which are caused by changes in marked market interest rates, such
association shall at the direction of the director make an adjustment
of the book value of such improved real property.
Adjustment of the book value of improved real property by an
association pursuant to this section may be made by charge against
such association's earnings for the period in which such charge is
made, or against surplus, undivided profits, or against reserves
established for the sole purpose of absorbing losses. Any recovery of
any portion of any amount previously charged against reserves
established for the sole purpose of absorbing losses shall be credited
to such reserves; such credit shall be in addition to all other
required credits to such reserves. Any recovery of any portion of any
amount previously charged against earnings shall be credited to earnings for the period in which such recovery is effected.

SECTION 45. That Section 26-1943, Idaho Code, be, and the same is hereby repealed.

SECTION 46. That Section 26-1944, Idaho Code, be, and the same is hereby amended to read as follows:

26-1944. LIQUIDITY REQUIREMENTS. For minimum liquidity purposes, every association shall maintain cash on hand or on deposit and investments in securities issued by agencies of the United States government in an amount not less than six percent (6%) of its total savings liability.

However, this section shall not prevent any association from honoring any loan commitment made prior to the association's failure to meet the minimum liquidity requirement, but no association shall make, purchase or commit to make any loan at any time when it is not in compliance with the minimum liquidity requirement, save and except loans which are secured wholly by the pledge of the shares--or certificates--of--its-shareholders an account of the account holder at the association.

Approved March 30, 1979.

CHAPTER 289
(H.B. No. 180)

AN ACT
RELATING TO FILING FEE FOR FILING RECORD OF SURVEY; AMENDING SECTION 55-1909, IDAHO CODE, BY INCREASING THE FEE FROM ONE DOLLAR TO FIVE DOLLARS PER PAGE.

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

SECTION 1. That Section 55-1909, Idaho Code, be, and the same is hereby amended to read as follows:

55-1909. FILING FEE. A fee of one--dollar--($1.00) five dollars ($5.00) per page shall be charged for filing any record of survey.

Approved March 30, 1979.
C. 290 '79 IDAHO SESSION LAWS

CHAPTER 290
(H.B. No. 269)

AN ACT
RELATING TO RECREATION DISTRICTS; AMENDING SECTION 31-4316, IDAHO CODE, TO ADD SKI AREAS TO THE LIST OF PURPOSES FOR WHICH A RECREATION DISTRICT MAY BE ORGANIZED.

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

SECTION 1. That Section 31-4316, Idaho Code, be, and the same is hereby amended to read as follows:

31-4316. PURPOSE OF DISTRICT. Each district is organized for the uses and purposes of acquiring, providing, maintaining and operating public recreation centers, swimming facilities, pools, picnic areas, camping facilities, ball parks, handball courts, tennis courts, marine and snowmobile facilities, ski areas, and golf courses together with all related grounds, buildings, equipment and apparatus for the use of the residents of the district and the public generally.

Approved March 30, 1979.

CHAPTER 291
(H.B. No. 280)

AN ACT
RELATING TO TAXES FOR THE SUPPORT OF JUNIOR COLLEGES; AMENDING SECTION 33-2111, IDAHO CODE, TO PROVIDE AUTHORITY FOR AN ELECTION TO BE HELD FOR A SUPPLEMENTAL LEVY FOR MAINTENANCE AND OPERATION PURPOSES OF A JUNIOR COLLEGE, AND TO EXEMPT THE SUPPLEMENTAL LEVY FROM THE ONE PERCENT LIMITATION.

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

SECTION 1. That Section 33-2111, Idaho Code, be, and the same is hereby amended to read as follows:

33-2111. TAXES AND OTHER FINANCIAL SUPPORT FOR JUNIOR COLLEGES. For the maintenance and operation of each junior college, in addition to the income from tuition paid by students as hereinbefore provided, the board of trustees may levy upon the taxable property within the district a tax not to exceed eighty cents (80¢) on each hundred dollars ($100.00) of assessed valuation. The tax levy determined by the board of trustees, within said limit, shall be certified to the board of county commissioners in each county in which the district may lie, not later than the second Monday in September of each year. No
levy in excess of eighty cents (80¢) on each hundred dollars of assessed valuation shall be made unless a supplemental levy in a specified amount be first authorized through an election held, as provided in sections 33-401 through 33-406, Idaho Code, as if the junior college district were a school district and approved by a majority of the district electors voting in such election. Such supplemental levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

There shall also be allocated to each junior college district and paid to the treasurer thereof fifty per centum (50%) of all moneys apportioned to any county embracing all or a part of such junior college district, out of the liquor fund of the state of Idaho as set forth in chapter 4, title 23, Idaho Code. Immediately upon being advised of the creation of a junior college district, the state board of education shall notify in writing the Idaho liquor dispensary that such district has been created, and thereafter the dispensary shall pay to the treasurer of such junior college district, and deduct from the amount that otherwise would be allocated to the county or the counties embraced in such district fifty per centum (50%) of the moneys allocated to such county or counties under the Idaho liquor control act fund, and all payments and allocations of funds to such county or counties under said act shall be apportioned, divided and paid as herein provided, to wit: fifty per centum (50%) to the treasurer of such junior college district, and the remaining fifty per centum (50%) distributed as otherwise provided by law.

Approved March 30, 1979.

CHAPTER 292
(H.B. No. 272)

AN ACT
RELATING TO ASSESSMENT OF MOBILE HOMES; AMENDING SECTION 63-307A, IDAHO CODE, TO PROVIDE THAT PENALTY AND INTEREST SHALL BE ADDED ON THE AMOUNT OF THE FIRST INSTALLMENT OF TAXES DUE.

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

SECTION 1. That Section 63-307A, Idaho Code, be, and the same is hereby amended to read as follows:

63-307A. ASSESSMENT OF MOBILE HOMES. (a) For purposes of this section "mobile home" is defined as a structure transportable in one or more sections which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length; and which is built on a permanent chassis and designed to be used as a dwelling with or
without a permanent foundation; and connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(b) Mobile homes shall be assessed in the same manner as other residential housing. The state tax commission shall issue a regulation setting forth the method by which all residential housing will be appraised for ad valorem taxation purposes. The method shall provide uniformity in the assessment of all residential housing. County assessors shall assess the values to compute property taxes as prescribed in this regulation.

(c) All assessments on residential property shall be entered on the county real property rolls in accordance with regulations issued by the tax commission. Owners of mobile homes shall receive notice of assessed taxes due, make payment thereof, and receive receipt of payment from the county treasurer pursuant to sections 63-1101 through 63-1108, Idaho Code, regardless of what property roll the assessment is entered upon.

(d) Any tax delinquency of a mobile home owner arising by virtue of section 63-1102, Idaho Code, shall be duly entered and accounted for by the county treasurer on the county property rolls. When the delinquency is properly noted on the rolls, it shall be due and payable upon demand. If a mobile home owner fails to make timely payment of the first installment provided for, the entire tax shall become due and payable, and penalty and interest, as prescribed by law, shall be added on the amount of the first installment. Interest shall be calculated from January 1st of the following year. If the taxpayer is unable to pay the first installment taxes due, he may appeal to the board of county commissioners for an extension. If sufficient information is given to satisfy the board that the first installment taxes will be paid and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for payment of the first installment taxes, penalty and interest, not to exceed four (4) months. Otherwise, a warrant of distraint may be issued, served and executed to collect any tax deficiency of a mobile home owner pursuant to sections 63-1304 through 63-1308, Idaho Code. No extension shall be granted for second installment taxes.

Approved March 30, 1979.

CHAPTER 293
(H.B. No. 202)

AN ACT
RELATING TO THE ELECTION OF DIRECTORS OF AN IRRIGATION DISTRICT;
AMENDING CHAPTER 2, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 43-201A, IDAHO CODE, PROVIDING THAT IF AFTER THE EXPIRATION OF THE DATE FOR FILING WRITTEN NOMINATIONS FOR THE OFFICE OF DIRECTOR, IT APPEARS THAT ONLY ONE QUALIFIED CANDIDATE HAS BEEN NOMINATED THEREBY FOR EACH POSITION TO BE FILLED, IT SHALL NOT BE NECESSARY TO HOLD AN ELECTION, AND THE BOARD OF DIRECTORS SHALL DECLARE SUCH CANDIDATE ELECTED AS DIRECTOR.

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

SECTION 1. That Chapter 2, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-201A, Idaho Code, and to read as follows:

43-201A. WHEN ELECTION NOT REQUIRED. In any election for directors if, after the expiration of the date for filing written nominations for the office of director, it appears that only one (1) qualified candidate has been nominated thereby for each position to be filled, it shall not be necessary to hold an election, and the board of directors shall within five (5) days after expiration of the date for filing written nominations declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this section shall not apply to any other irrigation district election.

Approved March 30, 1979.

CHAPTER 294
(H.B. No. 255)

AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-2301, IDAHO CODE, PROVIDING ADDITIONAL AUTHORITY IN CONNECTION WITH THE RECONSTRUCTION OF DAMS AND RELATED APPURTENANCES AND THE CONSTRUCTION OF HYDROELECTRIC FACILITIES, INCLUDING AUTHORITY TO CONTRACT WITH ADDITIONAL ENTITIES AND PROVIDING REQUIREMENTS RELATED TO CONTRACTS, AND TECHNICAL AMENDMENTS; AMENDING SECTION 43-2305, IDAHO CODE, PROVIDING FOR ELECTION ON CONTRACTS, DELETING REQUIREMENT FOR BOND ELECTION, AND DELETING REQUIREMENTS OF FOUR-FIFTHS MAJORITY OF BOARD TO AUTHORIZE ELECTIONS; AND AMENDING SECTION 43-2308, IDAHO CODE, PROVIDING EXEMPTION OF CONTRACTS AND BONDS FROM RATIFICATION AND CONFIRMATION REQUIREMENTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 43-2301, Idaho Code, be, and the same is hereby amended 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 provide for or to reconstruct, rehabilitate, replace and modify or improve dams, including the construction, enlargement and replacement of outlet and intake tunnels and structures, 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 modification or improvement, or the construction of hydroelectric generating facilities as authorized in subsection (b) of this section, and in connection therewith 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 provide for or to construct hydroelectric generating facilities, properties and related structures in connection with and as a part of the reconstruction, rehabilitation, and replacement, modification or 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 other irrigation districts organized and existing under the provisions of title 43, Idaho Code, and other public and private persons, firms, corporations and associations, and irrigation districts similar to those existing under title 43, Idaho Code, but organized and existing under the laws of another state of the United States, in order to carry out or provide for the reconstruction, rehabilitation, replacement and modification or improvement of any such dam and other related structures and works and appurtenances and the construction of any such hydroelectric
generating facilities, the financing thereof pursuant to the provisions of this chapter and, including provisions relating to the issuance of bonds to pay the costs thereof by an irrigation district which is a party to a contract or agreement, the sale of surplus electric energy or the sale or use of rights to falling water in such manner as shall be necessary and desirable and in the best interests of the district, and the operation and maintenance of all or any part of such dam so reconstructed, rehabilitated, replaced, modified and improved and of such hydroelectric generating facilities so constructed, which agreements or contracts may provide for the reconstruction, rehabilitation, replacement, modification or improvement of any such dam and other related structures and works and appurtenances, the construction of hydroelectric generating facilities, the terms governing the disposition and sale of surplus electric energy or the sale or use of rights to falling water in relation to such dam and generating facilities, which terms may include a provision requiring any purchaser of the surplus electric energy or falling water to purchase all the surplus energy generated or all the rights to or use of falling water associated with such dam and hydroelectric generating facilities, the conditions under which the purchaser of the surplus electric energy or rights to use of falling water 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 purchaser of the surplus electric energy or rights to or use of falling water to make the required payments thereunder and the securing of all necessary permits and licenses required in connection therewith; the creation of a committee of representatives of the parties to the agreement or contract, which committee shall have such powers not inconsistent with the provisions of this chapter;

(d) To issue bonds of the district in the manner provided in this chapter, or to consent to the issuance of such bonds by another contracting irrigation district pursuant to the provisions of subsection (c) of this section, for the purpose of paying all or part of the cost of the reconstruction, rehabilitation, replacement and modification or improvement of any such dam and other related structures and works and appurtenances and the acquisition construction of hydroelectric generation generating 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 issuing the bonds 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 generating facilities to be so acquired-by
the district constructed or from the sale or use of rights to falling water from the dam to be so reconstructed, rehabilitated, replaced and modified or improved, all 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 hydroelectric 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 as authorized in subsection (c) of this section; 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.

SECTION 2. That Section 43-2305, Idaho Code, be, and the same is hereby amended to read as follows:

43-2305. ELECTION FOR ISSUING BONDS ON CONTRACTS. Whenever the board of an irrigation district 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 reconstruction, rehabilitation, and replacement, modification or 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; and the entering into of a contract as authorized in section 43-2301(c), Idaho Code, making provision therefor, 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 entering into a contract as provided in section 43-2301(c), Idaho Code, 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 contract is proposed to be entered into by the irrigation district; the estimated cost of the reconstruction, rehabilitation, and replacement, modification or 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 section 43-2301(e), Idaho Code. Method of financing the reconstruction, rehabilitation, replacement, modification or improvement of the dam and construction of hydroelectric generating facilities, including the maximum amount of bonds which may be issued by a contracting irrigation district pursuant to such election and pursuant to the provisions of section 43-2301(d), 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 execution of the contract. 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 notice of election shall state that a copy or copies of the contract or contracts, in substantially the form contemplated to be entered into by the district are on file in the office of the secretary of the district for public inspection by any interested person during regular business hours.

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

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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 entering into such contract 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 3. That Section 43-2308, Idaho Code, be, and the same is hereby amended to read as follows:

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. The provisions of sections 43-314, 43-406, 43-407 and 43-408, Idaho Code, shall not apply to any contract or agreement entered into by an irrigation district pursuant to the provisions of section 43-2301, Idaho Code, nor to the issuance of any bonds by an irrigation district pursuant to the provisions of section 43-2301, Idaho Code. 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 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 30, 1979.

CHAPTER 295
(H.B. No. 234, As Amended in the Senate)

AN ACT
RELATING TO LICENSES OF BEER WHOLESALERS AND RETAILERS; AMENDING SECTION 23-1037, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT MAY ESTABLISH AND ACCEPT A MONETARY PAYMENT NOT TO EXCEED $5,000 IN LIEU OF A LICENSE SUSPENSION ON PETITION OF THE LICENSEE, AND TO PROVIDE THAT THE PROCEEDS OF SUCH PAYMENTS SHALL BE DEPOSITED TO THE GENERAL ACCOUNT OF THE STATE OPERATING FUND, AND TO PROVIDE THAT A LICENSEE GUILTY OF A
SUBSEQUENT VIOLATION WHEN A MONETARY PENALTY HAS BEEN PAID SHALL BE INELIGIBLE TO AGAIN EXERCISE THE PRIVILEGE OF A MONETARY PENALTY.

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

SECTION 1. That Section 23-1037, Idaho Code, be, and the same is hereby amended to read as follows:

23-1037. DETERMINATION TO REVOKE, SUSPEND OR REFUSE RENEWAL OF LICENSE BY DIRECTOR -- MONETARY PENALTY. (1) In the event of a conviction of any brewer manufacturing beer in this state or of any wholesaler or retailer licensed under the provisions of this act, of any law of the state of Idaho, or of the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquor, or if the director shall determine that any such licensee has violated any of the provisions of this act or any regulation of the director promulgated under the authority of this act, the director may, in his discretion, and in addition to any other penalty imposed, determine to revoke the license of any such licensee, to suspend the same for a period not in excess of six (6) months, or to refuse to grant a renewal of such license after the date of its expiration.

(2) When the director determines to suspend such license, the affected licensee may petition the director prior to the effective date of the suspension requesting that a monetary payment be allowed in lieu of the license suspension. If the director determines such payment to be consistent with the purpose of the laws of the state of Idaho and is in the public interest, he shall establish a monetary payment in an amount not to exceed five thousand dollars ($5,000). The licensee may reject the payment amount determined by the director, and instead be subject to the suspension provisions of subsection (1) of this section. Upon payment of the amount established, the director shall cancel the suspension period. The director shall cause any payment to be paid to the treasurer of the state of Idaho for credit to the state's general account in the state operating fund.

(3) Whenever any licensee who has exercised the privilege granted under subsection (2) of this section and has paid a monetary penalty in lieu of suspension shall be guilty of a subsequent violation which brings him under the purview of this section, such licensee shall be ineligible to again exercise the privilege of a monetary penalty, and the director shall proceed under the provisions of subsection (1).

Approved March 30, 1979.
CHAPTER 296
(H.B. No. 55, As Amended in the Senate)

AN ACT
RELATING TO HOMESTEAD VALUE; AMENDING SECTION 55-1201, IDAHO CODE, BY INCREASING AMOUNT OF CLAIMED VALUE OF A HOMESTEAD.

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

SECTION 1. That Section 55-1201, Idaho Code, be, and the same is hereby amended to read as follows:

55-1201. VALUE OF HOMESTEAD. Homesteads may be selected and claimed of values, in excess of mortgages, deeds of trust and liens of record as follows:

1. Of not exceeding $25,000 twenty-five thousand dollars in value by any head of a family.
2. Of not exceeding $12,000 twelve thousand dollars in value by any other person.

Approved March 30, 1979.

CHAPTER 297
(H.B. No. 194)

AN ACT
RELATING TO RECORDS AND REPORT FOR FOREST RESERVE FUNDS; AMENDING SECTION 57-1305, IDAHO CODE, TO STRIKE REPORTING REQUIREMENTS TO THE COUNTY AUDITOR AND TO REQUIRE THAT AN ANNUAL REPORT BE SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION IN THE FORMAT PRESCRIBED BY THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Section 57-1305, Idaho Code, be, and the same is hereby amended to read as follows:

57-1305. SCHOOL DISTRICTS TO KEEP RECORDS AND REPORT. Each school district receiving such moneys shall keep an accurate record of receipts thereof and expenditures therefrom and shall report the same semiannually on January first and July first to the county auditor annually to the state department of education in the format prescribed by the state board of education.

Approved March 30, 1979.
CHAPTER 298
(H.B. No. 87, As Amended)

AN ACT
RELATING TO LOAN BROKERS; AMENDING TITLE 26, IDAHO CODE, BY THE
ADDITION THERETO OF A NEW CHAPTER 25, TITLE 26, IDAHO CODE,
PROVIDING A DEFINITION OF LOAN BROKER; PROVIDING EXEMPTIONS;
PROHIBITING THE COLLECTION OF FEES UNLESS A LOAN OR EXTENSION OF
CREDIT IS MADE; PROVIDING FOR RECOVERY OF FEES; AND PROVIDING FOR
ACTIONS FOR MONETARY RELIEF; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 26, Idaho Code, be, and the same is hereby
amended by the addition thereto of a NEW CHAPTER, to be known and
designated as Chapter 25, Title 26, Idaho Code, and to read as
follows:

CHAPTER 25
LOAN BROKERS

26-2501. DEFINITION. "Loan broker" means any person, corporation,
partnership or other business entity which offers for compensation, in
this state, to arrange for a loan or other extension of credit.

26-2502. EXCEPTIONS. This chapter shall not apply to:
(a) Any person doing business under any law of this state or of
the United States relating to banks, credit unions, trust companies,
savings and loan associations, insurers, pension trusts, real estate
investment trusts and other financial institutions, or under the
uniform consumer credit code;
(b) Any corporation, association, syndicate, joint stock company,
or partnership engaged exclusively in the business of marketing
agricultural, horticultural, viticultural, dairy, livestock, poultry,
or bee products on a cooperative nonprofit basis in loaning or
advancing money to the members thereof or in connection with any such
business;
(c) Any corporation securing money or credit from any federal
intermediate credit bank organized and existing pursuant to the
provisions of an act of Congress entitled "Agricultural Credits Act of
1923," in loaning or advancing money or credit so secured;
(d) Any person who is a F.H.A. (Federal Housing Administration)
approved mortgagor;
(e) Loans made by a broker-dealer licensed under the Idaho
securities act if the loan is made in accordance with applicable
provisions of the Idaho securities act, the securities act of 1933,
the Securities Exchange Act of 1934 and Regulation T of the Federal
Reserve Board, Code of Federal Regulations, part 220 of title 12; or

(f) Fees and charges authorized by laws of this state or the laws of the United States if the maximum charge and the manner of collecting the charge are set out in the law or in regulations adopted under the law.

26-2503. FEES PROHIBITED UNLESS A LOAN IS MADE. No loan broker shall directly or indirectly receive or contract to receive any fee, interest or other charge of any nature unless a loan or extension of credit is made or unless a commitment to loan or extend credit is made by any person exempt under section 26-2502, Idaho Code.

26-2504. FEES RECOVERABLE. The contracting to receive any fee, interest, or other charge in violation of this chapter shall result in forfeiture by the loan broker to the benefit of the aggrieved person of the entire fee, plus damages in the amount of twice the fee. In case the fee has been paid, the person by whom it has been paid may recover from the loan broker the amount of the fee thus paid, plus damages in the amount of twice the fee.

26-2505. ACTIONS FOR MONETARY RELIEF. The receiving of or contracting to receive any fee, interest or other charge in violation of this chapter shall also be deemed an unfair and deceptive practice in violation of the Idaho Consumer Protection Act; provided however, no person aggrieved by a violation of this chapter can recover or attempt to recover monetary relief under both this chapter and the Idaho Consumer Protection Act, but rather such person must elect whether to file an action pursuant to this chapter or the Idaho Consumer Protection Act.

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

Approved March 30, 1979.

CHAPTER 299
(H.B. No. 119)

AN ACT
RELATING TO THE UNIFORM COMMERCIAL CODE; AMENDING SECTION 28-1-201, IDAHO CODE, BY ADDING TO THE DEFINITION OF "BUYER IN ORDINARY COURSE OF BUSINESS," AND STRIKING THE TERM "CONTRACT RIGHTS" FROM THE DEFINITION OF SECURITY INTEREST; AMENDING SECTION 28-2-107, IDAHO CODE, BY ADDING "A CONTRACT FOR TIMBER TO BE CUT" AS A CONTRACT FOR THE SALE OF GOODS; AMENDING SECTION 28-5-116, IDAHO
INTERESTS IN FIXTURES; AMENDING SECTION 28-9-318, IDAHO CODE, TO PROVIDE PROVISIONS DEALING WITH ASSIGNMENT OF CONTRACTS; AMENDING SECTION 28-9-401, IDAHO CODE, TO PROVIDE NEW PROVISIONS DEALING WITH PLACE OF FILING TO PERFECT SECURITY INTEREST; AMENDING SECTION 28-9-402, IDAHO CODE, TO PROVIDE NEW PROVISIONS DEALING WITH THE FORMAL REQUISITES OF FINANCING STATEMENTS AND THE MORTGAGE AS A FINANCING STATEMENT; REPEALING SECTION 28-9-403, IDAHO CODE; AMENDING PART 4, CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-9-403, IDAHO CODE, TO PROVIDE FOR FILING; REPEALING SECTION 28-9-404, IDAHO CODE; AMENDING PART 4, CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-9-404, IDAHO CODE, TO PROVIDE FOR TERMINATION STATEMENTS; AMENDING SECTION 28-9-405, IDAHO CODE, TO PROVIDE NEW PROVISIONS DEALING WITH ASSIGNMENT OF SECURITY INTEREST AND THE FILING THEREOF; AMENDING SECTION 28-9-406, IDAHO CODE, TO PROVIDE FOR RELEASE OF COLLATERAL AND TO INCREASE CERTAIN FILING FEES; AMENDING SECTION 28-9-407, IDAHO CODE, TO PROVIDE FOR INFORMATION FROM FILING OFFICERS AND TO INCREASE CERTAIN FILING FEES; AMENDING PART 4, CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-9-407A, IDAHO CODE, TO PROVIDE FOR FINANCING STATEMENTS COVERING CONSIGNED OR LEASED GOODS; AND AMENDING SECTION 28-9-502, IDAHO CODE, TO STRIKE THE PHRASE "CONTRACT RIGHTS."

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

SECTION 1. That Section 28-1-201, Idaho Code, be, and the same is hereby amended to read as follows:

28-1-201. GENERAL DEFINITIONS. Subject to additional definitions contained in the subsequent chapters of this act which are applicable to specific chapters or Parts thereof, and unless the context otherwise requires, in this act:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this act (sections 28-1-205 and 28-2-208). Whether an agreement has legal consequences is determined by the provisions of this act, if applicable; otherwise by the law of contracts (section 28-1-103). (Compare "contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of
goods for shipment issued by a person engaged in the business of
transporting or forwarding goods, and includes an airbill. "Airbill"
means a document serving for air transportation as a bill of lading
does for marine or rail transportation, and includes an air
consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of
a bank.

(8) "Burden of establishing" a fact means the burden of
persuading the triers of fact that the existence of the fact is more
probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in
good faith and without knowledge that the sale to him is in violation
of the ownership rights or security interest of a third party in the
goods buys in ordinary course from a person in the business of selling
goods of that kind but does not include a pawnbroker. All persons who
sell minerals or the like (including oil and gas) at wellhead or
minehead shall be deemed to be persons in the business of selling
goods of that kind. "Buying" may be for cash or by exchange of other
property or on secured or unsecured credit and includes receiving
goods or documents of title under a pre-existing contract for sale but
does not include a transfer in bulk or as security for or in total or
partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so
written that a reasonable person against whom it is to operate ought
to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE
BILL OF LADING) is conspicuous. Language in the body of a form is
"conspicuous" if it is in larger or other contrasting type or color.
But in a telegram any stated term is "conspicuous." Whether a term or
clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results
from the parties' agreement as affected by this act and any other
applicable rules of law. (Compare "agreement.")

(12) "Creditor" includes a general creditor, a secured creditor,
a lien creditor and any representative of creditors, including an
assignee for the benefit of creditors, a trustee in bankruptcy, a
receiver in equity and an executor or administrator of an insolvent
debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant
in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title,
chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant,
dock receipt, warehouse receipt or order for the delivery of goods,
and also any other document which in the regular course of business or
financing is treated as adequately evidencing that the person in
possession of it is entitled to receive, hold and dispose of the
document and the goods it covers. To be a document of title a document
must purport to be issued by or addressed to a bailee and purport to
cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this act to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when
(a) he has actual knowledge of it; or
(b) he has received a notice or notification of it; or
(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this act.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when
(a) it comes to his attention; or
(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that
transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this act.

(30) "Person" includes an individual or an organization (See section 28-1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (section 28-2-401) is limited in effect to a reservation of a "security interest." The term also includes any interest of a buyer of accounts; or chattel paper;--or contract--rights which is subject to chapter 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under section 28-2-401 is not a "security interest," but a buyer may also acquire a "security interest" by complying with chapter 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (section 28-2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with
the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (sections 28-3-303, 28-4-208 and 28-4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a chargeback is provided for in the event of difficulties in collection; or
(b) as security for or in total or partial satisfaction of a pre-existing claim; or
(c) by accepting delivery pursuant to a pre-existing contract for purchase; or
(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

SECTION 2. That Section 28-2-107, Idaho Code, be, and the same is hereby amended to read as follows:

28-2-107. GOODS TO BE SEVERED FROM REALTY -- RECORDING. (1) A contract for the sale of timber, minerals or the like (including oil and gas) or a structure or its materials to be removed from realty is a contract for the sale of goods within this chapter if they are to be severed by the seller but until severance a purported present sale
thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) or of timber to be cut is a contract for the sale of goods within this chapter whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

SECTION 3. That Section 28-5-116, Idaho Code, be, and the same is hereby amended to read as follows:

28-5-116. TRANSFER AND ASSIGNMENT. (1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract-right an account under chapter 9 on Secured Transactions and is governed by that chapter except that

(a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under chapter 9; and

(b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

SECTION 4. That Section 28-9-102, Idaho Code, be, and the same is hereby amended to read as follows:
28-9-102. POLICY AND SCOPE OF CHAPTER. (1) Except as otherwise provided in section 28-9-103 on multiple state transactions and in section 28-9-104 on excluded transactions, this chapter applies so far as concerns any personal property and fixtures within the jurisdiction of this state

(a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper, or accounts or contract rights; and also

(b) to any sale of accounts or contract rights or chattel paper.

(2) This chapter applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This chapter does not apply to statutory liens except as provided in section 28-9-310.

(3) The application of this chapter to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this chapter does not apply.

SECTION 5. That Section 28-9-103, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Part 1, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-103, Idaho Code, and to read as follows:

28-9-103. PERFECTION OF SECURITY INTERESTS IN MULTIPLE STATE TRANSACTIONS. (1) Documents, instruments and ordinary goods.

(a) This subsection applies to documents and instruments and to goods other than those covered by a certificate of title described in subsection (2), mobile goods described in subsection (3), and minerals described in subsection (5).

(b) Except as otherwise provided in this subsection, the validity, perfection and the effect of perfection or nonperfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the validity, perfection and the effect of perfection or nonperfection of the security interest from the time it attaches until thirty (30)
days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the thirty (30) day period.

(d) When collateral is brought into and kept in this state while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by part 3 of this chapter to perfect the security interest,

(i) if the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four (4) months after the collateral is brought into this state, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal;

(ii) if the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter;

(iii) for the purpose of priority over a buyer of consumer goods (subsection (2) of section 28-9-307), the period of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

(2) Certificate of title. (a) This subsection applies to goods covered by a certificate of title issued under a statute of this state or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

(b) Except as otherwise provided in this subsection, the validity, perfection and the effect of perfection or nonperfection of the security interest are governed by the law (including the conflict of laws rules) of the jurisdiction issuing the certificate until four (4) months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in the next paragraph, a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into this state and thereafter covered by a certificate of title issued by this state is subject to the rules stated in paragraph (d) of subsection (1).

(d) If goods are brought into this state while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by this state and the certificate does not show that the goods are subject to the security interest or that they may be
subject to security interests not shown on the certificate, the
security interest is subordinate to the rights of a buyer of the goods
who is not in the business of selling goods of that kind to the extent
that he gives value and receives delivery of the goods after issuance
of the certificate and without knowledge of the security interest.

(3) Accounts, general intangibles and mobile goods. (a) This
subsection applies to accounts (other than an account described in
subsection (5) on minerals) and general intangibles and to goods which
are mobile and which are of a type normally used in more than one
jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, road building and construction
machinery and commercial harvesting machinery and the like, if the
goods are equipment or are inventory leased or held for lease by the
debtor to others, and are not covered by a certificate of title
described in subsection (2).

(b) The law (including the conflict of laws rules) of the
jurisdiction in which the debtor is located governs the validity,
perfection and the effect of perfection or nonperfection of the
security interest.

(c) If, however, the debtor is located in a jurisdiction which is
not a part of the United States, and which does not provide for
perfection of the security interest by filing or recording in that
jurisdiction, the law of the jurisdiction in the United States in
which the debtor has its major executive office in the United States
governs the validity, perfection and the effect of perfection or
nonperfection of the security interest through filing. In the
alternative, if the debtor is located in a jurisdiction which is not a
part of the United States or Canada and the collateral is accounts or
general intangibles for money due or to become due, the security
interest may be perfected by notification to the account debtor. As
used in this paragraph, "United States" includes its territories and
possessions and the Commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if
he has one, at his chief executive office if he has more than one
place of business, otherwise at his residence. If, however, the
debtor is a foreign air carrier under the Federal Aviation Act of
1958, as amended, it shall be deemed located at the designated office
of the agent upon whom service of process may be made on behalf of the
foreign air carrier.

(e) A security interest perfected under the law of the
jurisdiction of the location of the debtor is perfected until the
expiration of four (4) months after a change of the debtor's location
to another jurisdiction, or until perfection would have ceased by the
law of the first jurisdiction, whichever period first expires. Unless
perfected in the new jurisdiction before the end of that period, it
becomes unperfected thereafter and is deemed to have been unperfected
as against a person who became a purchaser after the change.

(4) Chattel paper. The rules stated for goods in subsection (1)
apply to a possessory security interest in chattel paper. The rules stated for accounts in subsection (3) apply to a nonpossessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

(5) Minerals. The validity, perfection and the effect of perfection or nonperfection of a security interest which is created by a debtor who has an interest in minerals or the like (including oil and gas) before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or minehead are governed by the law (including the conflict of laws rules) of the jurisdiction wherein the wellhead or minehead is located.

SECTION 7. That Section 28-9-104, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-104. TRANSACTIONS EXCLUDED FROM CHAPTER. This chapter does not apply
(a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or
(b) to a landlord's lien; or
(c) to a lien given by statute or other rule of law for services or materials except as provided in section 28-9-310 on priority of such liens; or
(d) to a transfer of a claim for wages, salary or other compensation of an employee; or
(e) to a transfer of a claim in or under any policy of insurance except as provided with respect to proceeds (section 28-9-306), and priorities in proceeds (section 28-9-312); or
(f) to any right of set-off; or
(g) except to the extent that provision is made for fixtures in section 28-9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or
(h) to a transfer in whole or in part of any of the following:
any claim arising out of tort; any deposit; savings; passbook or like account—maintained—with a bank; savings and loan association; credit union or like organization; or

1 to a transfer of an interest in any deposit account (subsection (1) of section 28-9-105), except as provided with respect to proceeds (section 28-9-306) and priorities in proceeds (section 28-9-312).

SECTION 8. That Section 28-9-105, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-105. DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this chapter unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper; contract-right or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts; contract-rights and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts; contract-rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the chapter dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Deposit account" means a demand, time, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a certificate of deposit;

(f) "Document" means document of title as defined in the general definitions of chapter 1 (section 28-1-201), and a receipt of the kind described in subsection (2) of section 28-7-201;

(g) "Encumbrance" includes real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests;

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (section 28-9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract-rights and other-things-in-action or minerals or the like (including oil and gas).
before extraction. "Goods" also include standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals and growing crops;

(i) "Instrument" means a negotiable instrument (defined in section 28-3-104), or a security (defined in section 28-8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(j) "Mortgage" means a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation;

(l) "Security agreement" means an agreement which creates or provides for a security interest;

(m) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts; contract rights or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party;

(n) "Transmitting utility" means any person primarily engaged in the railroad, street railway or trolley bus business, the electric or electronics communications transmission business, the transmission of goods by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water, or the provision of sewer service.

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Account." Section 28-9-106.
"Attach." Section 28-9-203.
"Construction mortgage." Section 28-9-313(1).
"Consumer goods." Section 28-9-109(1).
"Equipment." Section 28-9-109(2).
"Farm products." Section 28-9-109(3).
"Fixture." Section 28-9-313(1).
"Fixture filing." Section 28-9-313(1).
"General intangibles." Section 28-9-106.
"Inventory." Section 28-9-109(4).
"Lien creditor." Section 28-9-301(3).
"Proceeds." Section 28-9-306(1).
"Purchase money security interest." Section 28-9-107.
"United States." Section 28-9-103.
(3) The following definitions in other chapters apply to this chapter:
"Check." Section 28-3-104.
"Contract for sale." Section 28-2-106.
"Holder in due course." Section 28-3-302.
"Note." Section 28-3-104.
"Sale." Section 28-2-106.

(4) In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

SECTION 9. That Section 28-9-106, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-106. DEFINITIONS -- "ACCOUNT" -- "CONTRACT--RIGHT"----
"GENERAL INTANGIBLES." "Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance. "Contract-right"-means-any-right-to-payment-under-a contract-not-yet-earned-by-performance-and-not-evidenced-by-an instrument-or-chattel-paper. "General intangibles" means any personal property (including things in action) other than goods, accounts, contract-rights, chattel paper, documents, and instruments, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

SECTION 10. That Part 1, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-114, Idaho Code, and to read as follows:

28-9-114. CONSIGNMENT. (1) A person who delivers goods under a consignment which is not a security interest and who would be required to file under this chapter by paragraph (3)(c) of section 28-2-326, has priority over a secured party who is or becomes a creditor of the consignee and who would have a perfected security interest in the goods if they were the property of the consignee, and also has priority with respect to identifiable cash proceeds received on or before delivery of the goods to a buyer, if
(a) the consignor complies with the filing provision of the chapter on sales with respect to consignments (paragraph (3)(c) of section 28-2-326) before the consignee receives possession of the goods; and
(b) the consignor gives notification in writing to the holder of the security interest if the holder has filed a financing statement covering the same types of goods before the date of the filing made by the consignor; and
(c) the holder of the security interest receives the notification within five (5) years before the consignee receives possession of the goods; and
(d) the notification states that the consignor expects to deliver goods on consignment to the consignee, describing the goods by item or type.

(2) In the case of a consignment which is not a security interest and in which the requirements of the preceding subsection have not been met, a person who delivers goods to another is subordinate to a person who would have a perfected security interest in the goods if they were the property of the debtor.

SECTION 11. That Section 28-9-203, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Part 2, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-203, Idaho Code, and to read as follows:

28-9-203. ATTACHMENT AND ENFORCEABILITY OF SECURITY INTEREST -- PROCEEDS -- FORMAL REQUISITES. (1) Subject to the provisions of section 28-4-208, on the security interest of a collecting bank and section 28-9-113, on a security interest arising under the chapter on sales, a security interest is not enforceable against the debtor or third parties (with respect to the collateral and does not attach) unless
(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and
(b) value has been given; and
(c) the debtor has rights in the collateral.
(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.
(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by section 28-9-306.
(4) A transaction, although subject to this chapter, is also subject to the Uniform Consumer Credit Code and the credit unions statute, chapter 21, title 26, Idaho Code, and usury provisions, (sections 28-22-105, 28-22-106 and 28-22-107), and in the case of conflict between the provisions of this chapter and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.
SECTION 13. That Section 28-9-204, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Part 2, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-204, Idaho Code, and to read as follows:

28-9-204. AFTER-ACQUIRED PROPERTY -- FUTURE ADVANCES. (1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (section 28-9-314) when given as additional security unless the debtor acquires rights in them within ten (10) days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment, subsection (1) of section 28-9-105.

SECTION 15. That Section 28-9-205, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-205. USE OR DISPOSITION OF COLLATERAL WITHOUT ACCOUNTING PERMISSIBLE. A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts; or contract rights or chattel paper, or to accept the return of goods or make reposessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

SECTION 16. That Section 28-9-301, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-301. PERSONS WHO TAKE PRIORITY OVER UNPERFECTED SECURITY INTERESTS -- RIGHT OF "LIEN CREDITOR." (1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

(a) persons entitled to priority under section 28-9-312;
(b) a person who becomes a lien creditor without knowledge of the security--interest--and before the security interest it is
perfected;
(c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business, or is a buyer of farm products in ordinary course of business, to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;
(d) in the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.
(2) If the secured party files with respect to a purchase money security interest before or within ten (10) days after the debtor receives possession of the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.
(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.
(4) A person who becomes a lien creditor while a security interest is perfected takes subject to the security interest only to the extent that it secures advances made before he becomes a lien creditor or within forty-five (45) days thereafter or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien.

SECTION 17. That Section 28-9-302, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-302. WHEN FILING IS REQUIRED TO PERFECT SECURITY INTEREST -- SECURITY INTERESTS TO WHICH FILING PROVISIONS OF THIS CHAPTER DO NOT APPLY. (1) A financing statement must be filed to perfect all security interests except the following:
(a) a security interest in collateral in possession of the secured party under section 28-9-305;
(b) a security interest temporarily perfected in instruments or documents without delivery under section 28-9-304 or in proceeds for a 10 day period under section 28-9-306;
(c) a purchase-money-security-interest-in-farm-equipment-having-a purchase-price-not-in-excess-of-$2500; but filing is required for a--fixture--under-section-28-9-313-or-for-a--motor-vehicle-required
to-be-licensed a security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;
(d) a purchase money security interest in consumer goods; but filing is required for a fixture under section 28-9-313 or for a motor vehicle required to be licensed; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 28-9-313;
(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;
(f) a security interest of a collecting bank (section 28-4-208) or arising under the chapter on Sales (see section 28-9-113) or covered in subsection (3) of this section.
(g) an assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.
(2) If a secured party assigns a perfected security interest, no filing under this chapter is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.
(3) The filing provisions of this chapter do not apply to a security interest in property subject to a statute
(a) of the United States which provides for a national registration or filing of all security interests in such property;
(b) of this state which provides for central filing of; or which requires indication on a certificate of title of; such security interests in such property;
(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.
The filing of a financing statement otherwise required by this chapter is not necessary or effective to perfect a security interest in property subject to
(a) a statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this chapter for filing of the security interest; or
(b) chapter 4, title 49, Idaho Code, but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of part 4, chapter 9, title 28, apply to a security interest in that collateral created by him as debtor; or
(c) a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the
certificate is required as a condition of perfection (subsection (2) of section 28-9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this chapter, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in section 28-9-103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest is subject to this chapter.

(5) The filing provisions of this chapter do not apply to a security interest in personal property or fixtures of any utility company, as hereinafter defined, which security interest is created by a mortgage, deed of trust or other security agreement which also covers real property situated in the state of Idaho and which has been filed for record in accordance with the laws of Idaho governing deeds of trust and mortgages on real property. Such security interest shall be perfected by such filing, whether such filing shall have been accomplished before or after the effective date set out in section 28-10-101; and such security interest shall be and remain effective, both as to the personal property or fixtures covered by the security interest at the time that it is perfected and as to personal property or fixtures which may subsequently be covered by the security interest under any after-acquired property provision of the mortgage, deed of trust, or other security agreement creating the security interest, as long as such mortgage, deed of trust or other security agreement shall remain in effect, without the necessity for any refiling under the provisions of this chapter.

Except as provided in the preceding paragraph of this subsection (5) notwithstanding anything in this chapter or any other law to the contrary, the proper place to file a financing statement in order to perfect a security interest in personal property or fixtures of a utility company, as hereinafter defined, is in the office of the secretary of state; and the security interest covered by the financing statement shall continue perfected, both as to the personal property or fixtures covered by the security interest at the time that it is perfected and as to personal property or fixtures which may subsequently be covered by the security interest under any after-acquired property provision of the mortgage, deed of trust, or other security agreement creating the security interest, without the necessity for any refiling or filing of a continuation statement under the provisions of this chapter, for as long as may be provided for in the security agreement creating the security interest. When the financing statement covers goods of a utility company as hereinafter defined, which goods are or are to become fixtures, no description of the real estate concerned or the name of the record owner or record lessee thereof is required.
A "utility company" shall mean any person, corporation, association, or other entity, foreign or domestic, primarily engaged in the railroad or street railway business; the ownership or operation of wires, or cables, used in the transmission or distribution of telephone, telegraph or television signals or any other information or data; the transmission or distribution of oil, gas or petroleum products by pipeline; or the generation, production, transmission or distribution of electric energy, steam, gas or water, whether its activities be interstate or intrastate.

SECTION 18. That Section 28-9-304, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-304. PERFECTION OF SECURITY INTEREST IN INSTRUMENTS, DOCUMENTS, AND GOODS COVERED BY DOCUMENTS -- PERFECTION BY PERMISSIVE FILING -- TEMPORARY PERFECTION WITHOUT FILING OR TRANSFER OF POSSESSION. (1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in money or instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5) of this section and subsections (2) and (3) of section 28-9-306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor, is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange, but priority between conflicting security interests in the goods is subject to subsection (3) of section 28-9-312; or
(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.
(6) After the 21 day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this chapter.

SECTION 19. That Section 28-9-305, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-305. WHEN POSSESSION BY SECURED PARTY PERFECTS SECURITY INTEREST WITHOUT FILING. A security interest in letters of credit and advices of credit (subsection (2)(a) of section 28-5-116), goods, instruments, money, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this chapter. The security interest may be otherwise perfected as provided in this chapter before or after the period of possession by the secured party.

SECTION 20. That Section 28-9-306, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-306. "PROCEEDS" -- SECURED PARTY'S RIGHTS ON DISPOSITION OF COLLATERAL. (1) "Proceeds" includes whatever is received when collateral is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right upon the sale, exchange, collection or other disposition of collateral or proceeds. Insurance payable by reason of loss or damage to the collateral is proceeds, except to the extent that it is payable to a person other than a party to the security agreement. Money, checks, deposit accounts, and the like are "cash proceeds." All other proceeds are "noncash proceeds."
(2) Except where this chapter otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was the disposition was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.
(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten (10) days after receipt of the proceeds by the debtor unless
(a) a filed financing statement covering the original collateral
also covers the original collateral and the proceeds are collateral in which a security interest may be perfected by filing in the office or offices where the financing statement has been filed and, if the proceeds are acquired with cash proceeds, the description of collateral in the financing statement indicates the types of property constituting the proceeds, or

(b) a filed financing statement covers the original collateral and the proceeds are identifiable cash proceeds; or

(c) the security interest in the proceeds is perfected before the expiration of the ten (10) day period.

Except as provided in this section, a security interest in proceeds can be perfected only by the methods or under the circumstances permitted in this chapter for original collateral of the same type.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest only in the following proceeds:

(a) in identifiable noncash proceeds and in separate deposit accounts containing only proceeds;

(b) in identifiable cash proceeds in the form of money which is not neither commingled with other money nor nor deposited in a bank deposit account prior to the insolvency proceedings;

(c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a bank deposit account prior to the insolvency proceedings; and

(d) in all cash and bank deposit accounts of the debtor, if other cash in which proceeds have been commingled or deposited in a bank account with other funds, but the perfected security interest under this paragraph (d) is

(i) subject to any right of to set-off; and

(ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten (10) days before the institution of the insolvency proceedings and commingled--or--deposited--in--a--bank--account--prior--to--the insolvency-proceedings--less--the--amount--of--cash--proceeds received--by--the--debtor--and--paid--over--to--the--secured--party during-the-ten-(10)-day--period less the sum of (I) the payments to the secured party on account of cash proceeds received by the debtor during such period and (II) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) through (c) of this subsection (4).

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original
security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under section 28-9-308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c), must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

SECTION 21. That Section 28-9-307, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-307. PROTECTION OF BUYERS OF GOODS. (1) A buyer in ordinary course of business (subsection (9) of section 28-1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods and the case of farm equipment—having an original purchase price not in excess of $2,500 (other than fixtures; see section 28-9-319), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than forty-five (45) days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the forty-five (45) day period.

SECTION 22. That Section 28-9-308, Idaho Code, be, and the same is hereby repealed.
SECTION 23. That Part 3, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-308, Idaho Code, and to read as follows:

28-9-308. PURCHASE OF CHATTEL PAPER AND INSTRUMENTS. (1) A purchaser of chattel paper or an instrument who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in the chattel paper or instrument (a) which is perfected under section 28-9-304 (permissive filing and temporary perfection) or under section 28-9-306 (perfection as to proceeds) if he acts without knowledge that the specific paper or instrument is subject to a security interest; or (b) which is claimed merely as proceeds of inventory subject to a security interest (section 28-9-306) even though he knows that the specific paper or instrument is subject to the security interest.

SECTION 24. That Section 28-9-312, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-312. PRIORITIES AMONG CONFLICTING SECURITY INTEREST IN THE SAME COLLATERAL. (1) The rules of priority stated in the following sections shall govern where applicable: Section 28-4-208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 28-9-304 on certain priorities; Section 28-9-306 on goods covered by documents; Section 28-9-307 on buyers of goods; Section 28-9-308 on possessory against nonpossessory interests in chattel paper or nonnegotiable instruments; Section 28-9-309 on security interests in negotiable instruments, documents or securities; Section 28-9-310 on priorities between perfected security interests and liens by operation of law; Section 28-9-313 on security interests in fixtures as against interests in real estate; Section 28-9-314 on security interests in accessions as against interest in goods; Section 28-9-315 on conflicting security interests where goods lose their identity or become part of a product; and Section 28-9-316 on contractual subordination other sections of this part and in the following sections shall govern when applicable: Section 28-4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; Section 28-9-103 on security interests related to other jurisdictions; Section 28-9-114 on consignments.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three (3) months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest
secures obligations due more than six (6) months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase-money-security-interest-in-inventory-collateral has priority over a conflicting security interest in the same collateral if

(a) the purchase-money-security-interest-is-perfected-at-the-time the debtor receives possession of the collateral; and
(b) any secured party whose security interest is known to the holder of the purchase-money-security-interest-or-who prior to the date of the filing made by the holder of the purchase-money security interest had filed a financing statement covering the same items or type of inventory, has received notification of the purchase-money-security-interest-before-the-debtor-receives possession of the collateral covered by the purchase-money-security-interest; and
(c) such perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if (a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and
(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (1) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the twenty-one (21) day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of section 28-9-304); and
(c) the holder of the conflicting security interest receives the notification within five (5) years before the debtor receives possession of the inventory; and
(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten (10) days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

(a) in the order of filing if both are perfected by filing,
regardless of which security interest attached first under section 28-9-204(1) and whether it attached before or after filing;
(b) in the order of perfection unless both are perfected by filing; regardless of which security interest attached first under section 28-9-204(1) and in the case of a filed security interest, whether it attached before or after filing; and
(c) in the order of attachment under section 28-9-204(1) so long as neither is perfected.
(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing according to the following rules:
(a) conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.
(b) so long as conflicting security interests are unperfected, the first to attach has priority.
(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.
(7) If future advances are made while a security interest is perfected by filing or the taking of possession, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

SECTION 25. That Section 28-9-313, Idaho Code, be, and the same is hereby repealed.

SECTION 26. That Part 3, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-313, Idaho Code, and to read as follows:

28-9-313. PRIORITY OF SECURITY INTERESTS IN FIXTURES. (1) In this section and in the provisions of part 4 of this chapter referring to fixture filing, unless the context otherwise requires
(a) goods are "fixtures" when they become so related to particular real estate that an interest in them arises under real
estate law
(b) a "fixture filing" is the filing in the office where a mortgage on the real estate would be filed or recorded of a financing statement covering goods which are or are to become fixtures and conforming to the requirements of subsection (5) of section 28-9-402
(c) a mortgage is a "construction mortgage" to the extent that it secures an obligation incurred for the construction of an improvement on land including the acquisition cost of the land, if the recorded writing so indicates.

(2) A security interest under this chapter may be created in goods which are fixtures or may continue in goods which become fixtures, but no security interest exists under this chapter in ordinary building materials incorporated into an improvement on land.

(3) This chapter does not prevent creation of an encumbrance upon fixtures pursuant to real estate law.

(4) A perfected security interest in fixtures has priority over the conflicting interest of an encumbrancer or owner of the real estate where
(a) the security interest is a purchase money security interest, the interest of the encumbrancer or owner arises before the goods become fixtures, the security interest is perfected by a fixture filing before the goods become fixtures or within ten (10) days thereafter, and the debtor has an interest of record in the real estate or is in possession of the real estate; or
(b) the security interest is perfected by a fixture filing before the interest of the encumbrancer or owner is of record, the security interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner, and the debtor has an interest of record in the real estate or is in possession of the real estate; or
(c) the fixtures are readily removable factory or office machines or readily removable replacements of domestic appliances which are consumer goods, and before the goods become fixtures the security interest is perfected by any method permitted by this chapter; or
(d) the conflicting interest is a lien on the real estate obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this chapter.

(5) A security interest in fixtures, whether or not perfected, has priority over the conflicting interest of an encumbrancer or owner of the real estate where
(a) the encumbrancer or owner has consented in writing to the security interest or has disclaimed an interest in the goods as fixtures; or
(b) the debtor has a right to remove the goods as against the encumbrancer or owner. If the debtor's right terminates, the priority of the security interest continues for a reasonable time.

(6) Notwithstanding paragraph (a) of subsection (4) but otherwise
subject to subsections (4) and (5), a security interest in fixtures is subordinate to a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. To the extent that it is given to refinance a construction mortgage, a mortgage has this priority to the same extent as the construction mortgage.

(7) In cases not within the preceding subsections, a security interest in fixtures is subordinate to the conflicting interest of an encumbrancer or owner of the related real estate who is not the debtor.

(8) When the secured party has priority over all owners and encumbrancers of the real estate, he may, on default, subject to the provisions of part 5 of this chapter, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity of replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

SECTION 27. That Section 28-9-318, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-318. DEFENSES AGAINST ASSIGNEE -- MODIFICATION OF CONTRACT AFTER NOTIFICATION OF ASSIGNMENT -- TERM PROHIBITING ASSIGNMENT INEFFECTIVE -- IDENTIFICATION AND PROOF OF ASSIGNMENT. (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in section 28-9-206 the rights of an assignee are subject to

(a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment or a part thereof under an assigned contract has not already become due, has not been fully earned by performance and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the amount due or to become due has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the
rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which is ineffective if it prohibits assignment of an account or contract-right-to-which-they-are-parties-is-ineffective prohibits creation of a security interest in a general intangible for money due or to become due or requires the account debtor's consent to such assignment or security interest.

SECTION 28. That Section 28-9-401, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-401. PLACE OF FILING -- ERRONEOUS FILING -- REMOVAL OF COLLATERAL. (1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or accounts, contract-rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the county recorder in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the county recorder in the county where the goods are kept, and in addition when the collateral is crops growing or to be grown, in the office of the county recorder in the county where the land on which the crops are growing or to be grown is located;
(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or when the financing statement is filed as a fixture filing (section 28-9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;
(c) in all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this chapter and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another
The rules stated in section 28-9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to subsection (3) of section 28-9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. This filing constitutes a fixture filing (section 28-9-313) as to collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one, or, if it has more than one place of business, the residence shall be the chief executive office.

SECTION 29. That Section 28-9-402, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-402. FORMAL REQUISITES OF FINANCING STATEMENT -- AMENDMENTS -- MORTGAGE AS FINANCING STATEMENT. (1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or when the financing statement is filed as a fixture filing (section 28-9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties: the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient although when it is signed only by the secured party when instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state.
under such circumstances; or
(b) proceeds under section 28-9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or
(c) collateral as to which the filing has lapsed; or
(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) ....................................
Address ......................................................................
Name of secured party (or assignee) .............................
Address ......................................................................

1. This financing statement covers the following types (or items) of property:
    (Describe) ................................................................

2. (If collateral is crops) The above described crops are growing or are to be grown on:
    (Describe Real Estate) ...........................................

3. (If collateral is goods which are or are to become fixtures)
   The above described goods are affixed or to be affixed to:
   (If applicable) The above goods are to become fixtures on
    (Describe Real Estate) ...........................................

   and this financing statement is to be filed in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ..........................................

4. (If proceeds or products of collateral are claimed) Proceeds Products of the collateral are also covered.
   Signature of Debtor (or Assignor, whichever is applicable) ......
   Signature of Secured Party (or Assignee) ........................

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. The term "financing statement" as used in this chapter means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this chapter, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or a financing statement filed as a fixture filing (section 28-9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the
law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(b) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type; and (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four (4) months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

SECTION 30. That Section 28-9-403, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Part 4, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-403, Idaho Code, and to read as follows:

28-9-403. WHAT CONSTITUTES FILING -- DURATION OF FILING -- EFFECT OF LAPSED FILING -- DUTIES OF FILING OFFICER. (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this chapter.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five (5) years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five (5) year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or
against the debtor, the security interest remains perfected until termination of the involvency proceedings and thereafter for a period of sixty (60) days or until expiration of the five (5) year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six (6) months prior to the expiration of the five (5) year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 28-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five (5) years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one (1) year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five (5) years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be two dollars ($2.00) if the statement is in the standard form prescribed by the secretary of state and otherwise shall be three dollars ($3.00), plus in each case, if the financing statement is subject to subsection (5) of section 28-9-402, the
regular recording fee with respect to a mortgage. The uniform fee for each name more than one (1) required to be indexed shall be two dollars ($2.00). The secured party may at his option show a trade name for any person and an extra uniform indexing fee of two dollars ($2.00) shall be paid with respect thereto.

(6) If the debtor is a transmitting utility, subsection (5) of section 28-9-401, and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 28-9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or is filed as a fixture filing, the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

SECTION 32. That Section 28-9-404, Idaho Code, be, and the same is hereby repealed.

SECTION 33. That Part 4, Chapter 9, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-404, Idaho Code, and to read as follows:

28-9-404. TERMINATION STATEMENT. (1) If a financing statement covering consumer goods is filed on or after July 1, 1978, then within one (1) month or within ten (10) days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be
identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 28-9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten (10) days after proper demand therefor, he shall be liable to the debtor for one hundred dollars ($100), and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one (1) copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one (1) year after receipt of the termination statement.

(3) If the termination statement is in the standard form prescribed by the secretary of state, there shall be no fee for filing and indexing the termination statement (including sending or delivering the financing statement), and otherwise shall be one dollar ($1.00).

SECTION 34. 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 disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing 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 statement. 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 furnishing filing data for a financing statement so indicating an assignment shall be 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), plus in each case an additional fee of two dollars ($2.00) for each name more than one against which the financing statement is required to be indexed.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing in the place where the original financing statement was filed 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 sufficient as a separate statement if it complies with the preceding 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, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be one-dollar-(§1.00) two dollars ($2.00) if the statement is in the standard form prescribed by the secretary of state and otherwise shall be three dollars ($3.00), plus in each case an additional fee of two dollars ($2.00) for each name more than one against which the statement of assignment is required to be indexed. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing, subsection (6) of section 28-9-402, may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this title.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

SECTION 35. That Section 28-9-406, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-406. RELEASE OF COLLATERAL -- DUTIES OF FILING OFFICER -- FEES. A secured party of record may by his signed statement release all--or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 28-9-405, including payment of the required fee. Upon presentation of such a statement or release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The
uniform fee for filing and noting such a statement of release shall be
seventy-five-cents-($0.75) two dollars ($2.00) if the statement is in
the standard form prescribed by the secretary of state and otherwise
shall be three dollars ($3.00), plus in each case an additional fee of
two dollars ($2.00) for each name more than one against which the
statement of release is required to be indexed.

SECTION 36. That Section 28-9-407, Idaho Code, be, and the same
is hereby amended to read as follows:

28-9-407. INFORMATION FROM FILING OFFICER. (1) If the person
filing any financing statement, termination statement, statement of
assignment, or statement of release, furnishes the filing officer a
copy thereof, the filing officer shall upon request note upon the copy
the file number and date and hour of the filing of the original and
deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue
his certificate showing whether there is on file on the date and hour
stated therein, any presently effective financing statement naming a
particular debtor and any statement of assignment thereof and if there
is, giving the date and hour of filing of each such statement and the
names and addresses of each secured party therein. The uniform fee for
such a certificate shall be two-dollars-($2.00)-plus-one-dollar
($1.00)-for-each-financing-statement-and-for-each-statement-of
assignment-reported-therein: six dollars ($6.00) if the request is in
the standard form prescribed by the secretary of state and otherwise
shall be seven dollars ($7.00). Upon request the filing officer shall
furnish a-copy-of-any-fixed-financing-statement-or-statement-of
assignment-for-a-uniform-fee-of-thirty-cents-($0.30)-per-page: copies of
all financing statements and statements of assignment reported on the
certificate for a uniform fee of four dollars ($4.00).

(3) Upon request of any person, the filing officer shall furnish
copies of particular filed financing statements or statements of
assignment at a uniform cost of one dollar ($1.00) per page if the
requestor provides the filing officer with the file numbers of the
statement to be copied.

SECTION 37. That Part 4, Chapter 9, Title 28, Idaho Code, be, and
the same is hereby amended by the addition thereto of a NEW SECTION,
to be known and designated as Section 28-9-407A, Idaho Code, and to
read as follows:

28-9-407A. FINANCING STATEMENTS COVERING CONSIGNED OR LEASED
GOODS. A consignor or lessor of goods may file a financing statement
using the terms "consignor," "consigneep, "lessee," "lessee" or the
like instead of the terms specified in section 28-9-402. The
provisions of this part shall apply as appropriate to such a financing
statement but its filing shall not of itself be a factor in
determining whether or not the consignment or lease is intended as security, section 28-1-201(37). However, if it is determined for other reasons that the consignment or lease is so intended, a security interest of the consignor or lessor which attaches to the consigned or leased goods is perfected by such filing.

SECTION 38. That Section 28-9-502, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-502. COLLECTION RIGHTS OF SECURED PARTY. (1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under section 28-9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

Approved March 30, 1979.

CHAPTER 300
(H.B. No. 265)

AN ACT
RELATING TO METHODS OF KILLING ANIMALS; AMENDING CHAPTER 21, TITLE 18, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW SECTION 18-2114, IDAHO CODE, TO PROHIBIT USE OF ANY HIGH-ALTITUDE DECOMPRESSION CHAMBER TO KILL ANY DOG OR CAT.

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

SECTION 1. That Chapter 21, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereunto of a NEW SECTION, to be known and designated as Section 18-2114, Idaho Code, and to read as follows:

18-2114. HIGH-ALTITUDE DECOMPRESSION CHAMBER PROHIBITED. No
person, peace officer, officer of a humane society, or officer of a pound, or any public agency shall kill any dog or cat by the use of any high-altitude decompression chamber. Every person who violates the provisions of this section is guilty of a misdemeanor.

Approved April 2, 1979.

CHAPTER 301
(H.B. No. 274)

AN ACT
RELATING TO WINE DISTRIBUTION; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1328A, IDAHO CODE, PROHIBITING EXCLUSIVE WINE DISTRIBUTION AGREEMENTS, PROHIBITING UNCOMMON RESTRICTIONS OR CONDITIONS BEING IMPOSED ON DISTRIBUTORS, PROHIBITING TERMINATION OF AGREEMENTS WITH DISTRIBUTORS WITHOUT NOTICE, AND ALLOWING VINTNERS OR DEALERS TO SELECT THEIR CUSTOMERS IN BONA FIDE TRANSACTIONS NOT IN RESTRraid OF TRADE; AND PROVIDING SEVERABILITY.

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

SECTION 1. 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 23-1328A, Idaho Code, and to read as follows:

23-1328A. PROHIBITION OF CERTAIN TRADE PRACTICES BETWEEN VINTNERS OR DEALERS AND DISTRIBUTORS. (1) It shall be unlawful for any vintners or dealer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee:
(a) To require, by agreement or otherwise, that any distributors engaged in the sale or distribution of wine in the state of Idaho purchase any such wine or other distributed products from such person to the exclusion in whole or in part of wine or other products made or imported by other vintners or dealers;
(b) To induce, by any means, any distributor engaged in the sale or distribution of wine to purchase from or distribute the wine or other products of any vintner or dealer to the exclusion of the wine or products of other vintners or dealers by any means, including, but not limited to the vintners or dealer's acquisition of any interest in the distributor's license, or by acquiring any interest in the real or personal property owned, occupied, or used by the distributor;
(c) To discriminate in price, allowance, rebate, refund, commission, discount, or service between a distributor purchasing wine or a distributor purchasing other products;
(d) To threaten any distributor with any discrimination prohibited under subsection (1) (c) of this section, with the purpose or effect of changing or maintaining resale prices of the vintner or dealer;
(e) To impose conditions or restrictions on a distributor not generally imposed on other distributors; or
(f) To cause a termination, cancellation, nonrenewal or substantial change in competitive circumstances in the relationship with the distributor without providing at least ninety (90) days' written notice of the termination, cancellation, nonrenewal or substantial change in competitive circumstances. The notice shall state all the reasons for termination, cancellation, nonrenewal or substantial change in competitive circumstances and shall provide that the distributor has ninety (90) days from the date of receipt by said distributor of the vintner's or dealer's notice in which to rectify any claimed deficiency. If the deficiency is rectified within ninety (90) days the notice shall be void. The notice provisions of this section shall not apply if the reason for termination, cancellation or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy. If the reason for termination, cancellation, nonrenewal or substantial change in competitive circumstances is nonpayment of sums due for the purchase of product, the distributor shall be entitled to written notice of such default, and shall have twenty (20) days in which to remedy such default from the date of delivery or posting of such notice.

(2) Nothing in this section shall be deemed to prohibit vintners or dealers from selecting their own customers in bona fide transactions not in restraint of trade.

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 April 2, 1979.
CHAPTER 302
(S.B. No. 1082, As Amended)

AN ACT
RELATING TO LIENS FOR MEDICAL CARE; AMENDING CHAPTER 7, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-704B, IDAHO CODE, TO PROVIDE LIENS FOR MEDICAL CARE IN THE MANNER PROVIDED BY CHAPTER 7, TITLE 45, IDAHO CODE, FOR HOSPITAL AND NURSING CARE.

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

SECTION 1. That Chapter 7, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-704B, Idaho Code, and to read as follows:

45-704B. LIENS FOR MEDICAL CARE. Every individual or association licensed or incorporated under the laws of the state of Idaho to practice medicine and surgery (hereinafter "physician") shall be entitled to a lien for the reasonable charges for medical care and treatment rendered an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care and treatment was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitate such medical care and treatment. In order to perfect the lien, the physician or his agent shall, before or within ninety (90) days after the last date of medical services for the injury, file the lien in the same general form and manner as provided in section 45-702, Idaho Code, in the office of the recorder of the county in which the physician rendered the services. The lien shall be recorded and indexed in the manner provided in section 45-703, Idaho Code. The lien shall be enforced and/or released in the manner provided in section 45-704, Idaho Code. If the claimant of the lien shall prevail in an action to enforce the lien, the court may allow reasonable attorney's fees and disbursements.

Approved April 3, 1979.

CHAPTER 303
(S.B. No. 1108, As Amended)

AN ACT
RELATING TO LOG SCALING; AMENDING SECTION 38-1201, IDAHO CODE, TO STRIKE REFERENCES TO SYSTEMS OF LOG SCALING OTHER THAN THE SYSTEM PROVIDED BY LAW; AMENDING SECTION 38-1202, IDAHO CODE, TO PROVIDE THAT LOGS AND FOREST PRODUCTS SHALL BE MEASURED ACCORDING TO GROSS
WEIGHT OR GROSS VOLUME CONVERTED TO DECIMAL "C" MEASURE AND THAT MEASUREMENT MAY BE DETERMINED BY A SAMPLING PROCESS; AMENDING SECTION 38-1220, IDAHO CODE, TO STRIKE REFERENCES TO SYSTEMS OF LOG SCALING THAT MAY BE AGREED TO BY AFFECTED PARTIES; AND AMENDING CHAPTER 12, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-1220A, IDAHO CODE, TO PROVIDE FOR INVESTIGATION OF COMPLAINTS FILED UNDER THIS CHAPTER, TO PROVIDE AUTHORITY FOR SURVEILLANCE AND INSPECTION OF LOG SCALING SITES, TO PROVIDE FOR ENTRY TO INSPECT, AND TO PROVIDE FOR PROSECUTION OF VIOLATIONS.

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

SECTION 1. That Section 38-1201, Idaho Code, be, and the same is hereby amended to read as follows:

38-1201. LOG SCALING PRACTITIONERS -- LICENSE REQUIREMENT -- METHOD. Every person practicing or offering to practice log scaling as herein defined, shall submit evidence of his qualifications and be licensed as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice log scaling where the scaled quantities derived from such scaling shall be used for commercial purposes in this state, unless such person has been duly licensed under the provisions of this act, or is an apprentice under the supervision of a licensed scaler.

The method of scaling the various forest products for commercial purposes shall be in accordance with the provisions of section 38-1202(c), Idaho Code, provided that nothing contained herein shall prohibit anyone from using a system of determining volume by sample, by weight, or by a combination of these systems or any other system of determining volume; provided that the basis for determining board foot volumes shall be in accordance with the provisions of this act, and provided further that such method must be agreed upon in writing by all parties concerned.

SECTION 2. That Section 38-1202, Idaho Code, be, and the same is hereby amended to read as follows:

38-1202. DEFINITIONS. As used in this act, unless the context or subject matter requires otherwise:

(a) Scaler and Professional Scaler. The terms " scaler" and "professional scaler" means a person who is qualified by reason of his knowledge of the principles of scaling acquired by professional education and/or practical experience, to engage in the practice of scaling forest products.

(b) Scaling. The term "scaling" means the quantitative measurement of logs or other forest products by means of a log rule. The term "scaling" shall include any professional scaling service rendered in connection with the measurement of forest products, or
supervision of scaling when such service is rendered requiring the application of scaling principles and data.

(c) Forest Products Measurement. The methods to be used in scaling logs and forest products for commercial purposes within the state of Idaho shall be the methods set forth in the Idaho Vocational Education--Manual--No. 38; entitled "Manual of Instruction for Log Sealing and the Measurement of Timber Products," published in 1960, as the same may be amended from time to time and approved by the state board of sealing practices, or as provided in section 38-1220. For the purpose of payment for logging or hauling logged forest products only, forest products shall be measured by gross weight, or by gross volume converted to gross decimal "C". Measurement may be determined by a sampling process.

(d) Board. The term "board" means the state board of scaling practices.

SECTION 3. That Section 38-1220, Idaho Code, be, and the same is hereby amended to read as follows:

38-1220. AGREEMENTS AS TO SCALING METHODS USED -- SCALING FOR UNITED STATES GOVERNMENT -- EXEMPTION. All parties to any log sealing agreement may elect to scale as between themselves either on the basis of the mensuration criteria from the National Forest Log Sealing Handbook or from the Idaho Manual of Instruction for Log Sealing and the Measurement of Timber Products; whether or not such logs are produced from federal land or measured by employees of an agency of the United States government. Forest products scaled or otherwise measured by or for any agency of the United States government shall not be affected by this act. The licensing and bonding provisions of this act do not apply to any person measuring logs for any agency of the United States government, unless such agency so elects.

SECTION 4. That Chapter 12, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-1220A, Idaho Code, and to read as follows:

38-1220A. INSPECTION -- INVESTIGATION -- VIOLATIONS. (a) The chairman of the state board of scaling practices shall cause investigations to be made upon the request of the board or upon receipt of information concerning an alleged violation of this act or of any rule or regulation promulgated thereunder, and may cause to be made such other investigations as he shall deem advisable.

(b) The chairman or his designee shall have the authority to:
(1) Conduct a program of continuing surveillance and of regular or periodic inspection of log scaling sites.
(2) Enter at all reasonable times upon any private or public property for the purpose of inspecting or investigating to
ascertain possible violations of this act or of rules and regulations adopted and promulgated by the board.

(c) If an investigation discloses that there is a reasonable basis for believing that a violation exists, the director or his designee shall notify the prosecuting attorney of the county or counties in which the violation is alleged to have been committed and the prosecuting attorney shall proceed in accordance with section 38-1221, Idaho Code.

Approved April 3, 1979.

CHAPTER 304
(S.B. No. 1062)

AN ACT
RELATING TO MUNICIPAL WATER SYSTEMS; AMENDING SECTION 50-323, IDAHO CODE, TO INCLUDE A DEFINITION OF DOMESTIC WATER SYSTEMS; AMENDING SECTION 50-1020, IDAHO CODE, TO INCLUDE A DEFINITION OF WATERWORKS PLANTS AND WATER SUPPLY; AND AMENDING SECTION 50-1029, IDAHO CODE, TO INCLUDE A DEFINITION OF DOMESTIC USES OR PURPOSES.

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

SECTION 1. That Section 50-323, Idaho Code, be, and the same is hereby amended to read as follows:

50-323. DOMESTIC WATER SYSTEMS. Cities are hereby empowered to establish, create, develop, maintain and operate domestic water systems; provide for domestic water from wells, streams, water sheds or any other source; provide for storage, treatment and transmission of the same to the inhabitants of the city; and to do all things necessary to protect the source of water from contamination. The term "domestic water systems" and "domestic water" includes by way of example but not by way of limitation, a public water system providing water at any temperature for space heating or cooling, culinary, sanitary, recreational or therapeutic uses.

SECTION 2. That Section 50-1020, Idaho Code, be, and the same is hereby amended to read as follows:

50-1020. WATERWORKS -- LIGHT AND POWER PLANTS -- SEWERAGE SYSTEMS. Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds in a sufficient amount to acquire, by purchase or
otherwise, waterworks plants and water supply, light and power plants, storm sewers and sanitary sewerage systems, and to construct, enlarge, extend, repair, alter and improve such plants or systems notwithstanding the percentage limitation of the previous section. "Waterworks plants and water supply" include by way of example but not by way of limitation, a public water system providing water at any temperature for space heating or cooling, culinary, sanitary, recreational or therapeutic uses.

The amount for which bonds may be issued for purposes as in this section provided shall be determined by the council and stated in the ordinance therefor, and shall be authorized in such amount as the city council shall deem necessary by one or more bond elections, called as provided in section 50-1026, Idaho Code, or amendatory act.

SECTION 3. 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. The term "domestic uses or purposes" includes by way of example but not by way of limitation the use of water at any temperature for space heating or cooling, culinary, sanitary, recreational or therapeutic 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 plants, 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.

Approved April 3, 1979.

CHAPTER 305
(S.B. No. 1183)

AN ACT
RELATING TO HUNTER EDUCATION PROGRAMS AND THE REQUIREMENTS FOR A HUNTING LICENSE; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-411, IDAHO CODE, TO PROVIDE THAT MINORS UNDER A SPECIFIED AGE MAY NOT OBTAIN A HUNTING LICENSE UNLESS THEY POSSESS A CERTIFICATE OF COMPETENCY IN HUNTER SAFETY; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-412, IDAHO CODE, TO PROVIDE THE CONTENTS OF THE HUNTER EDUCATION PROGRAM, THE QUALIFICATIONS AND TRAINING OF INSTRUCTORS, AND THE FEE FOR THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, 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 36-411, Idaho Code, and to read as follows:

36-411. CERTIFICATE OF COMPETENCY IN HUNTER EDUCATION. (a) No hunting license shall be issued to a person who is under the age of fifteen (15) years unless such person presents to the department of fish and game or one of its authorized license vendors, a certificate of competency in hunter education issued by the department under the hunter education program or proof that he holds the equivalent of such a certificate obtained either in Idaho or from an authorized agency or association of another state.
SECTION 2. That Chapter 4, 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 36-412, Idaho Code, and to read as follows:

36-412. HUNTER EDUCATION PROGRAM -- INSTRUCTOR QUALIFICATIONS -- FEE. (a) The fish and game commission shall prescribe and administer a hunter education program to provide instruction in the safe handling of lawful hunting weapons. The program shall also include instruction on wildlife and natural resource conservation, respect for the rights and property of others, and survival in the outdoors. The commission may enter into agreements with public or private agencies and individuals in carrying out the provisions of this subsection.

(b) The department of fish and game shall recruit competent volunteer instructors. The department shall provide a course of instruction in the safe handling of legal hunting weapons, conservation of wildlife and natural resources, good conduct and respect for the rights and property of others, outdoor survival, and other appropriate subjects for training instructors. Instructors shall be issued certificates and shall on a voluntary basis, give instruction in a hunter education course, as established by the department of fish and game, to all eligible applicants.

(c) The commission shall establish a fee not to exceed two dollars ($2.00) to be assessed each individual obtaining instruction in hunter education for reimbursement for furnished materials. All students successfully completing the course of instruction shall be issued a certificate of competency in hunter safety and good hunting conduct.

SECTION 3. This act shall be in full force and effect on and after January 1, 1980.

Approved April 3, 1979.
SPECIFIED; REAPPROPRIATING THE MONEYS APPROPRIATED BY CHAPTER 346, LAWS OF 1978, FOR THE PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING REMODELING FOR THE STATE DATA AND CONTROL CENTER; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED BY THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Permanent Building Account to the Permanent Building Fund Advisory Council and the Division of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair, of the following buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, named and listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Account for the purpose of undertaking the construction, renovation, repair and acquisitions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

A. DEPARTMENT OF ADMINISTRATION:
   Life-Safety Code Modifications, Statewide $ 250,000
   Restoration of Alexander House, Boise 16,700
   Energy Retrofit Projects, Statewide 124,000
   State Data and Control Center remodeling 535,000

B. DEPARTMENT OF CORRECTION:
   Completion of Cell Block #1 $ 300,000
   Remodel Director's offices 50,000
   Women's Prison (site to be specified by legislature) 450,000

C. OFFICE OF THE GOVERNOR - DIVISION OF THE MILITARY:
   Local Improvement District, Idaho Falls 16,000

D. DEPARTMENT OF HEALTH AND WELFARE:
   Addition to Central Health Laboratory, Boise 1,860,000
   Idaho State School & Hospital: Compliance with Section 504 of Rehabilitation Act 250,000
   Child Development Center, Idaho Falls: roof repairs 25,000
   State Hospital South, Blackfoot: roof repairs 12,500


E. STATE BOARD OF EDUCATION:
Boise State University: Preliminary programming and design, Arts and Humanities Building 250,000
Idaho State University: third phase of Vocational-Technical Building 660,000
College of Southern Idaho: Matching funds, Vocational-Technical Building; Roof and sidewalk repair, parking lot, replace carpet in Multi-use Building 85,200
Lewis-Clark State College: Completion of Science/Nursing Building 375,000
North Idaho College: Federal regulation compliance, parking lot, remodel women's gym, remodel Science Building, roof repairs, Garden Avenue extension, install underground power lines 80,500

F. DEPARTMENT OF LANDS:
Construction of vehicle storage sheds, Boise, Bonners Ferry and Deary 123,000
Remodel Area Office, McCall 53,000

G. CONSTRUCTION CONTINGENCY:
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.
Contingency 45,200
GRAND TOTAL $5,861,100

SECTION 2. There is hereby appropriated from the Public Building Account to the Permanent Building Fund Advisory Council and the Division of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary for the purpose of paying the cost of any equipment or the rebuilding, renovation or repair of the following projects:

A. CAPITOL BUILDING:
1. Repaint House and Senate Chambers $ 41,000
2. Recarpet House and Senate Chambers 25,000
B. CAPITOL MALL:
1. Geothermal Retrofit 194,400
2. Landscaping 50,000
TOTAL $310,400

SECTION 3. The moneys appropriated by Section 2, Chapter 346, Laws of 1978, to the Permanent Building Fund Advisory Council and the
Department of Public Works for remodeling of group residence, Harriman State Park, are hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for construction of group residence, Harriman State Park.

SECTION 4. It is legislative intent that consideration of remodeling for the State Data and Control Center on the second floor of the Len B. Jordan Building be based upon advice from the Governor's Management Task Force.

SECTION 5. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 6. All appropriations made herein shall be exempt from the provisions of chapter 36, title 67, and section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of chapter 35, title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 7. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 3, 1979.
CHAPTER 307
(S.B. No. 1174, As Amended in the House)

AN ACT
RELATING TO WHEN PEACE OFFICERS MAY ARREST; AMENDING SECTION 19-603, IDAHO CODE, BY PROVIDING FOR ARRESTS WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PERSON ARRESTED HAS COMMITTED AN ASSAULT OR BATTERY.

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

SECTION 1. That Section 19-603, Idaho Code, be, and the same is hereby amended to read as follows:

19-603. WHEN PEACE OFFICER MAY ARREST. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:
1. For a public offense committed or attempted in his presence.
2. When a person arrested has committed a felony, although not in his presence.
3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it.
4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.
5. At night, when there is reasonable cause to believe that he has committed a felony.
6. When at the scene of a domestic disturbance there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of such a crime, that the person arrested has committed an assault or battery.

Approved April 3, 1979.

CHAPTER 308
(S.B. No. 1243)

AN ACT
APPROPRIATING MONEYS OUT OF THE WATER POLLUTION CONTROL ACCOUNT TO THE STATE DEPARTMENT OF EDUCATION TO BE APPORTIONED TO AND PAID TO CERTAIN SCHOOL DISTRICTS; PROVIDING FOR SCHOOL DISTRICTS TO MAKE APPLICATION FOR PAYMENT FROM THE APPROPRIATION; PROVIDING DUTIES FOR THE STATE DEPARTMENT OF EDUCATION; AND PROVIDING A DATE BY WHICH PAYMENTS TO SCHOOL DISTRICTS MUST BE MADE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. (1) There is hereby appropriated to the State Department of Education out of the Water Pollution Control Account the sum of $1,000,000, or so much thereof as may be necessary, to be apportioned among and paid to certain school districts as soon as possible after July 1, 1979. No school district shall be entitled to an apportionment from the appropriation, but may make application for a payment from the appropriation as prescribed by subsection (2).

(2) The board of trustees of any school district, which during fiscal year 1979-80 only, is scheduled to receive fewer dollars for operating and maintenance purposes than were received during fiscal year 1978-79 for the same purposes, after a review of the district's budget request by the State Department of Education, may apply to the State Department of Education for a payment from the appropriation made by subsection (1); provided, that any carryover from fiscal year 1978-79 must be utilized in the fiscal 1979-80 budget. Any application must be made by not later than August 1, 1979.

(3) Following receipt of an application, the State Department of Education shall evaluate it, and, at the direction of the State Board of Education, allow all or so much of the amount requested from a school district, if within the limits of the appropriation made by subsection (1).

(4) Any payment, if allowed, shall be made by a single warrant to the particular school district by not later than October 15, 1979, from the appropriation made by this act.

Approved April 3, 1979.

CHAPTER 309
(S.B. No. 1023)

AN ACT

RELATING TO ELECTIONS BY PLACING THE DATE OF THE PRIMARY ELECTION ON THE FOURTH TUESDAY IN MAY; AMENDING SECTION 34-102, IDAHO CODE, BY PROVIDING THAT THE PRIMARY SHALL BE HELD ON THE FOURTH TUESDAY IN MAY AND PROVIDING THAT THE PRESIDENTIAL PRIMARY SHALL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION; AMENDING SECTION 34-601, IDAHO CODE, BY PROVIDING THAT THE PRIMARY ELECTION SHALL BE HELD ON THE FOURTH TUESDAY IN MAY AND PROVIDING THAT THE PRESIDENTIAL PRIMARY SHALL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION; AMENDING SECTION 34-624, IDAHO CODE, TO PROVIDE THE TERM OF OFFICE OF PRECINCT COMMITTEEMEN; AMENDING SECTION 34-704, IDAHO CODE, TO PROVIDE THAT CANDIDATES SHALL FILE DECLARATIONS OF CANDIDACY BETWEEN APRIL 1 AND APRIL 7; AMENDING SECTION 34-708, IDAHO CODE, TO PROVIDE A FILING DATE FOR INDEPENDENT CANDIDATES; AMENDING
SECTION 34-708A, IDAHO CODE, TO PROVIDE A FILING DATE FOR INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT; AMENDING SECTION 34-713, IDAHO CODE, TO DESIGNATE THE RESPONSIBILITY FOR MEETING THE EXPENSE OF PRINTING BALLOTS FOR THE PRESIDENTIAL PRIMARY, AND PROVIDE THAT COUNTY CLERKS SHALL PUBLISH THE NAMES OF ALL CANDIDATES ON THE EARLIEST DATE POSSIBLE IN MAY; AMENDING SECTION 34-731, IDAHO CODE, TO PROVIDE THAT THE PRESIDENTIAL PRIMARY SHALL BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION; AMENDING SECTION 34-739, IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL ASSUME COSTS OF PUBLICATION OF LEGAL NOTICES AND BALLOT PREPARATION FOR THE PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTION 34-902, IDAHO CODE, TO SPECIFY THE DEADLINE FOR PROVIDING SUFFICIENT BALLOTS AND BALLOT BOXES; AND AMENDING SECTION 34-1208, IDAHO CODE, TO PROVIDE THAT CERTIFICATES OF ELECTION SHALL BE ISSUED TO PRECINCT COMMITTEEMEN ON THE DATE SPECIFIED.

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

SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections shall be held on the fourth Tuesday succeeding-the-first-Monday-of-August of May in each even-numbered year.

"Presidential primary" or "presidential preference primary" means an election held for the purpose of allowing voters to express their choice for candidates for nominations for president of the United States. Presidential primary elections shall be held in conjunction with the primary election, on the fourth Tuesday of May in each presidential election year.

SECTION 2. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the fourth Tuesday after the--first-Monday-of-August,--1972, in May, 1980, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, 1972, and every two (2) years thereafter on the above-mentioned Tuesday.
(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

(4) A presidential primary shall be held in conjunction with the primary election, on the fourth Tuesday in May, 1976-1980, and every four (4) years thereafter on the above-mentioned Tuesday.

SECTION 3. That Section 34-624, Idaho Code, be, and the same is hereby amended to read as follows:

34-624. ELECTION OF PRECINCT COMMITTEEMEN -- QUALIFICATIONS. (1) At the presidential primary election, 1976-1980, and every four (4) years thereafter, and at the primary election held on the Tuesday after the first Monday of August, 1978, and every four (4) years thereafter, a precinct committeeman for each political party shall be elected in every voting precinct within each county. The term of office of a precinct committeeman elected at the presidential primary election shall be from the eighth day following the presidential primary election until the eighth day following the next succeeding primary election. The term of office of a precinct committeeman elected at the primary election in non-presidential primary election years shall be from the eighth day following the primary election until the eighth day following the presidential primary election.

(2) No person shall be elected to the office of precinct committeeman unless he has attained the age of eighteen (18) years at the time of his election, is a citizen of the United States and shall have resided within the voting precinct for a period of six (6) months next preceding his election.

(3) Each candidate shall file a declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors from his precinct.

(4) No filing fee shall be charged any candidate at the time of his filing his declaration of candidacy.

SECTION 4. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8 a.m., June 1 and 5 p.m., June 7 prior to the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy, except candidates for nonpartisan office.

All political party candidates for precinct office shall file their declaration of candidacy in the office of the county clerk.
Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.

SECTION 5. That Section 34-708, Idaho Code, be and the same is hereby amended to read as follows:

34-708. INDEPENDENT CANDIDATES. (1) No person may offer himself as an independent candidate at the primary election.

(2) Any person who desires to offer himself as an independent candidate for federal, state, district, or county office may do so by complying strictly with the provisions of this section. In order to be recognized as an independent candidate, prior to August June 25 of the year in which a general election is to be held but after the primary election, each such candidate must file with the proper officer as provided by section 34-705, Idaho Code, a declaration of candidacy as an independent candidate. Such declaration must state that he is offering himself as an independent candidate, must declare that he has no political party affiliation, and must declare the office for which he seeks election. Each such declaration must be accompanied by a petition containing the names of qualified electors in the same number as is required for political party candidates filing for the same office according to the provisions of chapter 6, title 34, Idaho Code, and must be accompanied by the filing fees required by chapter 6, title 34, Idaho Code, for political party candidates filing for the same office.

(3) If all of the requirements of this section have been met, the proper officer shall cause the name of each independent candidate who has qualified to be placed on the general election ballot, according to instructions of the secretary of state.

SECTION 6. That Section 34-708A, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

SECTION 7. That Section 34-713, Idaho Code, be, and the same is hereby amended to read as follows:

34-713. PREPARATION OF PRIMARY BALLOTS. Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary ballots for the forthcoming election. The printing of the ballots shall be a county expense and paid out of the county treasury except presidential preference primary ballots which shall be paid for as provided in section 34-739, Idaho Code.

Each county clerk shall cause to be published on the earliest date possible in August May the names of all the political party candidates who shall appear on the primary ballot; and shall--cause-to-be published-on-the-earliest-date--possible--in--May the names of all political party candidates who shall appear on the presidential preference primary year ballot. The names shall be listed alphabetically under each particular office title.

SECTION 8. That Section 34-731, Idaho Code, be, and the same is hereby amended to read as follows:

34-731. PRESIDENTIAL PREFERENCE VOTE. In years in which a president of the United States is to be nominated and elected, a presidential preference primary shall be held at which voters shall express their choice for candidates for nominations for president. The presidential preference primary shall be held in conjunction with the primary election, on the fourth Tuesday in May of each presidential year.

SECTION 9. That Section 34-739, Idaho Code, be, and the same is hereby amended to read as follows:

34-739. COSTS OF PRESIDENTIAL PREFERENCE PRIMARY NOTICE AND BALLOTS. Whenever a presidential preference primary election is held as provided by this act, the state of Idaho shall assume all costs of holding--such--election--and--shall--be--liable-for--its--prorated-share-of such-costs-in-a-general--election publication of legal notice and ballot preparation for the presidential preference primary. The county clerk shall determine the election legal notice and ballot preparation costs;--including-the-state's-prorated-share;--if-applicable; and shall
file a certified claim therefor which shall be examined, allowed and paid as other claims against the state are paid.

SECTION 10. That Section 34-902, Idaho Code, be, and the same is hereby amended to read as follows:

34-902. COUNTY COMMISSIONERS TO PROVIDE SUFFICIENT BALLOTS AND BALLOT BOXES FOR EACH POLLING PLACE AT ALL ELECTIONS. At its regular meeting in March, the board of county commissioners shall authorize that a suitable number of ballots be printed for each polling place. The county clerk shall cause such ballots to be printed upon receiving final instructions from the secretary of state, and the cost shall be paid from the county treasury. The board of county commissioners shall authorize the printing of ballots in the same manner for special elections when such special election is ordered by the governor or provided by law. The board of county commissioners shall also provide a suitable number of ballot boxes for each polling place within the county, and shall have complete authority to determine the specifications for such ballot boxes.

SECTION 11. That Section 34-1208, Idaho Code, be, and the same is hereby amended to read as follows:

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

Approved April 4, 1979.
AN ACT
RELATING TO A MORATORIUM ON ENFORCEMENT OF RIGHTS IF PROVISIONS OF
SECTION 63-707, IDAHO CODE, ARE DECLARED UNCONSTITUTIONAL; STATING
PUBLIC POLICY; AMENDING SECTION 63-707, IDAHO CODE, TO PROVIDE A
MORATORIUM ON THE ENFORCEMENT OF RIGHTS UNTIL JANUARY 1 OF THE
YEAR FOLLOWING A DECLARATION OF UNCONSTITUTIONALITY; AND DECLARING
AN EMERGENCY.

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

SECTION 1. Section 63-707, Idaho Code, prescribes methods of
assessment and allocation of values of operating property within the
state of Idaho, for purposes of ad valorem taxation. The legislature
finds that substantial changes in those methods will cause irreparable
fiscal injury to numerous taxing districts if such changes are
implemented prior to the enactment of corrective legislation which
addresses the fiscal impact of changes in those methods; the
legislature finds and determines that in the event section 63-707,
Idaho Code, shall be found to be unconstitutional, in whole or in
part, it is in the public interest that a moratorium on the
enforcement of any rights found to result from a required change in
methods be in effect until the next succeeding session of the Idaho
legislature at which time those rights may be enforced and the fiscal
impacts upon taxing districts may be ameliorated by corrective
legislation.

SECTION 2. That Section 63-707, Idaho Code, be, and the same is
hereby amended to read as follows:

63-707. MANNER OF ASSESSMENT -- VALUATION {Effective-January-1; 4979}. The state tax commission must assess all property which, under
the provisions of this chapter, 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 assessment of such property
on the fourth Monday of August in that year. The said commission shall
at such meeting ascertain 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, telegraph and telephone
line, and pipeline for transportation of commodities, including water
companies under the jurisdiction 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.

In the event any provisions of section 63-707, Idaho Code, shall
be finally judicially determined by the Idaho supreme court to be
unconstitutional, a moratorium on the enforcement of any rights found
to result from such finding of unconstitutionality shall be in effect
until January 1 of the next succeeding year following the
determination of unconstitutionality.

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

Approved April 3, 1979.
CHAPTER 311
(H.B. No. 237, As Amended in the Senate)

AN ACT RELATING TO LOG SCALING; AMENDING SECTION 38-1205, IDAHO CODE, TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE BOARD OF SCALING PRACTICES; AMENDING SECTION 38-1207, IDAHO CODE, TO PROVIDE THAT THE BOARD MUST HAVE AT LEAST FOUR MEETINGS PER YEAR; AMENDING SECTION 38-1209, IDAHO CODE, TO PROVIDE THAT THE BOARD MUST HAVE AT LEAST FOUR MEETINGS PER YEAR; AMENDING SECTION 38-1217, IDAHO CODE, TO PROVIDE THAT AN EXAMINATION MUST BE TAKEN BEFORE A RENEWAL OF A CERTIFICATE OF REGISTRATION AS A SCALER MAY BE ISSUED, AND TO INCREASE THE RENEWAL FEE; AMENDING SECTION 38-1219, IDAHO CODE, TO PROVIDE FOR AN INCREASED RENEWAL FEE; AND AMENDING SECTION 38-1220, IDAHO CODE, TO STRIKE REFERENCE TO THE IDAHO MANUAL OF INSTRUCTION FOR LOG SCALING AND THE MEASUREMENT OF TIMBER PRODUCTS; AND PROVIDING INSTRUCTIONS TO THE CODE COMMISSION TO COMPILE THE AMENDMENTS TO SECTION 38-1220, IDAHO CODE, AS MADE BY THIS ACT.

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

SECTION 1. That Section 38-1205, Idaho Code, be, and the same is hereby amended to read as follows:

38-1205. COMPENSATION. 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 ($20,0035.00) for each day actually spent in attending 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 2. That Section 38-1207, Idaho Code, be, and the same is hereby amended to read as follows:

38-1207. MEETINGS -- OFFICERS -- QUORUM. The board shall hold a meeting within thirty (30) days after its members are first appointed and thereafter shall hold at least one (1) four (4) regular meetings each year. The rules and regulations may provide for such additional regular meetings and for special meetings. Notice of all meetings shall be given as may be provided in the rules and regulations. The director of the department of lands shall be chairman of the state board of scaling practices and the board shall annually elect a vicechairman and a secretary, who shall be members of the board. Four (4) members shall constitute a quorum.

SECTION 3. That Section 38-1209, Idaho Code, be, and the same is
hereby amended to read as follows:

38-1209. LEVY OF ASSESSMENT -- BUDGET -- HEARING -- FUNDS -- BOND OF SECRETARY -- SALARY. (a) The board is hereby authorized and directed to levy an assessment on the scale of all forest products harvested within the state of Idaho in an amount not to exceed three cents (3¢) per thousand (1,000) board feet, provided that no such assessment shall be levied more than once on any forest product. The board shall set times and places for its meetings and shall hold not less than one-(i)-meeting four (4) meetings in each calendar year. The board shall designate a meeting date on which a budget shall be adopted and assessment shall be levied. Notice of such meeting shall be given thirty (30) days prior thereto in a newspaper of general circulation throughout the state. The board shall designate and levy an assessment as herein provided to raise moneys necessary to fund operations of the board and the state scaling program established by this chapter based upon the budget adopted and notice of such levy shall be given in the notice of the budget. The budget and assessment shall become effective upon adoption by the board. In the event a written request is made therefor by any interested person within thirty (30) days after notice of the budget and assessment has been published, the board shall set a time and place for a hearing at which any person may submit recommendations for changes in the budget and the assessment. Thereafter the board shall either confirm or modify the budget and assessment and cause notice of such action to be published in a newspaper of general circulation throughout the state within ten (10) days after such action. If the budget or the assessment is modified, the modification shall become effective upon publication. Such hearing shall be held not later than thirty (30) days after receipt of a written request therefor.

(b) The assessment herein provided shall be levied against and paid by the purchaser. The term "purchaser" as used herein shall also include the owner of the timber where the owner processes or utilizes the forest products in its operations or where the owner sells forest products outside the state of Idaho and the forest products are scaled within the state of Idaho, provided that the assessment provided in this chapter shall not be levied against the United States of America, nor any unit nor agency thereof. The assessment shall be transmitted to the board on or before the twentieth (20th) day of each month for all timber harvested during the previous month.

(c) The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund to be known as the "state scaling fund," which is hereby created in the state treasury. Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. All moneys in the "state scaling fund" are hereby continually appropriated for the use of the board. The
board may establish, maintain and use a rotary fund as provided by state law. The secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "state scaling fund." The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided in section 38-1205, Idaho Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act. All warrants on said "state scaling fund" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

SECTION 4. That Section 38-1217, Idaho Code, be, and the same is hereby amended to read as follows:

38-1217. EXPIRATION OF CERTIFICATE OF REGISTRATION -- RENEWAL -- FEES. Certificates of registration shall expire three-(3) two (2) years from the last day of March following their issuance or renewal and shall become invalid on that date unless renewed. Renewal An examination shall be taken before the renewal which may be effected at any time during the month of March by the payment of a renewal fee to be fixed by the board at not-less-than-three-dollars-(§3.00)--nor-more-than-ten-dollars-(§10.00) twenty-five dollars ($25.00).

Failure to renew within the time period heretofore provided will result in a reinstatement fee of twenty-five dollars ($25.00) and failure of renewal for a period of two (2) years will require the applicant to take the examination and pay the required examination fee.

SECTION 5. That Section 38-1219, Idaho Code, be, and the same is hereby amended to read as follows:

38-1219. REISSUANCE OR REINSTATEMENT. The board, for reasons it may deem sufficient, may reissue or reinstate a certificate of registration to any person whose certificate has been revoked or suspended, provided three (3) or more members of the board vote in favor of such reissuance or reinstatement. A new certificate of registration, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and upon payment of such reasonable charge therefor as shall be fixed by the board to cover the estimated cost of investigation and such reissuance, but not exceeding ten twenty-five dollars ($10.0025.00) in any case.

SECTION 6. That Section 38-1220, Idaho Code, be, and the same is
hereby amended to read as follows:

38-1220. AGREEMENTS AS TO SCALING METHODS USED. All parties to any log scaling agreement, except logging and hauling agreements, may elect to scale as between themselves either on the basis of the mensuration criteria from the National Forest Log Scaling Handbook or from the Idaho Manual of Instruction for Log Scaling and the Measurement of Timber Products, whether or not such logs are produced from federal land or measured by employees of an agency of the United States government. Forest products scaled or otherwise measured by or for any agency of the United States government shall not be affected by this act. The licensing and bonding provisions of this act do not apply to any person measuring logs for any agency of the United States government, unless such agency so elects.

SECTION 7. The amendments to Section 38-1220, Idaho Code, as made by Section 3 of Senate Bill No. 1108, as amended, First Regular Session, Forty-fifth Idaho Legislature, shall be disregarded by the Idaho Code Commission, and the amendments to Section 38-1220, Idaho Code, as herein enacted, shall be the only amendments compiled.

Approved April 3, 1979.

CHAPTER 312
(H.B. No. 142, As Amended)

AN ACT
RELATING TO POWERS AND DUTIES OF BOARDS OF COUNTY COMMISSIONERS;
AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 31-868, IDAHO CODE, TO AUTHORIZE THE BOARDS OF COUNTY
COMMISSIONERS OF THEIR RESPECTIVE COUNTIES TO ESTABLISH, CREATE,
DEVELOP, MAINTAIN AND OPERATE GEOTHERMAL ENERGY SYSTEMS FOR
HEATING.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-868, Idaho Code, and to read as follows:

31-868. DEVELOPMENT OF ENERGY SYSTEMS. The boards of county commissioners of their respective counties are empowered to establish, create, develop, maintain and operate geothermal energy systems for
heating for the benefit of the county and the residents of the county.

Approved April 3, 1979.

CHAPTER 313
(H.B. No. 120)

AN ACT RELATING TO IMMUNIZATION OF SCHOOL AGE CHILDREN; AMENDING SECTION 39-4601, IDAHO CODE, TO REDESIGNATE THE CODE SECTION NUMBER AND TO PROVIDE THAT IMMUNIZATION IS REQUIRED FOR CHILDREN TO ATTEND GRADES KINDERGARTEN THROUGH FIVE OF PUBLIC, PRIVATE OR PAROCHIAL ELEMENTARY SCHOOLS; AND TO REDESIGNATE CODE SECTION 39-4602, IDAHO CODE.

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

SECTION 1. That Section 39-4601, Idaho Code, be, and the same is hereby amended to read as follows:

39-4601. IMMUNIZATION REQUIRED. Except as provided in section 39-4602, Idaho Code, any child in Idaho of the school age of compulsory school attendance may attend grades kindergarten through five of any public, private or parochial elementary or secondary school operating in this state if otherwise eligible, 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 or his representative 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.

The parent or guardian of any child who is attending kindergarten through the third grade shall comply with this chapter beginning with the 1979 regular fall school term. The parent or guardian of any child who is attending kindergarten through the fifth grade shall comply
with this chapter beginning with the 1980 regular fall school term and thereafter.

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.

SECTION 2. That Section 39-4602, Idaho Code, be, and the same is hereby amended to read as follows:

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.

Approved April 3, 1979.

CHAPTER 314
(H.B. No. 169)

AN ACT
RELATING TO CREDIT UNEMPLOYMENT INSURANCE; AMENDING SECTION 41-506, IDAHO CODE, PROVIDING FOR CREDIT UNEMPLOYMENT INSURANCE; AMENDING SECTION 41-1317, IDAHO CODE, PROVIDING FOR ALLOWING CREDIT UNEMPLOYMENT INSURANCE AS AN ALLOWABLE GROUP.

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

SECTION 1. That Section 41-506, Idaho Code, be, and the same is hereby amended to read as follows:

41-506. "CASUALTY INSURANCE" DEFINED. (1) "Casualty insurance" includes:
(a) Vehicle insurance. Insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incidental to ownership, maintenance or use of any such vehicle, aircraft or animal; and provision of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to insurance on the vehicle, aircraft or animal.

(b) Automobile guaranty. Insurance of the mechanical condition, or freedom from defective or worn parts or equipment, of motor vehicles.

(c) Liability insurance. Insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provision of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance.

(d) Workmen’s compensation. Insurance of the obligations accepted by, imposed upon, or assumed by employers under law for death, disablement, or injury of employees.

(e) Burglary and theft. Insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal, or concealment, or from any attempt at any of the foregoing; including supplemental coverage for medical, hospital, surgical, and funeral expense incurred by the named insured or any other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents, resulting from any cause.

(f) Personal property floater. Insurance upon personal effects against loss or damage from any cause, under a personal property floater.

(g) Glass. Insurance against loss or damage to glass, including its lettering, ornamentation, and fittings.

(h) Boiler and machinery. Insurance against any liability and loss or damage to property or interest resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery, or apparatus, and to make inspection of and issue certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured.

(i) Leakage and fire extinguishing equipment. Insurance against loss or damage to any property or interest caused by the breakage or
leakage of sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus, water pipes or containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus.

(j) Credit. Insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured.

(k) Malpractice. Insurance against legal liability of the insured, and against loss, damage, or expense incidental to a claim of such liability, and including medical, hospital, surgical, and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service.

(l) Congenital defects. Insurance against congenital defects in human beings.

(m) Livestock. Insurance against loss or damage to livestock, and services of a veterinary for such animals.

(n) Elevator. Insurance against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire, and to make inspections of and issue certificates of inspection upon, elevators.

(o) Entertainments. Insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment, or similar production, event, or exhibition against loss from interruption, postponement, or cancelation thereof due to death, accidental injury, or sickness of performers, participants, directors, or other principals.

(p) Failure to file certain instruments. Insurance against loss resulting from failure to file or record written instruments affecting the title of or creating a lien upon personal property.

(q) Miscellaneous. Miscellaneous casualty insurance shall include, but not be limited to, credit unemployment insurance indemnifying a debtor for installment or other periodic payments on the indebtedness while a debtor suffers a loss of income due to involuntary unemployment. Insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the director as being contrary to law or public policy.

(2) Provision of medical, hospital, surgical, and funeral benefits, and of coverage against accidental death or injury, as incidental to and part of other insurance as stated under subdivisions (a) (vehicle), (c) (liability), (e) (burglary), and (k) (malpractice) of subsection (1) shall for all purposes be deemed to be the same kind of insurance to which it is so incidental, and shall not be subject to provisions of this code applicable to life or disability insurances.
SECTION 2. That Section 41-1317, Idaho Code, be, and the same is hereby amended to read as follows:

41-1317. FICTITIOUS GROUPS. (1) No insurer, whether an authorized insurer or an unauthorized insurer, shall make available through any rating plan or form, property, casualty or surety insurance to any firm, corporation, or association of individuals, any preferred rate or premium based upon any fictitious grouping of such firm, corporation, or individuals. For the purposes of this section a "fictitious" group is one in which members of such group do not have a common insurable interest as to the subject of the insurance and the risk or risks insured or to be insured.

(2) No form or plan of insurance covering any group or combination of persons or risks shall be written or delivered within or outside of Idaho to cover Idaho persons or risks at any preferred rate or form other than that offered to persons not in such group and the public generally, unless such form, plan or policy and the rates or premiums to be charged therefor have been submitted to and approved by the director as not in conflict with subsection (1) above, and section 41-1405 (rate standards), Idaho Code.

(3) Nothing in this section shall apply to workmen's compensation, life or disability insurance or to annuity contracts; nor to any insurer which restricts its insurance coverages to members of a particular association or organization with which the insurer is directly affiliated; nor to credit unemployment insurance indemnifying a creditor for installment or other periodic payments on indebtedness becoming due while a debtor has suffered loss of income resulting from involuntary unemployment; nor to public municipal corporations, public governmental employers or public governmental entities; nor nor to group casualty or liability coverage when the director has determined that an affinity of interest legitimately exists between or among the members of the group.

Approved April 3, 1979.

CHAPTER 315
(H.B. No. 118, As Amended in the Senate)

AN ACT
RELATING TO JUDGMENTS; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2520A, IDAHO CODE, TO PROVIDE A MANDATORY MINIMUM SENTENCE OF THREE YEARS FOR AN OFFENDER WHO HAS COMMITTED AN ENUMERATED FELONY WHILE USING A DEADLY WEAPON OR
INSTRUMENT AND WITHIN TEN YEARS OF A PREVIOUS FELONY CONVICTION.

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

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

19-2520A. MANDATORY MINIMUM SENTENCES. Every person convicted of any felony enumerated in section 19-2520, Idaho Code, and who used, threatened or attempted to use a firearm or other deadly weapon or instrument while committing the felony, and who has been convicted of a previous felony in another state or if within Idaho a previous felony as enumerated in section 19-2520, Idaho Code, within a ten (10) year period prior to the commission of the subsequent felony, in substitute for the penalty prescribed in section 19-2520, Idaho Code, shall be imprisoned in the state penitentiary for a mandatory minimum period of not less than three (3) years or for such greater period as the court may impose up to a maximum of fifteen (15) years. This additional sentence shall run consecutively to any other sentence imposed for the enumerated felony or felonies. The mandatory minimum period of three (3) years incarceration shall be served without eligibility for parole less any allowance for goodtime.

Approved April 3, 1979.

CHAPTER 316
(S.B. No. 1191, As Amended)

AN ACT RELATING TO PUBLIC ASSISTANCE; AMENDING SECTION 56-233a, IDAHO CODE, TO CLARIFY DETERMINATION OF COSTS TO BE PAID BY THE DEPARTMENT.

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 to each and every provider of medical services the full reasonable costs 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 April 6, 1979.

CHAPTER 317
(H.B. No. 163)

AN ACT
RELATING TO THE RESPONSIBILITIES AND LIABILITIES OF RECREATIONAL PARTICIPANTS AND OUTFITTERS AND GUIDES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 6, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE DUTIES OF AN OUTFITTER AND GUIDE, TO PROVIDE FOR THE DUTIES OF PARTICIPANTS, AND TO PROVIDE FOR THE LIABILITY OF OUTFITTERS AND GUIDES.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 12, Title 6, Idaho Code, and to read as follows:

CHAPTER 12
RESPONSIBILITIES AND LIABILITIES OF RECREATIONAL PARTICIPANTS AND OUTFITTERS AND GUIDES

6-1201. LEGISLATIVE PURPOSE. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the recreational value of Idaho's mountains, rivers, and streams, many of which are remote and far removed for ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the services offered by licensed outfitters and guides significantly contribute to the economy of the state of Idaho. The legislature recognizes that there are inherent risks in the recreational activities provided by outfitters which should be understood by each participant. These risks are essentially impossible to eliminate by outfitters and guides. It is the purpose of this chapter to define those areas of responsibility and affirmative acts
for which outfitters and guides shall be liable for loss, damage, or injury, and to define those risks which the participant expressly assumes and for which there can be no recovery.

6-1202. DEFINITIONS. (a) "Outfitter" shall include any individual, firm, partnership, corporation, or other organization or any combination thereof as defined in section 36-2102(b), Idaho Code.  
(b) "Guide" shall include any person defined in section 36-2102(c), Idaho Code.  
(c) "Participant" shall include any person using the services of an outfitter or guide licensed under chapter 21, title 36, Idaho Code.

6-1203. DUTIES OF AN OUTFITTER. All outfitters offering professional services in this state shall provide facilities, equipment, and services as advertised or as agreed upon between the outfitter and the participant. All services, facilities, and equipment provided by outfitters in this state shall conform to safety and other requirements set forth in chapter 21, title 36, Idaho Code, and by the rules and regulations promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1204. DUTIES OF A GUIDE. Any guide providing personal services for an outfitter in this state shall conform to the standard of care expected of members of his profession and he shall comply with all duties and requirements placed on him by chapter 21, title 36, Idaho Code, and by the rules and regulations promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1205. DUTIES OF PARTICIPANTS. It is recognized that some recreational activities conducted by outfitters and guides are hazardous to participants regardless of all feasible safety measures which can be taken. Participants shall have a duty to act as would a reasonably prudent man when engaging in recreational activities offered by licensed outfitters and guides in this state. Participants shall have a duty not to:

(a) Do any act which shall interfere with the running or operation of an outfitter's or guide's activities, when such activities conform to the rules and regulations of the Idaho outfitters and guides board and to the requirements of chapter 21, title 36, Idaho Code;  
(b) Use any outfitter's or guide's equipment or facilities or services if the participant does not have the ability to use such facilities or equipment or services safely without instructions until the participant has requested and received sufficient instruction to permit safe usage;  
(c) Engage in any harmful conduct, or willfully or negligently engage in any type of conduct which contributes to or causes injury to
any person;
(d) Embark on any self-initiated activity without first informing
the outfitter or guide of his intentions and receiving permission from
the outfitter or guide to engage in such self-initiated activity.

6-1206. LIABILITY OF OUTFITTERS AND GUIDES. (a) No licensed
outfitter or guide acting in the course of his employment shall be
liable to a participant for damages or injuries to such participant
unless such damage or injury was directly or proximately caused by
failure of the outfitter or guide to comply with the duties placed on
him by chapter 21, title 36, Idaho Code, or by the rules and
regulations of the Idaho outfitters and guides board, or by the duties
placed on such outfitter or guide by the provisions of this chapter.
(b) The limitations on liability created by this chapter shall
apply only to outfitters or guides appropriately licensed under the
provisions of chapter 21, title 36, Idaho Code, and only when the
outfitter or guide is acting within the course of his employment. In
the event that there is damage or injury to a participant by the
action of an outfitter or guide, and there is no exemption for
liability for such outfitter or guide under the provisions of this
act, the rules of negligence and comparative negligence existing in
the laws of the state of Idaho shall apply.

Approved April 5, 1979.

CHAPTER 318
(H.B. No. 135)

AN ACT
RELATING TO INSURANCE; AMENDING SECTION 41-402, IDAHO CODE, TO EXEMPT
ANY DOMESTIC RECIPROCAL INSURER FROM THE PREMIUM TAX WHEN THE
INSURER EXCLUSIVELY INSURES MEMBERS WHO ARE GOVERNMENTAL ENTITIES;
AMENDING SECTION 41-2906, IDAHO CODE, TO EXEMPT SUCH DOMESTIC
RECIPROCAL INSURER FROM THE REQUIREMENT FOR SURPLUS FUNDS;
AMENDING SECTION 41-2918, IDAHO CODE, TO PROVIDE THAT SUCH A
DOMESTIC RECIPROCAL INSURER'S FINANCIAL CONDITION BE DETERMINED BY
THE REINSURER PURCHASING THE EXCESS OF AGGREGATE REINSURANCE;
AMENDING SECTION 41-2919, IDAHO CODE, TO PROVIDE THAT ANY
GOVERNMENTAL ENTITY MAY INSURE WITH SUCH A DOMESTIC RECIPROCAL
INSURER WHO COMPLIES WITH TITLE 41, IDAHO CODE; AMENDING SECTION
41-2926, IDAHO CODE, TO PROVIDE THAT SUCH A DOMESTIC RECIPROCAL
INSURER BE GRANTED A CERTIFICATE AUTHORIZING THE INSURER TO
EXTINGUISH ANY CONTINGENT LIABILITY OF THE MEMBER IF THE INSURER
MAINTAINS A LOSS PAYING FUND.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-402, Idaho Code, be, and the same is hereby amended to read as follows:

41-402. PREMIUM TAX. (1) Each authorized insurer, and each formerly authorized insurer with respect to insurance transacted while an authorized insurer, shall file with the director on or before the first day of March of each year a statement (on forms as prescribed and furnished by the director) under oath for the year ending December 31 next preceding, and pay the director a tax at the rate set forth in subsection (2) of this section, on the following amounts:

(a) As to life insurers, the amount of all gross premiums received by the insurer on direct risks resident in this state, and also, if a domestic insurer, on direct risks resident in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less returned coupons and dividends paid to or credited to policy holders.

(b) As to all insurers other than life insurers, the amount of gross direct premiums written on policies covering subjects of insurance resident, located or performed in this state, and also, if a domestic insurer, on such premiums in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less returned premiums, premiums on policies not taken and dividends paid or credited to policy holders. As to title insurance "gross premium" means the insurance risk portion of the amount charged for title insurance.

(2) Subject to section 41-403, Idaho Code, the rate of tax shall be as follows:

(a) As to title insurance the rate of tax shall be one per cent (1%).

(b) As to all other kinds of insurance, the rate of tax shall be three per cent (3%).

(3) This section shall not apply as to any domestic reciprocal insurer doing exclusively a workmen's compensation business and complying with the provisions of the workmen's compensation law of this state and writing workmen's compensation only for members under that law, if its representatives or agents or the attorney in fact executing such contracts are not compensated on a commission basis.

(4) This section shall not apply as to life insurance policies issued under pension plans or profit-sharing plans exempt or qualified under sections 401(a), 403, 404, 408, or 501(a) of the United States internal revenue code, as hereafter amended or renumbered from time to time, nor to annuity contracts in general.

(5) This section shall not apply to any domestic reciprocal
insurer which exclusively insures members who are governmental entities, as defined by section 6-902(1), (2) and (3), Idaho Code.

SECTION 2. That Section 41-2906, Idaho Code, be, and the same is hereby amended to read as follows:

41-2906. SURPLUS FUNDS REQUIRED. (1) A domestic reciprocal insurer which held a valid certificate of authority to transact insurance in this state immediately prior to the effective date of this code title is governed, as to surplus required to be maintained, by section 41-314 of this code, Idaho Code.

(2) A domestic reciprocal insurer hereafter formed may be authorized to transact insurance if it has otherwise complied with the applicable provisions of this code title and has and thereafter maintains surplus funds as follows:
   (a) To transact property insurance, surplus of not less than two hundred and fifty thousand dollars ($250,000);
   (b) To transact casualty insurance, without workmen's compensation included, surplus of not less than one hundred and fifty thousand dollars ($150,000); to transact casualty insurance, including workmen's compensation, surplus of not less than three hundred thousand dollars ($300,000).

(3) In addition to surplus required to be maintained under subsection (2) above, the insurer shall have, when first so authorized, expendable surplus equal to not less than one-half (1/2) of the minimum amount of surplus required to be maintained.

(4) A domestic reciprocal insurer may be authorized to transact additional kinds of insurance if it has otherwise complied with the provisions of this code therefor and possesses and maintains surplus funds not less in amount than the minimum capital stock required of a domestic stock insurer for authority to transact a like combination of kinds of insurance, but subject to section 41-313(3), Idaho Code, as to additional kinds of insurance and surplus required therefor during the first three (3) years.

(5) This section shall not apply to any domestic reciprocal insurer which exclusively insures members who are governmental entities, as defined by section 6-902(1), (2) and (3), Idaho Code.

(6) Excepting from the provisions of this section any insurer licensed prior to the approval of this section.

SECTION 3. That Section 41-2918, Idaho Code, be, and the same is hereby amended to read as follows:

41-2918. FINANCIAL CONDITION -- METHOD OF DETERMINING. In determining the financial condition of a reciprocal insurer the director shall apply the following rules:

(1) He shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a
reserve basis.

(2) The surplus deposits of subscribers shall be allowed as assets, except that any premium deposits delinquent for ninety (90) days shall first be charged against such surplus deposit.

(3) The surplus deposits of subscribers shall not be charged as a liability.

(4) All premium deposits delinquent less than ninety (90) days shall be allowed as assets.

(5) An assessment levied upon subscribers, and not collected, shall not be allowed as an asset.

(6) The contingent liability of subscribers shall not be allowed as an asset.

(7) The computation of reserves shall be based upon premium deposits other than membership fees and without any deduction for expenses and the compensation of the attorney.

(8) A domestic governmental reciprocal insurer licensed under the provisions of section 41-2906(5), Idaho Code, shall establish a loss paying fund in an amount sufficient to meet the requirements of the reinsurer for the purpose of purchasing excess of aggregate reinsurance. A loss paying fund is defined for the purpose of this title as funds set aside or maintained for the purpose of paying claims, claims costs including adjustment costs, litigation fees and court costs and other related costs. Excess of aggregate reinsurance is defined for the purposes of this title as insurance coverage provided by a reinsurer wherein the reinsurer assumes the loss above the retentions or loss paying fund of the reinsured. Its purpose is to limit aggregate loss over a specified period of time.

The excess of aggregate reinsurance shall carry at least a thirty (30) day written cancellation clause. If the reinsurer elects to cancel the excess of aggregate reinsurance contract, a copy of the cancellation notice must be forwarded immediately to the director of the department of insurance of the state of Idaho.

SECTION 4. That Section 41-2919, Idaho Code, be, and the same is hereby amended to read as follows:

41-2919. WHO MAY BE SUBSCRIBERS. (1) Individuals, partnerships, associations and corporations, public or private, of this state, hereby designated as subscribers, are authorized to exchange reciprocal or interinsurance contracts with each other, or with individuals, partnerships, associations and corporations, public or private, of other states and countries, providing indemnity among themselves for any loss which may be insured against by the reciprocal insurer to which they are subscribers; except, that public corporations of this state may so insure only in an insurer which has a surplus of three hundred thousand dollars ($300,000) or more and under an insurance contract as to which such an insured has no contingent liability.
(2) Any corporation now or hereafter organized under the laws of this state shall, in addition to the rights, powers and franchises specified in its articles of incorporation have full power and authority to exchange insurance contracts of the kind and character mentioned in subsection (1) above. The right to exchange such contracts is declared to be incidental to the purposes for which such corporations are organized and as much granted as the rights and powers expressly conferred.

(3) Governmental entities of this state as defined by section 6-902, Idaho Code, may insure with a domestic reciprocal insurer authorized to do business in this state as a reciprocal insurer so long as said governmental entity insurer has complied with the applicable provisions of this title.

(4) Any officer, representative, trustee, receiver, or legal representative of any such subscriber shall be recognized as legal acting not be for or on its behalf for the purpose of such contract but shall not be personally liable upon the contract by reason of acting in such representative capacity.

SECTION 5. That Section 41-2926, Idaho Code, be, and the same is hereby amended to read as follows:

41-2926. NONASSESSABLE POLICIES. (1) Nongovernmental entities. If a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the director shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

(2) Upon impairment of such surplus, the director shall forthwith revoke the certificate. Such revocation shall not render subject to contingent liability any policy then in force and for the remainder of the period for which the premium has theretofore been paid; but after such revocation no policy shall be issued or renewed without providing for contingent assessment liability of the subscriber.

(3) The director shall not authorize a domestic reciprocal insurer so to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its subscribers and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its subscribers as may acquire such policies in such state, and need
not extinguish the contingent liability applicable to policies theretofore in force in such state.

(4) Governmental entities. If a domestic reciprocal insurer licensed to do business in this state as such and insuring only governmental entities of this state has a loss paying fund as required by section 41-2918(8), Idaho Code, the director shall issue his certificate authorizing the insurer to extinguish any contingent liability of the member under its policy or policies and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state.

Approved April 5, 1979.

CHAPTER 319
(H.B. No. 183)

AN ACT
RELATING TO DWELLINGS IN CONNECTION WITH GROUP RESIDENCES FOR MENTALLY AND/OR PHYSICALLY HANDICAPPED PERSONS; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-6530, 67-6531 AND 67-6532, IDAHO CODE, BY DECLARING LEGISLATIVE POLICY; BY DEFINING SINGLE FAMILY DWELLING FOR THE PURPOSE OF ZONING LAWS, ORDINANCES OR CODES; BY PROVIDING FOR LICENSURE, STANDARDS AND RESTRICTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 67-6530, 67-6531 and 67-6532, Idaho Code, and to read as follows:

67-6530. DECLARATION OF PURPOSE. The legislature declares that it is the policy of this state that mentally and/or physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability, and in order to achieve statewide implementation of such policy it is necessary to establish the statewide policy that the use of property for the care of eight (8) or fewer mentally and/or physically handicapped persons is a residential use of such property for the purposes of local zoning.

67-6531. SINGLE FAMILY DWELLING. (a) For the purpose of any zoning law, ordinance or code, the classification "single family
"dwelling" shall include any home in which eight (8) or fewer unrelated mentally and/or physically handicapped persons reside; and which is supervised.

(b) Resident staff, if employed, need not be related to each other or to any of the mentally and/or physically handicapped persons residing in the home.

(c) No more than two (2) of such staff shall reside in the dwelling at any one time.

67-6532. LICENSURE, STANDARDS AND RESTRICTIONS. (a) The department of health and welfare may require such residences to be licensed and set minimum standards for providing services or operation. Such licensure may be under the shelter home regulations, or under the intermediate care facilities for mentally retarded or related conditions regulations, or under regulations specifically written for such residences.

(b) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves eight (8) or fewer mentally and/or physically handicapped persons and is supervised as required in section 67-6531, Idaho Code, which is not required of a single family dwelling in the same zone.

(c) No local ordinances or local restrictions shall be applied to or required for a residential facility which serves eight (8) or fewer mentally and/or physically handicapped persons and is supervised as required in section 67-6531, Idaho Code, which is not applied to or required for a single family dwelling in the same zone.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

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

Approved April 5, 1979.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For tax years beginning during calendar year 1978 there shall be allowed, in addition to the deductions allowed by section 63-3022, Idaho Code, adjustments to taxable income as follows:

(a) In the case of natural persons there shall be allowed as deductions from gross income, sixty percent (60%) of the amount of net capital gain for any transactions occurring after October, 1978, as provided by section 1202 of the Internal Revenue Code.

(b) Individual taxpayers, as provided by section 121 of the Internal Revenue Code, may exclude from gross income an amount not exceeding one hundred thousand dollars ($100,000) (fifty thousand dollars ($50,000) in the case of a separate return by a married individual) from the sale or exchange of a personal residence made after July 26, 1978, if:

(1) The taxpayer has attained the age of fifty-five (55) before the date of such sale or exchange, and

(2) During the five (5) year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating three (3) years or more.

SECTION 2. An emergency existing 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 April 5, 1979.
THE COUNTY.

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

SECTION 1. That Section 40-2703, Idaho Code, be, and the same is hereby amended to read as follows:

40-2703. COUNTY WIDE ELECTION TO ADOPT METHOD OF SECONDARY HIGHWAY ADMINISTRATION -- PROCEDURE. In any county where there is a petition for vote under this act, the county commissioners must refer by popular vote to the entire electorate of said county the question of administration thereof, allowing such electorate at such election to adopt one (1) of the following systems for administration:

(1) To establish a county wide highway system for the administration of the secondary road system of the entire county by county commissioners;

(2) For the formation of a county wide highway district independent of the administration of the county commissioners;

(3) For the division of the county or area into highway districts covering the entire county secondary road system which could include parts of adjacent counties.

(4) For the continued existence of the present method of administration of the secondary highway system in the county.

In any county, petitions signed by five per cent (5%) of the qualified voters of each and every highway or good roads district within the county and--of--the--qualified--voters--in--each--county commissioner-district-of-the-county-or-portion-thereof--not--contained in--a--highway--or--good--roads--district; may be filed with the county clerk and upon the county commissioners finding that such petitions have been properly signed and filed, submit the matter to vote of the entire county by a special election not less than ninety (90) days from the filing of said petitions. All of the laws of the state of Idaho relating to the holding of elections at the county level shall apply to the holding of such special election provided for in this act, except as may be specifically modified herein. In addition to the other requirements of the law, the notice of election shall notify the electors of the issues to be voted upon at said election, and publication of such notice shall be as required for elections at the county level. Public hearing within the county shall be held, as deemed advisable, by the county commissioners.

A. The county commissioners in the notice of election shall designate such polling places in each precinct as shall adequately provide for the vote at such election. Every qualified elector of the precinct who was registered to vote at the last general election may vote thereat.

B. The vote shall be canvassed by the board of county commissioners within five (5) days of the election.

C. Upon any one of the three-(3) four (4) options herein
receiving a majority of the valid votes cast at such election, such option shall be declared to have been selected by the said vote.

D. In the event that no one of the three-(3) four (4) options voted upon shall receive a majority then the county commissioners shall provide a runoff election to be held within the next thirty (30) days to determine which of the two (2) optional methods receiving the highest number of votes shall be adopted.

SECTION 2. That Section 40-2705, Idaho Code, be, and the same is hereby amended to read as follows:

40-2705. DISTRICTS TO BE ECONOMICALLY WORKABLE -- MAXIMUM NUMBER OF DISTRICTS. Highway districts hereinafter organized or consolidated from existing highway districts or good roads districts, or formed hereafter under the provisions of said option law, shall consist of areas having sufficient mileage, valuation and budget to be considered economically workable. The county commissioners shall organize such districts with regard to geographical locations as shall make for the most efficient operation. In no event shall any county consist of more than six (6) highway districts.

Approved April 5, 1979.

CHAPTER 322
(S.B. No. 1162)

AN ACT
RATIFYING AND APPROVING THE INTERSTATE COMPACT RELATING TO THE WATERS OF THE BEAR RIVER ENTERED INTO AT THE CITY OF SALT LAKE CITY, UTAH, ON THE TWENTY-SECOND DAY OF DECEMBER, 1978, BY COMMISSIONERS REPRESENTING THE STATES OF IDAHO, UTAH, AND WYOMING; THE IDAHO COMMISSIONERS ACTING PURSUANT TO AUTHORITY GRANTED BY ARTICLE XIV OF THE RATIFIED BEAR RIVER COMPACT APPEARING AT SECTION 42-3402, IDAHO CODE, SUBJECT, HOWEVER, TO APPROVAL BY APPROPRIATE LEGISLATIVE ACTION BY THE STATES OF UTAH AND WYOMING AND CONSENT BY APPROPRIATE LEGISLATIVE ENACTMENT BY THE CONGRESS OF THE UNITED STATES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-3402, Idaho Code, be, and the same is hereby amended to read as follows:

42-3402. BEAR RIVER COMPACT RATIFIED. Ratification and approval
is hereby given to the Bear River Compact as signed at the city of Salt Lake City, in the state of Utah on the fourth day of February, 1955; by Fred M. Cooper, Meivin Lauridsen and Mark R. Kuip, twenty-second day of December, 1978, by Clifford J. Skinner, J. Daniel Roberts and Don W. Gilbert, commissioners of the state of Idaho, acting pursuant to authority granted by chapter 90 of the Idaho Session Laws of 1943 article XIV of the ratified Bear River Compact appearing at section 42-3402, Idaho Code, and the commissioners representing the state of Utah, the state of Wyoming and approved by Senator Wallace N. Jibson, Representative of the United States, which compact is in full as follows:

AMENDED BEAR RIVER COMPACT

The state of Idaho, the state of Utah, and the state of Wyoming, acting through their respective commissioners after negotiations participated in by a representative of the United States of America appointed by the President, have agreed to an amended Bear River Compact as follows:

ARTICLE I

A. The major purposes of this compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; and to promote interstate comity; and to accomplish an equitable apportionment of the waters of the Bear River among the compacting states.

B. The physical and all other conditions peculiar to the Bear River constitute the basis for this compact. No general principle or precedent with respect to any other interstate stream is intended to be established.

ARTICLE II

As used in this compact the term
1. "Bear River" means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;
2. "Bear Lake" means Bear Lake and Mud Lake.
3. "Upper Division" means the portion of Bear River from its source in the Uinta Mountains to and including Pixley Dam, a diversion dam in the Southeast Quarter of Section 25, Township 23 North, Range 120 West, Sixth Principal Meridian, Wyoming;
4. "Central Division" means the portion of the Bear River from Pixley Dam to and including Stewart Dam, a diversion dam in Section 34, Township 13 South, Range 44 East, Boise Base and Meridian, Idaho;
5. "Lower Division" means the portion of the Bear River between
Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;

6. "Upper Utah Section Diversions" means the sum of all diversions in second-feet from the Bear River and the tributaries of the Bear River joining the Bear River upstream from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming; excluding the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

7. "Upper Wyoming Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming, to the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, and including the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

8. "Lower Utah Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, to the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph, Utah;

9. "Lower Wyoming Section Diversions" means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph to and including the diversion at Pixley Dam;

10. "Commission" means the Bear River Commission, organized pursuant to Article III of this compact;

11. "Water user" means a person, corporation, or other entity having a right to divert water from the Bear River for beneficial use;

12. "Second-foot" means a flow of one cubic foot of water per second of time passing a given point;

13. "Acre-foot" means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;

14. "Biennium" means the 2-year period commencing on October 1 of the first odd numbered year after the effective date of this compact and each 2-year period thereafter;

15. "Water year" means the period beginning October 1 and ending September 30 of the following year;

16. "Direct flow" means all water flowing in a natural watercourse except water released from storage or imported from a source other than the Bear River watershed;

17. "Border Gaging Station" means the stream flow gaging station in Idaho on the Bear River above Thomas Fork near the Wyoming-Idaho boundary line in the Northeast Quarter of the Northeast Quarter of Section 15, Township 14 South, Range 46 East, Boise Base and Meridian, Idaho;

18. "Smiths Fork" means a Bear River tributary which rises in Lincoln County, Wyoming and flows in a general southwesterly direction to its confluence with Bear River near Cokeville, Wyoming;
19. "Grade Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a westerly direction and in its natural channel is tributary to Smiths Fork in Section 17, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming;

20. "Pine Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, emerging from its mountain canyon in Section 34, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming, and in its natural channel is tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;

21. "Bruner Creek" and "Pine Creek Springs" means Smiths Fork tributaries which rise in Lincoln County, Wyoming, in Sections 31 and 32, Township 25 North, Range 118 West, Sixth Principal Meridian, and in their natural channels are tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;

22. "Spring Creek" means a Smiths Fork tributary which rises in Lincoln County, Wyoming, in Sections 1 and 2, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming, and flows in a general westerly direction to its confluence with Smiths Fork in Section 4, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

23. "Sublette Creek" means the Bear River tributary which rises in Lincoln County, Wyoming and flows in a general westerly direction to its confluence with Bear River in Section 20, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

24. "Hobble Creek" means the Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a general southwestly direction to its confluence with Smiths Fork in Section 35, Township 28 North, Range 118 West, Sixth Principal Meridian, Wyoming;

25. "Hilliard East Fork Canal" means that irrigation canal which diverts water from the right bank of the East Fork of Bear River in Summit County, Utah, at a point West 1,310 feet and North 330 feet from the Southeast corner of Section 16, Township 2 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the Southwest Quarter of Section 21, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

26. "Lannon Canal" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, East 1,480 feet from the West Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

27. "Lone Mountain Ditch" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, North 1,535 feet and East 1,120 feet from the West Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the
Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

28. "Hilliard West Side Canal" means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, at a point North 2,190 feet and East 1,450 feet from the South Quarter corner of Section 13, Township 3 North, Range 9 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

29. "Francis Lee Canal" means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the Northeast Quarter of Section 30, Township 18 North, Range 120 West, Sixth Principal Meridian, Wyoming, and runs in a westerly direction across the Wyoming-Utah State line into Section 16, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah;

30. "Chapman Canal" means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the Northeast Quarter of Section 36, Township 16 North, Range 121 West, Sixth Principal Meridian, Wyoming, and runs in a northerly direction crossing over the low divide into the Saleratus drainage basin near the Southeast corner of Section 36, Township 17 North, Range 121 West, Sixth Principal Meridian, Wyoming and then in a general westerly direction crossing the Wyoming-Utah State line;

31. "Neponset Reservoir" means that reservoir located principally in Sections 34 and 35, Township 8 North, Range 7 East, Salt Lake Base and Meridian, Utah, having a capacity of 6,900 acre-feet.

ARTICLE III

A. There is hereby created an interstate administrative agency to be known as the "Bear River Commission" which is hereby constituted a legal entity and in such name shall exercise the powers hereinafter specified. The commission shall be composed of nine commissioners, three commissioners representing each signatory state, and if appointed by the President, one additional commissioner representing the United States of America who shall serve as chairman, without vote. Each commissioner, except the chairman, shall have one vote. The state commissioners shall be selected in accordance with state law. Six commissioners who shall include two commissioners from each state shall constitute a quorum. The vote of at least two thirds of the commissioners when a quorum is present shall be necessary for the action of the commission.

B. The compensation and expenses of each commissioner and each adviser shall be paid by the government which he represents. All expenses incurred by the commission in the administration of this compact, except those paid by the United States of America, shall be paid by the signatory states on an equal basis.
C. The commission shall have power to:
1. Adopt by-laws, rules, and regulations not inconsistent with this compact;
2. Acquire, hold, convey or otherwise dispose of property;
3. Employ such persons and contract for such services as may be necessary to carry out its duties under this compact;
4. Sue and be sued as a legal entity in any court of record of a signatory state, and in any court of the United States having jurisdiction of such action;
5. Cooperate with state and federal agencies in matters relating to water pollution of interstate significance;
6. Perform all functions required of it by this compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in cooperation with others, including state and federal agencies.

D. The commission shall:
1. Enforce this compact and its orders made hereunder by suit or other appropriate action;
2. Annually compile a report covering the work of the commission for the water year ending the previous September 30 and transmit it to the President of the United States and to the governors of the signatory states on or before April 1 of each year;
3. Prepare and transmit to the governors of the signatory states, and to the President of the United States, a report of expenditures during the current biennium, and an estimate for the following biennium.

ARTICLE IV

Rights to direct flow water shall be administered in each signatory state under state law, with the following limitations:

A. When there is a water emergency, as hereinafter defined for each division, water shall be distributed therein as provided below.

1. Upper Division
   a. When the divertible flow as defined below for the Upper Division is less than 1,250 second-feet, a water emergency shall be deemed to exist therein and such divertible flow is allocated for diversion in the river sections of the Division as follows:
      Upper Utah Section Diversions--0.6 per cent,
      Upper Wyoming Section Diversions--49.3 per cent,
      Lower Utah Section Diversions--40.5 per cent,
Lower Wyoming Section Diversions—9.6 per cent.
Such divertible flow shall be the total of the following five items:

1. Upper Utah Section Diversions in second-feet,
2. Upper Wyoming Section Diversions in second-feet,
3. Lower Utah Section Diversions in second-feet,
4. Lower Wyoming Section Diversions in second-feet,
5. The flow in second-feet passing Pixley Dam.

b. The Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal, which divert water in Utah to irrigate lands in Wyoming, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

c. The Chapman, Bear River, and Francis Lee Canals, which divert water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Utah, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

d. The Beckwith Quinn West Side Canal, which diverts water from the main stem of Bear River in Utah to irrigate lands in both Utah and Wyoming, shall be supplied from the divertible flow allocated to the Lower Utah Section Diversions.

e. If for any reason the aggregate of all diversions in a river section of the Upper Division does not equal the allocation of water thereto, the unused portion of such allocations shall be available for use in the other river sections in the Upper Division in the following order:
   (1) In the other river section of the same state in which the unused allocation occurs; and (2) In the river sections of the other state. No permanent right of use shall be established by the distribution of water pursuant to this paragraph e.

f. Water allocated to the several sections shall be distributed in each section in accordance with state law.

2. Central Division

a. When either the divertible flow as hereinafter defined for the Central Division is less than 870 second-feet, or the flow of the Bear River at Border Gaging Station is less than 350 second-feet, whichever shall first occur, a water emergency shall be deemed to exist in the Central Division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and from the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho state line near border shall be limited for the benefit of the state of Idaho, to not exceeding forty-three
(43) per cent of the divertible flow. The remaining fifty-seven (57) per cent of the divertible flow shall be available for use in Idaho in the Central Division, but if any portion of such allocation is not used therein it shall be available for use in Idaho in the Lower Division.

The divertible flow for the Central Division shall be the total of the following three items:

1. Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, and Smiths Fork and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho state line near Border, Wyoming.

2. Diversions in second-feet in Idaho from the Bear River main stem from the point where the river crosses the Wyoming-Idaho state line near Border to Stewart Dam including West Fork Canal which diverts at Stewart Dam.


b. The Cook Canal, which diverts water from the main stem of the Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the divertible flow allocated to Wyoming.

c. Water allocated to each state shall be distributed in accordance with state law.

3. Lower Division

a. When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, covering water applied to beneficial use prior to January 1, 1976, any water user in Utah may file a petition with the commission alleging that by reason of diversions in Idaho he is being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the commission. If the commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by the commission without regard to the boundary line for all or any part of the division, and during such emergency, water shall be delivered in accordance with such schedules by the state official charged with the administration of public waters.

B. The commission shall have authority upon its own motion (1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this compact and which encroach upon water rights in a lower state, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before state administrative officials or by
court proceedings.

C. When the flow of water in an interstate tributary across a state boundary line is insufficient to satisfy water rights on such tributary in a lower state, any water user may file a petition with the commission alleging that by reason of diversions in an upstream state he is being deprived of water to which he is justly entitled and that by reason thereof a water emergency exists, and requesting distribution of water under the direction of the commission. If the commission finds that a water emergency exists and that interstate control of water of such tributary is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to the state boundary line. The state officials in charge of water distribution on interstate tributaries may appoint and fix the compensation and expenses of a joint water commissioner for each tributary. The proportion of the compensation and expenses to be paid by each state shall be determined by the ratio between the number of acres therein which are irrigated by diversions from such tributary, and the total number of acres irrigated from such tributary.

D. In preparing interstate water delivery schedules the commission, upon notice and after public hearings, shall make findings of fact as to the nature, priority and extent of water rights, rates of flow, duty of water, irrigated acreages, types of crops, time of use, and related matters; provided that such schedules shall recognize and incorporate therein priority of water rights as adjudicated in each of the signatory states. Such findings of fact shall, in any court or before any tribunal, constitute prima facie evidence of the facts found.

E. Water emergencies provided for herein shall terminate on September 30 of each year unless terminated sooner or extended by the commission.

ARTICLE V

A. Water rights in the Lower Division acquired under the laws of Idaho and Utah covering water applied to beneficial use prior to January 1, 1976, are hereby recognized and shall be administered in accordance with state law based on priority of rights as provided in article IV, paragraph A3. Rights to water first applied to beneficial use on or after January 1, 1976, shall be satisfied from the respective allocations made to Idaho and Utah in this paragraph and the water allocated to each state shall be administered in accordance with state law. Subject to the foregoing provisions, the remaining water in the Lower Division, including ground water tributary to the Bear River, is hereby apportioned for use in Idaho and Utah as follows:

(1) Idaho shall have the first right to the use of such remaining water resulting in an annual depletion of not more than 125,000
(2) Utah shall have the second right to the use of such remaining water resulting in an annual depletion of not more than 275,000 acre-feet.

(3) Idaho and Utah shall each have an additional right to deplete annually on an equal basis, 75,000 acre-feet of the remaining water after the rights provided by subparagraphs (1) and (2) above have been satisfied.

(4) Any remaining water in the Lower Division after the allocations provided for in subparagraphs (1), (2), and (3) above have been satisfied shall be divided; thirty (30) percent to Idaho and seventy (70) percent to Utah.

B. Water allocated under the above subparagraphs shall be charged against the state in which it is used regardless of the location of the point of diversion.

C. Water depletions permitted under provisions of subparagraphs (1), (2), (3), and (4) above, shall be calculated and administered by a commission-approved procedure.

ARTICLE VI

A. Existing storage rights in reservoirs heretofore constructed above Stewart Dam prior to February 4, 1955 are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Storage Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>324 acre-feet</td>
</tr>
<tr>
<td>Utah</td>
<td>11,850 acre-feet</td>
</tr>
<tr>
<td>Wyoming</td>
<td>2,150 acre-feet</td>
</tr>
</tbody>
</table>

Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more under this paragraph for use in Utah and Wyoming; and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One half of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining one half thereof is allocated to Wyoming; but—In—order—to attain—the—most—beneficial—use—of—such—additional—storage—consistent with—the—requirements—of—future—water—development—projects;—the—the—three—commissioners—for—Utah—and—the—the—three—commissioners—for—Wyoming—are hereby—authorized;—subject—to—ratification—by—the—legislature—of—Utah and—the—the—legislature—of—Wyoming;—to—modify—by—written—agreement—the allocations—of—such—additional—storage.

B. In addition to the rights defined in paragraph A of this article, further storage entitlements above Stewart Dam are hereby granted. Wyoming and Utah are granted an additional right to store in
any year 70,000 acre-feet of Bear River water for use in Utah and Wyoming to be divided equally; and Idaho is granted an additional right to store 4,500 acre-feet of Bear River water in Wyoming or Idaho for use in Idaho. Water rights granted under this paragraph and water appropriated, including ground water tributary to Bear River, which is applied to beneficial use on or after January 1, 1976, shall not result in an annual increase in depletion of the flow of the Bear River and its tributaries above Stewart Dam of more than 28,000 acre-feet in excess of the depletion as of January 1, 1976. Thirteen thousand (13,000) acre-feet of the additional depletion above Stewart Dam is allocated to each of Utah and Wyoming, and two thousand (2,000) acre-feet is allocated to Idaho.

The additional storage rights provided for in this paragraph shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam; provided, however, there shall be no diversion of water to storage above Stewart Dam under this paragraph B when the water surface elevation of Bear Lake is below 5,911.00 feet, Utah Power & Light Company datum (the equivalent of elevation 5,913.75 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947). Water depletions permitted under this paragraph B shall be calculated and administered by a commission-approved procedure.

C. In addition to the rights defined in article VI, paragraphs A and B, Idaho, Utah and Wyoming are granted the right to store and use water above Stewart Dam that otherwise would be bypassed or released from Bear Lake at times when all other direct flow and storage rights are satisfied. The availability of such water and the operation of reservoir space to store water above Bear Lake under this paragraph shall be determined by a commission-approved procedure. The storage provided for in this paragraph shall be subordinate to all other storage and direct flow rights in the Bear River. Storage rights under this paragraph shall be exercised with equal priority on the following basis: six (6) percent thereof to Idaho; forty-seven (47) percent thereof to Utah; and forty-seven (47) percent thereof to Wyoming.

D. The waters of Bear Lake below elevation 5,912.91 feet, Utah Power & Light Company Bear Lake datum (the equivalent of elevation 5,915.66 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation. The water of such reserve shall not be released solely for the generation of power, except in emergency, but after release for irrigation it may be used in generating power if not inconsistent with its use for irrigation. Any water in Bear Lake in excess of that constituting the irrigation reserve may be used solely for the generation of power or for other beneficial uses. As new reservoir capacity above the Stewart Dam is constructed to provide additional
storage pursuant to paragraph A of this article, the commission shall make a finding in writing as to the quantity of additional storage and shall thereupon make an order increasing the irrigation reserve in accordance with the following table:

<table>
<thead>
<tr>
<th>Additional storage</th>
<th>Lake Surface elevation</th>
<th>Utah Power &amp; Light Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>acre-feet</td>
<td>Bear Lake datum</td>
<td></td>
</tr>
<tr>
<td>5,000</td>
<td>5,913.24</td>
<td></td>
</tr>
<tr>
<td>10,000</td>
<td>5,913.56</td>
<td></td>
</tr>
<tr>
<td>15,000</td>
<td>5,913.87</td>
<td></td>
</tr>
<tr>
<td>20,000</td>
<td>5,914.15</td>
<td></td>
</tr>
<tr>
<td>25,000</td>
<td>5,914.41</td>
<td></td>
</tr>
<tr>
<td>30,000</td>
<td>5,914.61</td>
<td></td>
</tr>
<tr>
<td>35,500</td>
<td>5,914.69</td>
<td></td>
</tr>
<tr>
<td>36,500</td>
<td>5,914.70</td>
<td></td>
</tr>
</tbody>
</table>

E-E. Subject to existing rights, each state shall have the use of water, including ground water, for farm and ranch, ordinary domestic, and stock watering purposes, and subject to as determined by state law and shall have the right to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 acre-feet, without deduction from the allocation made by paragraphs A, B, and C of this article.

B-F. The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited.

ARTICLE VII

It is the policy of the signatory states to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this compact, to investigate, plan, construct, and operate such projects without regard to state boundaries, provided that water rights for each such project shall, except as provided in article VII, paragraphs A and B thereof, be subject to rights theretofore initiated and in good standing.

ARTICLE VIII

A. No state shall deny the right of the United States of America, and subject to the conditions hereinafter contained, no state shall deny the right of another signatory state, any person or entity of another signatory state, to acquire rights to the use of water or to construct or to participate in the construction and use of diversion works and storage reservoirs with appurtenant works, canals, and conduits in one state for use of water in another state, either directly or by exchange. Water rights acquired for out-of-state use shall be appropriated in the state where the point of diversion is
located in the manner provided by law for appropriation of water for use within such state.

B. Any signatory state, any person or any entity of any signatory state, shall have the right to acquire in any other signatory state such property rights as are necessary to the use of water in conformity with this compact by donation, purchase, or, as hereinafter provided through the exercise of the power of eminent domain in accordance with the law of the state in which such property is located. Any signatory state, upon the written request of the governor of any other signatory state for the benefit of whose water users property is to be acquired in the state to which such written request is made, shall proceed expeditiously to acquire the desired property either by purchase at a price acceptable to the requesting governor, or if such purchase cannot be made, then through the exercise of its power of eminent domain and shall convey such property to the requesting state or to the person, or entity designated by its governor provided, that all costs of acquisition and expenses of every kind and nature whatsoever incurred in obtaining such property shall be paid by the requesting state or the person or entity designated by its governor.

C. Should any facility be constructed in a signatory state by and for the benefit of another signatory state or persons or entities therein, as above provided, the construction, repair, replacement, maintenance and operation of such facility shall be subject to the laws of the state in which the facility is located.

D. In the event lands or other taxable facilities are acquired by a signatory state in another signatory state for the use and benefit of the former, the users of the water made available by such facilities, as a condition precedent to the use thereof, shall pay to the political subdivisions of the state in which such facilities are located, each and every year during which such rights are enjoyed for such purposes, a sum of money equivalent to the average of the amount of taxes annually levied and assessed against the land and improvements thereon during the ten years preceding the acquisition of such land. Said payments shall be in full reimbursement for the loss of taxes in such political subdivision of the state.

E. Rights to the use of water acquired under this article shall in all respects be subject to this compact.

ARTICLE VIII

Stored water, or water from another watershed may be turned into the channel of the Bear River in one state and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of the Bear River in another state either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchanges shall not be
permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid. Water from another watershed or source which enters the Bear River by actions within a state may be claimed exclusively by that state and use thereof by that state shall not be subject to the depletion limitations of articles IV, V and VI. Proof of any claimed increase in flow shall be the burden of the state making such claim, and it shall be approved only by the unanimous vote of the commission.

ARTICLE XXX

A. The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed.

<table>
<thead>
<tr>
<th>Name of Canal</th>
<th>Date of Primary right</th>
<th>Lands irrigated</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>HILLIARD EAST FORK</td>
<td>1914</td>
<td>2,644</td>
<td>WYOMING</td>
</tr>
<tr>
<td>CHAPMAN</td>
<td>8-13-86</td>
<td>1,155</td>
<td>WYOMING</td>
</tr>
<tr>
<td></td>
<td>8-13-86</td>
<td>6,892</td>
<td>UTAH</td>
</tr>
<tr>
<td></td>
<td>4-12-12</td>
<td>70</td>
<td>WYOMING</td>
</tr>
<tr>
<td></td>
<td>5-3-12</td>
<td>40</td>
<td>UTAH</td>
</tr>
<tr>
<td></td>
<td>5-21-12</td>
<td>712</td>
<td>UTAH</td>
</tr>
<tr>
<td></td>
<td>2-6-13</td>
<td>55</td>
<td>WYOMING</td>
</tr>
<tr>
<td></td>
<td>8-28-05</td>
<td>134.00</td>
<td>WYOMING</td>
</tr>
</tbody>
</table>

Francis Lee

| 1879                   | 2.20                  | 154             | WYOMING |
| 1879                   | 7.41                  | 519             | UTAH   |

Under the right as herein confirmed not to exceed 134 second-feet may be carried across the Wyoming-Utah state line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes. The storage right in Neponset Reservoir is for 6,900 acre-feet which is a component part of the irrigation right for the Utah lands listed above.

All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the state in which the point of diversion is located, are recognized and confirmed.

B. All interstate rights shall be administered by the state in which the point of diversion is located and during times of water emergency, such rights shall be filled from the allocations specified in article IV hereof for the section in which the point of diversion is located, with the exception that the diversion of water into the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal shall be under the administration of Wyoming. During times of water emergency these canals and the Lone Mountain Ditch shall be supplied from the allocation specified in article IV for the Upper Wyoming Section Diversions.

ARTICLE XXI

Applications for appropriation, for change of point of diversion,
place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the state in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another state of water to which he is entitled, nor shall any such application be approved if the effect thereof will be an increase in the depletion of the flow of the Bear River and its tributaries beyond the limits authorized in each state in articles IV, V and VI of this compact. The official of each state in charge of water administration shall, upon the filing of an application affecting Bear River water, transmit a copy thereof to the commission at intervals and in the format established by the commission, report on the status of use of the respective allocations.

ARTICLE XIXII

Nothing in this compact shall be construed to prevent the United States, a signatory state or political subdivision thereof, person, corporation, or association, from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under state or federal law or under this compact.

ARTICLE XIXIII

Nothing contained in this compact shall be deemed
1. to affect the obligations of the United States of America to the Indian tribes;
2. to impair, extend or otherwise affect any right or power of the United States, its agencies or instrumentalities involved herein; nor the capacity of the United States to hold or acquire additional rights to the use of the water of the Bear River;
3. to subject any property or rights of the United States to the laws of the states which were not subject thereto prior to the date of this compact;
4. to submit any property of the United States to taxation by the states or any subdivision thereof, nor to obligate the United States to pay any state or subdivision thereof for loss of taxes.

ARTICLE XIXIIIIV

At intervals not exceeding twenty years, the commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory states and consented to by congress.
ARTICLE XVI

This compact may be terminated at any time by the unanimous agreement of the signatory states. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XVII

Should a court of competent jurisdiction hold any part of this compact to be contrary to the constitution of any signatory state or to the Constitution of the United States, all other severable provisions of this compact shall continue in full force and effect.

ARTICLE XVIII

This compact shall be in effect when it shall have been ratified by the legislature of each signatory state and consented to by the congress of the United States of America. Notice of ratification by the legislatures of the signatory states shall be given by the governor of each signatory state to the governor of each of the other signatory states and to the President of the United States of America, and the President is hereby requested to give notice to the governor of each of the signatory states of approval by the congress of the United States of America.

IN WITNESS WHEREOF, The commissioners and their advisors have executed this compact in five originals, one of which shall be deposited with the General Services Administration of the United States of America, one of which shall be forwarded to the governor of each of the signatory states, and one of which shall be made a part of the permanent records of the Bear River Commission.

Done at Salt Lake City, Utah, this 4th day of February 1955 22nd day of December 1978.

For the State of Idaho:
Fred H. Cooper
Fred H. Cooper
Melvin Lauridsen
Melvin Lauridsen
/s/ Clifford J. Skinner
/s/ J. Daniel Roberts

For the State of Utah:
George B. Clyde
George B. Clyde
J. Lorenzo Weidmann
J. Lorenzo Weidmann
A. V. Smoot
A. V. Smoot
Lawrence B. Johnson
Lawrence B. Johnson
/s/ S. Paul Holmgren

Mark R. Kuip
Mark R. Kuip
/s/ Don W. Gilbert

A. H. Hopkin
A. H. Hopkin
E. M. Van Orden
E. M. Van Orden
Orson A. Christensen
Orson A. Christensen
/s/ David F. Lawrence
SECTION 2. The compact set forth in section 1 of this act shall not become operative unless and until it has been ratified and approved by appropriate legislative enactment by the states of Utah and Wyoming and has been consented to by the Congress of the United States. The governor of Idaho shall give notice of ratification and approval of this compact by the Idaho legislature to the governor of Utah, to the governor of Wyoming and to the president of the United States.

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

Approved April 5, 1979.

CHAPTER 323
(S.B. No. 1086, As Amended)

AN ACT
RELATING TO MUNICIPAL TAXES AND COLLECTION; AMENDING SECTION 63-918, IDAHO CODE, ELIMINATING A REQUIREMENT THAT COUNTIES CAN CHARGE A COLLECTION FEE OF 1 1/2 PER CENT FOR THE COLLECTION OF PROPERTY TAXES FOR ALL TAXING DISTRICTS OTHER THAN SCHOOLS AND LIBRARY DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-918, Idaho Code, be, and the same is hereby amended to read as follows:

63-918. MUNICIPAL TAXES -- COLLECTION -- DEDUCTION-FOR-EXPENSE INTEREST FROM INVESTMENT ON NONCOUNTY FUNDS. All taxes of every city, town, village, school district or other district or municipality, levied according to law and certified in accordance with the provisions of this act, shall be collected and paid into the county treasury and apportioned to such city, town, village, school district or other district or municipality. provided; that one and one-half per cent (1 1/2%) of all taxes collected and paid into the county treasury for every incorporated city, town or village and every other district or municipality having a treasurer whose duty it is to receive, keep and disburse all moneys belonging to such incorporated city, town, village, or other district or municipality, shall be apportioned to the county current expense fund, which apportionment shall be in full for all services of all county officers in the levy, computation and collection of such taxes;

Provided; that the one and one-half per cent (1 1/2%), or any other sum, shall not be deducted from any moneys collected for independent or rural high school districts, or library districts, and the county shall make no charge for collecting or handling any tax money for any school district, library district, or county board of education;

SECTION 2. This act shall be in full force and effect on and after January 1, 1981.

Approved April 5, 1979.

CHAPTER 324
(S.B. No. 1113)

AN ACT
RELATING TO DEVELOPMENT OF WATER RESOURCES; PROVIDING THE IDAHO WATER RESOURCE BOARD WITH AUTHORITY TO PLAN, FINANCE, ACQUIRE, CONSTRUCT, OWN, OPERATE AND MAINTAIN A WATER PROJECT KNOWN AS THE PALISADES DAM HYDROELECTRIC PROJECT ON THE SNAKE RIVER; TO ENTER INTO POWER SALES CONTRACTS OR JOINT VENTURE CONTRACTS WITH ELECTRIC UTILITIES AND OTHERS IN CONNECTION WITH THE OWNERSHIP AND OPERATION OF THE WATER PROJECT, AND TO ISSUE REVENUE BONDS TO PAY ALL OR ANY PART OF THE COSTS OF THE WATER PROJECT AND TO PLEDGE REVENUES; PROVIDING FOR APPROVAL OF CONTRACTS BY THE COMMITTEE ON THE STATE WATER PLAN; PROVIDING FOR PROVISIONS OF CONTRACTS;
PROVIDING FOR DEPOSITS FROM WATER PROJECT REVENUES INTO THE WATER MANAGEMENT ACCOUNT; PROVIDING FOR EXEMPTION OF THE WATER PROJECT FROM POLICY AS PROVIDED BY SECTION 42-1738, IDAHO CODE; PROVIDING LEGISLATIVE DECLARATIONS AND FINDINGS CONCERNING PUBLIC PURPOSE OF THE WATER PROJECT; PROVIDING FOR LIBERAL CONSTRUCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. The Idaho water resource board is authorized to plan, finance, acquire, construct, own, operate and maintain a water project known as the Palisades Dam Hydroelectric project on Snake River consisting of a power plant at the existing Palisades Dam as may be approved by the federal energy regulatory commission, and of related works and facilities for the generation and wholesale of hydroelectric energy and capacity at the site of production, together with all other necessary structures and equipment and all real and personal property necessary therefor.

SECTION 2. The Idaho water resource board may make such plans and enter into such contracts with one or more privately owned electric utility companies or other entities, public or private, as are necessary or appropriate, providing, either:

(a) Where all or any part of the water project authorized by section 1 of this act is to be owned and operated by the board, for the wholesale of hydroelectric energy and capacity at the site of production; or

(b) Where all or any part of the water project is to be jointly owned by the board and another contracting party or parties, for a joint venture.

Any power sales or joint venture contract entered into by the board pursuant to the provisions of this section 2 shall be submitted by the board to the committee on the state water plan and shall not become effective until approved by a majority of the members of that committee at a regular or special meeting of the committee held for that purpose.

SECTION 3. A contract entered into by the Idaho water resource board with respect to joint ownership of the water project authorized in section 1 of this act or for the wholesale of hydroelectric energy and capacity at the site of production of the water project shall contain those terms, conditions and provisions not inconsistent with this act as the board shall determine to be in the interests of the state. A contract may include provisions relating to, but not limited to, the following:

(a) The purpose or purposes of the contract;

(b) The duration of the contract;

(c) The method of appointing or employing the personnel necessary
in connection with the project;
(d) The method of financing the project, including if necessary, the apportionment of costs of construction and costs of operation and maintenance;
(e) The respective ownership interests of the parties in the project, whether joint, several or segregated (which ownership interests shall be in proportion to the funds or the value of property supplied by each party for the acquisition of the project) and in the property used or useful in connection therewith, and the procedures for disposition of that property when the contract expires or is terminated or when the project is abandoned, decommissioned or dismantled;
(f) The prohibition or restriction of the alienation or partition of the board's undivided interest in the project, which provisions shall not be subject to a law restricting covenants against alienation or partitions;
(g) The construction and repair of the project, which may include a determination by the board that a contracting party may construct or repair the project on behalf of the board;
(h) The operation and maintenance of the project, which may include a determination by the board that a contracting party may operate and maintain the project on behalf of the board;
(i) Payments to be made to the board by a contracting party pursuant to a power sales contract for the purchase of hydroelectric energy and capacity or, pursuant to a joint venture contract, for the use or operation of the interest of the board in the project, or a combination thereof;
(j) Detailed project costs, or a method of determination of such costs;
(k) The creation of a committee of representatives of the parties to the contract, which committee shall have the powers regarding the construction and the operation and maintenance of the project as the contract, not inconsistent with this act, may provide;
(l) If the board is to construct and own substantially all of the dam portion of the project, for the construction and installation by a contracting party in or adjacent to such dam of works and facilities not included in the dam portion of the project which are necessary to the generation of hydroelectric energy and capacity and for the transmission thereof;
(m) Obtaining all necessary licenses and permits for the ownership and operation of the project, provided that the board, or the board and the other contracting parties, shall petition the Federal energy regulatory commission for insertion of the license condition subordinating the project power right to future upstream depletionary use;
(n) For indemnification of construction and operation agents, if any, provided that the board shall be liable only for its own acts with regard to the financing, planning, acquisition, construction,
ownership, operation or maintenance of the project;
(o) That no moneys or other contributions to the project supplied by the board shall be credited or otherwise applied to the account of any other contracting party;
(p) Methods for amending and terminating the contract; and
(q) Any other matters deemed by the parties to the contract to be necessary and proper, not inconsistent with the provisions of this act.

SECTION 4. The Idaho water resource board is authorized to issue and sell revenue bonds of the board pursuant to the provisions of sections 42-1739 through 42-1749, Idaho Code, as now or hereafter in force, for the purpose of paying all or any part of the costs of planning, financing, acquiring and constructing the water project authorized in section 1 of this act. The board shall pledge to the payment of those revenue bonds the revenues which the board shall derive from the ownership and operation of the project pursuant to the contract entered into as provided in section 2 of this act. In addition to the other things required by law, the resolution or indenture pursuant to which the revenue bonds are to be issued shall provide that all revenues derived by the board from the operation and ownership of the project, after the payment of any costs of operation and maintenance of the project for which the board is responsible, the establishment and maintenance of a fund for the payment of principal of and interest on the revenue bonds as the same shall come due, the establishment of adequate debt service reserves, and such other contingency or other funds as the board deems desirable, shall in each year be deposited into the water management account created and established in section 42-1760, Idaho Code, and may be used for any purposes set forth in that act.

SECTION 5. The development of the water project authorized in section 1 of this act is hereby declared not to be subject to the policy expressed in the last sentence of section 42-1738, Idaho Code.

SECTION 6. The legislature finds and declares that the development of the Palisades Dam Hydroelectric Project by the Idaho water resource board of the water project authorized in section 1 of this act is in the public interest, does not conflict with the state water plan and that it is a public purpose for the Idaho water resource board to exercise the power and authority granted in this act to:
(a) By contributing to the development of necessary electrical energy for use in the state of Idaho, achieve economies in the generation of electricity through the use of water resources thereby contributing to the meeting of the future power needs of the state of Idaho and its inhabitants.
(b) Facilitate irrigation of the arid lands of the state of Idaho
by providing means of utilizing the water resources of the state of Idaho;
(c) Maximize the recreational potential, development of fish and wildlife habitat, and uses of the water resources of the state of Idaho; and
(d) Maximize the utilization of the water resources of the state of Idaho for all beneficial uses subject to article XV, section 3, of the state constitution.

SECTION 7. This act and the provisions hereof shall be construed liberally to effectuate purposes set out in section 6 of this act.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 5, 1979.

CHAPTER 325
(H.B. No. 283, As Amended, As Amended in the Senate)

AN ACT
RELATING TO WATER RESOURCES CONSERVATION AND DEVELOPMENT; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1775, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY AND PURPOSE REGARDING CONSERVATION AND DEVELOPMENT OF THE STATE'S WATER RESOURCES; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1776, IDAHO CODE, TO CREATE THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT, TO PROVIDE PURPOSES OF THE ACCOUNT, AND TO PROVIDE REPAYMENT OF FUNDS EXPENDED FROM THE ACCOUNT; AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE DISTRIBUTION OF CERTAIN MONEYS TO THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT FOR THE PERIOD JULY 1, 1979 THROUGH JUNE 30, 1980; AND APPROPRIATING MONEYS FROM THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT TO THE IDAHO WATER RESOURCE BOARD FOR THE PURPOSE SPECIFIED; AND PROVIDING 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 42-1775, Idaho Code, and to read as follows:
42-1775. DECLARATION OF POLICY AND PURPOSE. The welfare and well-being of the people of the state of Idaho is dependent upon the conservation, development and optimum use of the state's water resources. Water development involves extensive planning, special studies, public support and efficient implementation. The people of Idaho declared their intention to develop the state's water resources in the Idaho constitution, article 15, section 7, providing for a state water plan. Funding by the state of Idaho will insure timely implementation of water projects in the public interest.

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 42-1776, Idaho Code, and to read as follows:

42-1776. WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT. There is hereby created and established in the agency asset fund the water resources conservation and development trust account. All moneys in the account are to be utilized by the Idaho water resources board, upon appropriation by the legislature, to conduct water project feasibility and engineering studies authorized in conjunction with the powers and duties of the board as provided in section 42-1734, Idaho Code, and to secure revenue bonds authorized by section 42-1739, Idaho Code.

The state treasurer is directed to invest all moneys in the account. All interest or other income occurring from such investment shall accrue to the account.

In the event that a project is approved subsequent to a feasibility study funded from the account, the funds expended from the account shall be included as a cost of the project to be repaid to the fund through repayments contracted by the board. It shall be the duty of the board to specify such repayment provisions without regard to the source of funding of the project.

SECTION 3. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) Ten per cent (10%) of such moneys shall be paid to the county treasurer of the county in which venue for probate and administration lies, pursuant to section 15-3-201, Idaho Code, regardless of whether such probate or administration was in fact instituted. Such moneys shall be paid by the state tax commission to the appropriate counties not less than quarterly, and shall be credited to the county current
expense fund.

(b) Eighty-five per cent (85%) of such moneys shall be transferred to the credit of the water pollution control fund of the state; except that, for the period July 1, 1979 through June 30, 1980, the first four hundred thirty-five thousand dollars ($435,000) of the moneys distributed pursuant to this paragraph shall be deposited to the credit of the water resources conservation and development trust account, created in section 42-1776, Idaho Code.

(c) An amount equal to five per cent (5%) of such moneys, but not to exceed fifty thousand dollars ($50,000), shall be deposited in the transfer and inheritance tax act refund fund, which is hereby created in the state treasury. Any part of such five per cent (5%) not deposited in the transfer and inheritance tax act refund fund shall be distributed as are moneys described in subsection (b) of this section. The transfer and inheritance tax act refund fund shall be used for the purpose of repaying overpayments made under the transfer and inheritance tax act, for the purpose of repaying any other erroneous receipts under such act, for the purpose of repaying any tax, penalty, or interest illegally assessed or collected, or for the purpose of paying any judgment rendered against the state tax commission under the terms and provisions of the transfer and inheritance tax act. In the event any such refund or repayment is made, then the county which under subsection (a) of this section originally received ten per cent (10%) of the transfer and inheritance tax shall be charged with ten per cent (10%) of the moneys refunded but not in excess of the amount originally distributed under subsection (a) and to the extent of such refunds charged future distributions to be made under subsection (a) to such counties shall be paid into the transfer and inheritance tax act refund fund in lieu of being paid to such counties. Any balance in the refund fund in excess of fifty thousand dollars ($50,000) shall be paid solely to the water pollution control fund.

SECTION 4. There is hereby appropriated from the water resources conservation and development trust account to the Idaho water resource board the sum of $435,000 for funding the state’s fiscal year 1980 portion of joint state-private-federal studies on the following water resource projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruneau Plateau Water Development</td>
<td>$220,000</td>
</tr>
<tr>
<td>Soda Springs Dam</td>
<td>100,000</td>
</tr>
<tr>
<td>Upper Snake Recharge</td>
<td>35,000</td>
</tr>
<tr>
<td>Weiser River Basin Storage Development</td>
<td>80,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$435,000</strong></td>
</tr>
</tbody>
</table>

SECTION 5. 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 April 6, 1979.
A CONCURRENT RESOLUTION
AUTHORIZING THE CONTINUATION OF IDAHO'S PARTICIPATION IN THE WESTERN STATES FORESTRY TASK FORCE.

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

WHEREAS, the State of Idaho has participated in the formation and work of the Western States Forestry Task Force; and

WHEREAS, the Western States Forestry Task Force is now a working entity, and is diligently pursuing the several subjects important to forest management of the member states; and

WHEREAS, it is to the benefit of the State of Idaho that we continue to participate in the Task Force so that the involved member states have every opportunity to foster sound forest management.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho continue to participate in and be a member of the Western States Forestry Task Force through the medium of a legislative delegation, which is authorized to serve for the duration of the Forty-fifth Idaho Legislature.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate is authorized to appoint two members of the Senate to serve as members of the Task Force, and that the Speaker of the House is authorized to appoint two members of the House to serve as members of the Task Force. The members of the Task Force shall be entitled to compensation and allowances as provided by law for members of other legislative interim committees, to be paid from legislative funds.

Adopted by the Senate January 25, 1979.
Adopted by the House February 1, 1979.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Congress has submitted to the legislatures of the fifty states a proposed amendment to the Constitution of the United States conferring upon the District of Columbia representation in the House and Senate equivalent to that of a state; and

WHEREAS, the proposed amendment would award full statehood rights to the District of Columbia while failing to require it to fulfill any of the responsibilities and obligations of statehood; and

WHEREAS, the election of two senators by the District of Columbia would increase the size of the Senate having far reaching effects on procedural votes; and

WHEREAS, the District of Columbia is not a state entitled to the guarantees of statehood in this Union; and

WHEREAS, the Legislature of the State of Idaho desires to reject the proposed District of Columbia amendment to the Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho disapproves of the proposed amendment to the Constitution of the United States, allowing the District of Columbia representation in the Congress and the electoral college for the election of the President of the United States on the same basis as other states.

BE IT FURTHER RESOLVED that the Legislature finds and declares that, in view of the adoption of this Resolution there is no intent to ratify the proposed amendment; and the Secretary of State is instructed that no election need be held as would otherwise be required by the provisions of Section 34-2217, Idaho Code.

Adopted by the Senate February 5, 1979.
Adopted by the House February 26, 1979.

(S.C.R. No. 109)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AMENDING AND MODIFYING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO TEMPORARY FOOD ESTABLISHMENTS.

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; and

WHEREAS, it is the intent of the Legislature to amend and modify rules of the Department of Health and Welfare relating to temporary food establishments.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular
Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein that Parts (i) and (j), Section H, Temporary Food Establishments, of the Regulations and Standards for Food Service Establishments, be amended to read as follows:

(i) Floors shall be of concrete, tight wood, asphalt, or other cleanable materials, or of grass or compact soil, as determined by the enforcement authority.

(j) Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings and walls may be of wood, canvas, or other materials which protect the interior of the establishment from the elements. Walls shall not be required to enclose the facility above the counter.; and walls may be of such materials or 16-mesh screening or equivalent. Counter-service-openings shall be of minimal size as determined by the enforcement authority based on the type of food operation. The counter-service-openings shall be equipped with tight-fitting doors or windows and shall be kept closed at all times except when food is being served. Properly located; effective fans to control entrance of flying insects may be installed by the counter openings in lieu of doors or windows.

Adopted by the Senate February 23, 1979.
Adopted by the House March 7, 1979.

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

GIVING LEGISLATIVE APPROVAL FOR THE WATER RESOURCE BOARD TO APPROVE A LOAN OF OVER FIVE HUNDRED THOUSAND DOLLARS FROM THE WATER RESOURCE REVOLVING DEVELOPMENT ACCOUNT TO FINANCE REHABILITATION CONSTRUCTION PROJECTS OF THE KING HILL IRRIGATION DISTRICT.

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

WHEREAS, the Legislature finds and declares that one of the purposes for which the Water Resource Board Revolving Development Account was intended was to provide loans for the purpose of financing project costs of irrigation districts; and

WHEREAS, the Water Resource Board may not make loans from the account of over five hundred thousand dollars without specific legislative approval; and

WHEREAS, the King Hill Irrigation District has made application to the Water Resource Board for a loan of over five hundred thousand dollars, and it is the desire of the Water Resource Board that such loan be made.

NOW, THEREFORE, BE IT RESOLVED by the members of the Legislature of the State of Idaho, the Senate and the House of Representatives concurring therein, that the Legislature hereby consents and gives its approval for the Water Resource Board to make a loan of over five hun-
dred thousand dollars from the Water Resource Board Revolving Development Account to the King Hill Irrigation District to finance rehabilitation construction projects of the district, and this resolution shall constitute the legislative approval required by Section 42-1756(7), Idaho Code.

Adopted by the Senate February 14, 1979.

(S.C.R. No. 113)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND REJECTING RULES AND REGULATIONS OF
THE IDAHO ENDOWMENT FUND INVESTMENT BOARD EFFECTIVE ON JULY 1,
1978.

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 the executive agencies pursuant to section 67-5218, Idaho Code; and

WHEREAS, the rules and regulations of the Idaho Endowment Fund Investment Board effective on July 1, 1978, providing for depositaries to charge the state for services, go beyond the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED, by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rules and regulations of the Idaho Endowment Fund Investment Board effective on July 1, 1978, governing service charges against the state by state depositaries are hereby rejected and declared to be null and void.

Adopted by the Senate February 23, 1979.

(S.C.R. No. 114)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING RULES AND REGULATIONS OF THE IDAHO HUMAN RIGHTS 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.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Article III, of the Rules and Regulations of the Idaho Human Rights Commission, adopted January
29, 1979, is amended to read as follows:

Article III - Procedure After Filing

3.1 Upon the filing of a complaint, said complaint shall be docketed, assigned a complaint number, and assigned to a staff member for investigation and attempted settlement.

3.2 As promptly as possible, the Commission shall cause a copy of said complaint to be personally delivered, or sent by certified mail to the Respondent. The Respondent shall answer or otherwise respond to the complaint in writing within twenty (20) thirty (30) working days of receipt. Upon application, the Commission may for good cause shown extend the time within which the answer may be filed. The answer shall be fully responsive to each allegation contained in the complaint. Allegations—specifically-denied—shall—be—deemed admitted—Failure-to-answer-or-otherwise-to-respond—to—the complaint—shall—constitute-grounds-for-favorable-Commission action-on-the-complaint. Any allegation in the complaint which is not denied or admitted in the answer shall be deemed admitted unless the Respondent shall state in the answer he is without knowledge or information sufficient to form a belief. If the Respondent fails to answer or otherwise respond to the complaint within thirty (30) working days of receipt or such time as may be extended by the Commission, the Commission shall act on the complaint based on the information provided by the Complainant. Upon application, the Commission may for good cause shown permit the Respondent to amend his answer to the complaint. Any amendments to the complaint, or any supplemental complaint shall be served upon the Respondent as promptly as possible, to which the Respondent shall answer or otherwise respond within such time as the Commission sets but not less than ten (10) working days.

3.3 At any time after the filing of a complaint the Commission may issue to the Respondent interrogatories regarding any matter, not privileged, which is relevant to the subject matter involved. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

3.4 Answers to the interrogatories shall be returned by Respondent to the Commission office within thirty (30) working days from the date of service of said interrogatories.

3.5 Upon application by Respondent, for good cause shown, the
Staff Director may grant one extension of time for filing answers to interrogatories, said extension not to exceed an additional fifteen (15) working days period.

3.5.1 In the event that a Respondent objects to certain 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, at which time the Respondent shall again have an opportunity to voice its objections to certain interrogatories to the district court.

3.6 The Commission may, in specific cases, seek from Respondent a narrative statement of response in addition to or rather than answers to interrogatories. In such cases, the narrative statement should include all information which the Respondent desires considered by the Commission, in determining whether to credit the allegations of the complaint.

3.7 If terms of settlement are agreed to between the Complainant and the Respondent during the investigative stages of a complaint, said terms shall be reduced to writing and signed by the parties. The Staff Director shall present a report to the Commission at each meeting on all files so closed.

3.8 At the completion of the investigation, the staff member to whom the case is assigned shall prepare a written report containing results of the investigation and submit it to the Staff Director for review.

Adopted by the Senate February 27, 1979.
Adopted by the House March 12, 1979.

(S.C.R. No. 117)

A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE PROVIDING WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS.

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

WHEREAS, the Legislature is vested with authority to modify, reject or amend executive agency rules and regulations under the provisions of Section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the rules of
the Department of Health and Welfare providing Water Quality Standards and Wastewater Treatment Requirements should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Section XI, Regulations Governing Specific Activities, be amended by the addition thereto of a new Part C, to read as follows:

C. Dissolved Oxygen Requirement for the Operation of Hydroelectric Facilities. During the period beginning on June 1 and ending October 15, annually, the impact on downstream waters due to the operation of hydroelectric facilities shall not be subject to the provisions of Section VIII.B. During this period, water discharged from a hydroelectric facility shall contain not less than 5.0 mg/l dissolved oxygen based on the average of at least four (4) consecutive measurements taken within any sixty (60) minute period. However, if mechanical or structural devices are required to maintain the 5.0 mg/l hourly average dissolved oxygen concentration, the Board, through the rule making process, shall establish special conditions for compliance purposes including, but not limited to, a specific distance from each hydroelectric facility at which compliance must be attained (for example: sufficient time and distance to allow for spilled bypass waters to return to and merge with waters that have passed through the hydroelectric facility) and allowable response times for corrective actions.

Adopted by the Senate March 12, 1979.
Adopted by the House March 20, 1979.

(S.C.R. No. 119)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF MATTERS RELATING TO THE ADMINISTRATIVE PROCEDURES ACT AND REPORT FINDINGS.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, substantial progress has been made, through the cooperative efforts of executive and legislative officials, in implementation and clarification of a legislative review process of administrative rules and regulations; and

WHEREAS, areas of concern remain, such as a precise definition of matters which must be promulgated through the administrative process, publication and advertising requirements which may become excessive and financially burdensome, and adoption of a uniform format of admin-
Whereas, the administrative procedures statutes would, ideally, provide a process for agency adoption of regulations which maximizes opportunity for public input while retaining agency efficiency, and results in rules which are consistent with legislative intent of the original statutes.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that the Legislative Council is directed to undertake and complete a study of all matters relating to the Administrative Procedures Act, with particular attention to defining the scope of administrative rules and which matters may be excluded from the rule making process; a format for publication of administrative rules; the incorporation of other material by reference and amendments made thereto; and timely review of changes incorporated after the public hearing.

BE IT FURTHER RESOLVED that the committee shall appoint an advisory committee, representing administrative agencies of Idaho government and other officials concerned with implementation of the Administrative Procedures Act, to assist in the study directed by this resolution.

BE IT FURTHER RESOLVED that the committee shall report its findings, and recommended legislation, if any, to the Second Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the Senate March 12, 1979.
Adopted by the House March 22, 1979.

(S.C.R. No. 120)

A CONCURRENT RESOLUTION

Authorizing the President Pro Tempore of the Senate and the Speaker of the House of Representatives to complete necessary work after adjournment of any session of the Forty-Fifth Idaho Legislature, to perform all necessary functions in preparing for any session of the Legislature, and to perform any necessary functions during the interim between sessions.

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

WHEREAS, it is necessary that certain legislative matters must be completed upon the adjournment of any session, that certain preparations must be made for upcoming sessions of the Legislature, and that certain functions must be performed during the interim between legislative sessions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the President Pro Tempore of the Senate and the Speaker of the House be, and they are hereby,
empowered and directed to retain the Secretary of the Senate and the Chief Clerk of the House and a sufficient number of employees of both houses for the period of time after adjournment of any session of the Legislature necessary to complete, correct, index, transcribe, arrange, compare and file the records of the Senate and the House of Representatives and to make final and lawful disposition of such records and papers, and to do all acts necessary to conclude and complete the affairs of each house following any adjournment; that the compensation for the Secretary and the Chief Clerk and the employees retained shall be fixed by the President Pro Tempore and the Speaker, and that the President Pro Tempore and the Speaker are hereby authorized to certify the same to the State Auditor for payment.

BE IT FURTHER RESOLVED that during the time necessary to make final disposition of the records and papers of the Senate and the House, the Secretary and the Chief Clerk and the other employees shall perform such duties as may be directed by the President Pro Tempore and the Speaker.

BE IT FURTHER RESOLVED that the President Pro Tempore be, and he is hereby instructed to have prepared under his direction an index to the Senate Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the Speaker be, and he is hereby instructed to have prepared under his direction an index to the House Journal to be printed in the Journal.

BE IT FURTHER RESOLVED that the President Pro Tempore and the Speaker are authorized to provide for the payment of compensation and expenses of members for post adjournment activities and for meetings found necessary prior to the convening of any legislative session, and are hereby authorized to certify the same to the State Auditor for payment.

BE IT FURTHER RESOLVED that the President Pro Tempore and the Speaker are authorized to prepare for future sessions of the Legislature and are authorized to retain the necessary personnel for such purposes and to certify their compensation to the State Auditor for payment.

BE IT FURTHER RESOLVED that the President Pro Tempore and the Speaker are authorized to direct and supervise the post adjournment work and interim activities of the Legislature as herein provided, and for such shall receive compensation and vouchedered expenses as provided by law for each day spent on such official duties.

Adopted by the Senate March 15, 1979.
Adopted by the House March 22, 1979.
A CONCURRENT RESOLUTION
STATING FINDINGS AND RECOMMENDATIONS OF THE LEGISLATURE CONCERNING THE MAINTENANCE OF SERVICES AT THE PSYCHIATRIC TREATMENT UNIT AT STATE HOSPITAL NORTH AT OROFINO.

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

WHEREAS, the Legislature has had under consideration the future use of the Psychiatric Treatment Unit Facility located at State Hospital North at Orofino, hereinafter referred to as PTU; and

WHEREAS, the Legislature has made the following findings in relation to the PTU:

1. That the quality of mental health care provided at the PTU is good.
2. That the PTU is not presently operating at full capacity and the need for the PTU will probably increase in the future.
3. That the PTU is not presently licensed by the State of Idaho but can meet the requirements for licensure by complying with certain minor construction standards.
4. That the PTU is in need of a full-time psychiatrist.
5. That in all probability the services of a full-time psychiatrist can be obtained.
6. That the residents of Orofino are very supportive of the PTU; and

WHEREAS, the continued existence of the PTU would be in the best interest of the people of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Department of Health and Welfare to make immediate and concerted effort to obtain the services of a full-time psychiatrist and give its full support to State Hospital North. The Legislature specifically rejects the recommendation of the five year plan proposing discontinuation of services at State Hospital North, and the Legislature recommends that the PTU at State Hospital North at Orofino be funded and operated on a permanent basis.

Adopted by the Senate March 22, 1979.
Adopted by the House March 24, 1979.

A CONCURRENT RESOLUTION
COMMENDING THE ATTACHES AND STAFFS PERFORMING VARIOUS SERVICES TO THE LEGISLATURE.

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

The members of the First Regular Session of the Forty-fifth Idaho
Legislature, the Senate and the House of Representatives concurring therein, desire to express their sincere appreciation and to commend the attaches and staffs performing various services to the Legislature for the extraordinarily capable and efficient services rendered by them which contributed immeasurably to the function of the Legislature during this First Regular Session.

Adopted by the Senate March 24, 1979.
Adopted by the House March 24, 1979.

(S.C.R. No. 126)

A CONCURRENT RESOLUTION
COMMENDING THE EXECUTIVE BRANCH AND THE STATE OF IDAHO AGENCIES.

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

The members of the First Regular Session of the Forty-Fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, desire to express their sincere appreciation and to commend the Executive Branch of Government and the State of Idaho Agencies for the cooperation and the capable and efficient services rendered by them, which contributed immeasurably to the function of the Legislature during this First Regular Session.

Adopted by the Senate March 24, 1979.
Adopted by the House March 24, 1979.

(S.C.R. No. 127)

A CONCURRENT RESOLUTION
AUTHORIZING THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE TO MEET PRIOR TO THE CONVENING OF THE SECOND REGULAR SESSION OF THE FORTY-FIFTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING AGENCY APPROPRIATION REQUESTS.

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

WHEREAS, it is in the best interest of the people of the State of Idaho that the Legislature provide for the timely accomplishment of the duties of the Legislature; and

WHEREAS, a major portion of the efforts of the legislative session is expended in the process of determining the appropriations for state agencies; and

WHEREAS, meetings held prior to the convening of the regular session of the Legislature for the purpose of hearing agency appropriation requests would facilitate the prompt accomplishment of the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House
of Representatives concurring therein, that the Joint Senate Finance-House Appropriations Committee is hereby authorized to meet, subject to the call of the cochairmen of the committee, for the purpose of hearing agency appropriation requests, for not to exceed six days prior to the convening of the Second Regular Session of the Forty-fifth Idaho Legislature.

BE IT FURTHER RESOLVED that members of the Joint Senate Finance-House Appropriations Committee who attend the meetings herein authorized receive compensation and vouchered expenses as provided by law for each day spent on such official duties.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the payment of expenses and compensation of the committee members from legislative funds.

Adopted by the Senate March 24, 1979.
Adopted by the House March 24, 1979.
HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-fifth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 8, 1979.
NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 8, 1979, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 8, 1979.
Adopted by the Senate January 8, 1979.

(H.C.R. No. 3)

A CONCURRENT RESOLUTION
PROVIDING FOR A COMMITTEE TO STUDY REVENUE PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is the responsibility of the Legislature to provide, in cooperation with the Chief Executive, for the sound fiscal operation of the State of Idaho; and
WHEREAS, the Legislature concludes that a sound budget practice is dependent upon an accurate income projection; and
WHEREAS, the Legislature will benefit from an authoritative estimate arrived at on the basis of the best and most accurate information available.
NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular
Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a joint committee is hereby created and constituted to study revenue projections. The committee shall consist of three members of the Senate, appointed by the President Pro Tempore of the Senate, no more than two of whom shall be from the same political party, and four members of the House of Representatives, appointed by the Speaker of the House, no more than two of whom shall be from the same political party. Because of the constitutional provision that makes the House of Representatives responsible for revenue raising measures, and the tradition which places revenue projection responsibility with the Revenue and Taxation Committee, it is further resolved that the Speaker of the House of Representatives shall designate the chairman of the committee. The committee shall avail itself of the expert knowledge available within the State to provide the First Regular Session of the Forty-fifth Idaho Legislature with the most accurate revenue projection available and shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that meetings of the committee shall, with the approval of the Speaker and the President Pro Tempore, be held at such times as necessary.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the expenses of the committee including necessary staff and consultants, and to certify such compensation and expenses to the state auditor for payment.

Adopted by the House January 10, 1979.
Adopted by the Senate January 16, 1979.

(H.C.R. No. 7)

A CONCURRENT RESOLUTION
FOR THE PURPOSE OF REQUESTING APPROPRIATE ACTION BY THE CONGRESS, EITHER ACTING BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR, UPON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE, WITH CERTAIN EXCEPTIONS, THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR.

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

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to
WHEREAS, available revenues; and
WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and
WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and
WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and
WHEREAS, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe such action vital.
NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring, that the Legislature proposes to the Congress of the United States, that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the legislature requests the Congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and
BE IT FURTHER RESOLVED, that, alternatively, the Legislature makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and
BE IT FURTHER RESOLVED, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and
BE IT FURTHER RESOLVED, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and
BE IT FURTHER RESOLVED, that this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or require the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives be and he is hereby directed to forward copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congress of the United States representing the State of Idaho.

Adopted by the Senate February 13, 1979.

(H.C.R. No. 8)

A CONCURRENT RESOLUTION


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

WHEREAS, the provisions of Section 67-6410, Idaho Code, require prior legislative approval of projects to be undertaken by the Idaho State Building Authority; and

WHEREAS, the Legislature has taken action through the adoption of Senate Concurrent Resolution No. 140 of the Second Regular Session of the Forty-third Idaho Legislature to authorize lease agreements between the Public Utilities Commission of the State of Idaho and the Idaho State Building Authority to enter into lease agreements for the purposes of acquiring office space within Boise, Idaho; and

WHEREAS, the Legislature has taken action through adoption of Senate Concurrent Resolution No. 138 of the Second Regular Session of the Forty-third Idaho Legislature to authorize lease agreements between the Department of Administration of the State of Idaho and the Idaho State Building Authority for office space in the cities of Idaho Falls, Lewiston, Pocatello, Coeur d'Alene, Twin Falls and within the Capitol Mall area in Boise, and shop and office space in the vicinity of Boise, Idaho; and

WHEREAS, it is incumbent upon the Legislature of the State of Idaho to act in a judicious manner to provide state office space only
to the extent that it is necessary and beneficial to the people of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Senate Concurrent Resolution No. 140, as adopted by the Second Regular Session of the Forty-third Idaho Legislature and titled "A CONCURRENT RESOLUTION PROVIDING LEGISLATIVE AUTHORIZATION FOR THE IDAHO STATE BUILDING AUTHORITY TO ACQUIRE OR ERECT AN OFFICE BUILDING WITHIN OR CONTIGUOUS TO THE CAPITOL MALL COMPLEX AT BOISE TO HOUSE THE PUBLIC UTILITIES COMMISSION AND STATE AGENCIES.", is hereby repealed and declared null and void.

BE IT FURTHER RESOLVED that the terms and conditions of Senate Concurrent Resolution No. 138 of the Second Regular Session of the Forty-third Idaho Legislature and titled "A CONCURRENT RESOLUTION REPEALING HOUSE CONCURRENT RESOLUTION NO. 28 OF THE FIRST REGULAR SESSION OF THE FORTY-THIRD LEGISLATURE OF THE STATE OF IDAHO AND PROVIDING LEGISLATIVE AUTHORIZATION AND PROVIDING APPROVAL FOR THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS OF THE DEPARTMENT OF ADMINISTRATION OF THE STATE OF IDAHO TO ENTER INTO A YEAR-TO-YEAR LEASE AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY FOR LEASING BUILDINGS WITHIN THE STATE OF IDAHO TO HOUSE STATE AGENCIES.", are modified as follows: that the authorizations for lease agreement or agreements in Pocatello, Coeur d'Alene and Twin Falls, and shop and office space in the vicinity of Boise, Idaho, are hereby repealed and declared null and void.

Adopted by the House January 22, 1979.
Adopted by the Senate February 15, 1979.

(H.C.R. No. 9)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE AND TAXATION ON THE MINE LICENSE TAX.

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

WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of state agencies pursuant to Section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the mine license tax rules and regulations of the Department of Revenue and Taxation go beyond the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the mine license tax regulations of the Department of Revenue and Taxation, effective October 17, 1977, be amended to read as follows:
Regulation 1. License Tax to be Measured by Two Percent of Net Value of Ores Mines - Definition of Royalty.

No person, copartnership, company, joint stock company, trust, corporation or association shall be subject to tax under this Act for payments received from mining properties within Idaho from which no minerals or ores were extracted, sold or used during the taxable year, provided that the tax arising from payments of advance royalties shall be deferred until the year during which the ore to which the advance royalty relates is actually extracted. Nor shall they be subject to tax on payments not measured by, applied to, nor dependent upon actual extraction of ore.

Regulation 2. Net value of Ore to be Used as Measure of Tax - How Determined.

(a) For taxable-years-ending final tax determinations made on or after January 1, 1977, the taxpayer may elect to use one of the methods prescribed in Section 47-1202 for the measurement of the mine license tax. This election must be made in writing and filed with the mine license tax return for the first taxable year ending on or after January 1, 1977. This election is not available to taxpayers whose only taxable mining activity is the receiving of royalties. Such taxpayers must determine their mine license tax liability by use of the method described in subsection (a) of Section 47-1202. Taxpayers whose mining activity includes both the receiving of royalties and the extraction of ores must determine that portion of their mine license tax liability arising from the royalty received by use of the method described in subsection (a) of Section 47-1202, but may elect to determine that portion of their mine license tax liability arising from their extraction of ores by use of either method for which a proper election has been made. If no timely written election is made, the taxpayer shall be presumed to have elected to compute the mine license tax in accordance with the method described in subsection (a) of Section 47-1202. Once an election is made, the taxpayer may not change the method of computing his tax unless he receives written permission from the State Tax Commission prior to the due date of the return.

(b) For each taxpayer using the method described in subsection (a) of Section 47-1202, the net value of ores mined shall be the amount of taxable income from the property as defined by Section 613 of the Internal Revenue Code and Treasury Regulation 1.613-5 less the deduction for depletion expense on the property which was allowed in the taxpayer's federal income tax return. Use-of-this-method-represents-a-continuance-of-the-procedure-required-during-prior-years;

(c) For each taxpayer using the method described in subsection (b) of Section 47-1202, the net value of ores mined shall be the result of the following computation.

(1) Gross value of the ores shall be equal to that determined by the U.S. Department of Interior during the same taxable year.
This gross value shall be that computed for purposes of identifying the amount of mineral royalties to be paid for the privilege of mining public lands. The value thus determined shall apply regardless of whether the ore is extracted from public, Indian or private land. If the taxpayer is engaged in mining properties for which such a royalty must be paid, the taxpayer must attach to the mine license tax return a copy of the value determination made by the U.S. Department of the Interior.

(2) From the gross value determined above, the taxpayer shall deduct direct mining costs attributable to the production of the ores to the point at which they are valued by the U.S. Department of the Interior.

(3) From the gross value determined above, the taxpayer shall also deduct a portion of the depletion expense attributable to the property which was allowed as a deduction in the taxpayer's federal income tax return for the same taxable year. The deductible portion of this depletion expense shall be determined by use of the following computation:

\[
\frac{X}{\text{Depletion expense allowed in Federal income tax return}} = \frac{\text{Gross value of ores for mine license tax purposes}}{\text{Gross value of ores for Federal percentage depletion purposes}}
\]

\[
X = \text{Deductible portion of federal depletion expense}
\]

For purpose of this computation, all references to gross value and depletion expense must be limited to those arising from mining conducted upon properties located within Idaho.

(d) Each mine license tax return must include a copy of the depletion expense computation applicable to Idaho mining properties which was included in the taxpayer's Federal income tax return.

Adopted by the House February 6, 1979.
Adopted by the Senate February 26, 1979.
A CONCURRENT RESOLUTION

CONGRATULATING THE UNIVERSITY OF IDAHO ON ITS NINETIETH BIRTHDAY.

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

WHEREAS, the University of Idaho was founded on January 30, 1889; and
WHEREAS, the University of Idaho has been the cultural forerunner for many years in the State of Idaho; and
WHEREAS, the University of Idaho has some of the finest scholastic programs in certain areas for the country; and
WHEREAS, the University of Idaho has served as a melting pot for the people of not only northern Idaho but also for the entire State; and
WHEREAS, University of Idaho graduates are leaders in business, industry, government, and the arts; and
WHEREAS, the University of Idaho must rank with the great universities in the nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth 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 honor the anniversary on the founding of the University of Idaho and praise it for the memorable achievements that it has accomplished over the past ninety years.

Adopted by the Senate January 30, 1979.

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 1980 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 First Regular Session of the Forty-fifth 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 1979-1980 fiscal
Revenue Projections for 1979-1980 fiscal year:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court/Magistrates</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>1,400,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>100,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>600,000</td>
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<td>Department of Insurance</td>
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<td>700,000</td>
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<tr>
<td>Department of Revenue:</td>
<td>171,000,000</td>
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<tr>
<td>Individual Income Tax</td>
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<tr>
<td>Corporate Income Tax</td>
<td>40,000,000</td>
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<tr>
<td>Kilowatt Hour Tax</td>
<td>1,500,000</td>
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<td>Beer Tax</td>
<td>2,500,000</td>
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<tr>
<td>Mine License Tax</td>
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<tr>
<td>Wine Tax</td>
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<tr>
<td>Cigarette Tax</td>
<td>7,300,000</td>
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<tr>
<td>Miscellaneous Agencies</td>
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<td>Transfers:</td>
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<tr>
<td>Miscellaneous</td>
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<tr>
<td>Liquor</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>104,000,000</td>
</tr>
</tbody>
</table>

Total Fiscal Year 1979-80 Revenue Projection: $357,825,000

*No consideration is given to possible changes of state tax laws.*

Adopted by the House February 8, 1979.
Adopted by the Senate February 19, 1979.

(H.C.R. No. 13)

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 total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth 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, 1979.
Beginning Balance FY 1979  
Add Anticipated Revenue FY 1979  
Total Available  
Deduct Amount Appropriated  
General Fund Surplus, June 30, 1979  

$ -0-  
320,300,000  
$320,300,000  
318,967,900  
*$ 1,332,100  

* An additional amount of $937,000 may be expected to be received by the general account due to cancellation of an encumbrance for payment of tax refunds and a further amount of $814,000 may be expected to revert to the general account due to an excess appropriated for circuit breaker tax relief.

Adopted by the House February 8, 1979.  
Adopted by the Senate February 19, 1979.

(H.C.R. No. 15)  
A CONCURRENT RESOLUTION

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 accomplishments 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 College Land Grant Act providing to every state in the Union the opportunity for establishment of an agricultural college; 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 members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate do meet in joint session in the House Chamber at the hour of 11:00 a.m., February 12, 1979, to memorialize the birth of Abraham Lincoln.

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 Repre-
sentatives appointed for this purpose meet with the similar committee of the Senate and arrange for a suitable program.

Adopted by the House February 9, 1979.
Adopted by the Senate February 12, 1979.

(H.C.R. No. 17)

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 67-509, 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 First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the First Regular Session, Forty-fifth Idaho Legislature, and the Session Laws of any Extraordinary Session, Forty-fifth Idaho Legislature, in accordance with the provisions of law and in accordance with the written contract between the Joint Printing Committee as party of the first part, and CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to-wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 6th day of February, 1979, by and between the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;
WITNESSETH:
That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS
For printing and binding 1200 copies of the Session Laws of the
First Regular Session of the Forty-fifth Legislature and the Session Laws of any Extraordinary Session of the Forty-fifth 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 $22.50 per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1979, shall be included in the Session Laws of the First Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the State of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution has caused these presents to be executed by its proper officials.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING THE RULES AND REGULATIONS OF THE STATE TAX COMMISSION ON THE SALES TAX.

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

WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of state agencies pursuant to Section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that Sales Tax Regulation 13-25 of the State Tax Commission goes beyond the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Sales Tax Regulation 13-25 of the State Tax Commission effective October 18, 1978, be amended to read as follows:

13-25. TRANSPORTATION AND FREIGHT CHARGES. Whether or not transportation charges are separately stated, the sales price includes any charges made for transporting the commodity prior to the time of sale to the buyer. Charges for transportation subsequent to the sale and occurring at a time when the goods sold lie completely within the control of the buyer are not included as a part of the sales price.
For the purpose of determining the time of sale, the sale will be deemed to have occurred at the time title to the property passes from the seller to the buyer. For the purpose of determining when title passes from the seller to the buyer the rules of the Uniform Commercial Code (Idaho Code Section 28-2-401) shall apply.

However, notwithstanding any of the above, if transportation of the commodity is provided by the seller to the final purchaser as a separately contracted service to the final purchaser, then these transportation charges are not subject to the sales tax, if separately identified, regardless of when title passes.

Regardless of other provisions of this regulation, transportation charges which are not separately stated are included in the sales price subject to tax.

Adopted by the House February 20, 1979.
Adopted by the Senate February 27, 1979.

(H.C.R. No. 20)

A CONCURRENT RESOLUTION
PROVIDING FOR OFFSET PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS AND MEMORIALS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee has, according to law, made provisions for the offset printing of the House and Senate bills, resolutions and memorials;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee,

BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the offset printing of the House and Senate bills, resolutions and memorials, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and COMET PRINTING AND LITHOGRAPH COMPANY, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and concurred in, and is incorporated herein, except for the attachments, and made a part of this resolution in words and figures following, to-wit:
PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 7th day of February, 1979, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE of the First Regular Session of the Forty-fifth Idaho Legislature, hereinafter referred to as the Joint Committee, and COMET PRINTING AND LITHOGRAPH COMPANY, a corporation, hereinafter referred to as Comet.

WITNESSETH:

That pursuant to a resolution of the Joint Committee and written bids submitted to and considered by the Joint Committee, which are made part and parcel of this contract and included as Attachment A, a contract of legislative printing is hereby awarded to Comet per your letter response of December 7, 1978, included as Attachment B, for the First Regular Session of the Forty-fifth Idaho Legislature upon the additional following terms and conditions:

1. That Comet will utilize an offset process from "Camera Ready" copies as those terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials.

2. That Comet concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of Five Thousand Dollars ($5,000), guaranteeing the satisfactory and faithful performance by Comet of all the terms and conditions of this contract.

3. That Comet will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Comet will produce all bills, resolutions and memorials with line and page numbering.

5. That Comet will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

7. That Comet will deliver all standard lot printed material conforming to the above requirements by 9:00 A.M. the next morning after receipt of copy, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Comet bond.

9. That a standard lot of printed material will be One Thousand (1,000) copies or less of individual bills, resolutions or memorials at a cost of Fourteen Dollars and Eighty-five Cents ($14.85) per printed page. Additional copies may be obtained by the Joint Committee at the rate of Fifteen Dollars and Twenty Cents ($15.20) for
Eleven Hundred (1,100) copies, Sixteen Dollars and Sixty-five Cents ($16.65) for Twelve Hundred (1,200) copies, and One Dollar and Forty-five Cents per Hundred for copies over Twelve Hundred (1,200) in lots of One Hundred (100).

10. That Comet will pick up "Camera Ready" copy at least twice daily of each day that the legislature is in session.

11. That Comet will make available to and sell to the general public any bill, resolution or memorial in lots of One Hundred (100) copies at a cost of One Dollar and Twenty-five ($1.25) per printed page, provided the order for such is received prior to the time the bill is printed.

12. That this Agreement shall be subject to review and reconfirmation by memorandum agreement signed by all parties to this Agreement on or before November 1, 1979, to be effective for the Second Regular Session of the Forty-fifth Idaho Legislature.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Richard S. High
RICHARD S. HIGH, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE

By /s/ George G. Danielson
GEORGE G. DANIELSON, Chairman

COMET PRINTING AND LITHOGRAPH COMPANY

By /s/ Gary D. Dotson
GARY D. DOTSON

Adopted by the House February 21, 1979.
Adopted by the Senate March 5, 1979.

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE POLICIES ON STATE EMPLOYEES SALARIES, MODIFYING CERTAIN PORTIONS OF THE RECOMMENDATIONS OF THE IDAHO PERSONNEL COMMISSION WITH RESPECT TO STATE EMPLOYEE SALARIES, AND ACCEPTING CERTAIN PORTIONS OF THE RECOMMENDATIONS OF THE IDAHO PERSONNEL COMMISSION WITH RESPECT TO STATE EMPLOYEE SALARIES, AND PROVIDING DIRECTIONS TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature has by law provided that the Personnel Commission shall report to the Legislature its recommendations on proposed personnel pay policies together with estimated costs therefor; and

WHEREAS, the Legislature has received and reviewed such report dated January 10, 1979; and

WHEREAS, the Legislature recognizes the need to maintain spending patterns of state government within established guidelines.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Legislature of the State of Idaho, the House of Representatives and the Senate concurring therein, that the recommendation of the Personnel Commission for fiscal year 1980 to adjust the payline is hereby modified as follows:

A. At 320 points and below, $35.95 per point plus $4,879 per annum,

B. Above 320 points, $21.61 per point plus $9,737 per annum, and as modified is adopted; and that portion of the recommendations which relates to new points assigned to revised and refactored classes and is included in the report of the Personnel Commission as Addendum A and Addendum B, is hereby adopted and approved. All portions of the report of the Personnel Commission for fiscal year 1979 adopted by Senate Concurrent Resolution No. 120, 1978, are hereby continued in full force and effect, except as modified by this resolution.

BE IT FURTHER RESOLVED that nonclassified state employees be treated as nearly as possible as classified employees.

BE IT FURTHER RESOLVED that the Joint Senate Finance-House Appropriations Committee is instructed to prepare appropriations measures which limit fiscal year 1980 aggregate personnel costs funded from the general account to an amount not greater than three million dollars more than was appropriated for that same purpose for fiscal year 1979, and shall similarly limit fiscal year 1980 aggregate personnel costs for all personnel costs not funded from the general account. Within the limit of appropriations thus provided, it is declared to be legislative intent that payline adjustments and longevity adjustments be made, and meritorious increases and promotions be allowed.

Adopted by the House February 23, 1979.
Adopted by the Senate March 2, 1979.
REQUIRING REPORTS OF THE COMMITTEE.

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

WHEREAS, the Legislature, acting on behalf of the citizens of the State of Idaho, maintains an active interest and sense of responsibility for advising the State Board of Land Commissioners in matters of lands policy; and

WHEREAS, previous efforts on the part of the special legislative advisory committee have made progress toward resolution of the problems facing the state in regard to selection of lands; and

WHEREAS, future deliberations regarding state lands should continue to utilize the expertise and background of the special legislative advisory committee.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that there is hereby created a Legislative Land Grants Committee, to be composed of: the Speaker of the House of Representatives; the President Pro Tempore of the Senate; the Minority Leader of the Senate or his designee; the Minority Leader of the House of Representatives or his designee; one member of the majority party of the Senate appointed by the President Pro Tempore; and one member of the majority party of the House of Representatives appointed by the Speaker.

The Committee shall meet upon the call of the President Pro Tempore of the Senate, shall organize by electing a chairman and a vice-chairman, and shall thereafter convene upon the call of the chairman, or by order of a majority of the members of the committee.

BE IT FURTHER RESOLVED that it shall be the responsibility and duty of the Committee:

(1) To continue the process of recommending the selection of all in-lieu lands due to the State of Idaho from the United States by reason of the Admissions Act and resulting statutes and laws;

(2) To continue:
   (a) advising the state land board regarding the identification of problems relating to the entitlement of the citizens of Idaho to the benefits of the Carey Act;
   (b) presenting such recommendations from time to time for executive action or legislative action as will insure to the state of Idaho all of the benefits and provisions under the original Carey Act;
   (c) to develop recommendations for an on-going exchange program towards the end of blocking up Idaho lands into manageable units wherever possible;
   (d) to develop recommendations for the recovery of the royalty rights on all phosphate beds which originate on state endowment lands but which royalties are currently being paid to the United States government;
   (e) to review the historic pattern of use of the endowment lands by state agencies and to recommend appropriate action for the
state land board for acquisition of lands if necessary;
(f) to conduct such other studies and investigations, and to
recommend such action to the state land board as the committee
deems necessary and desirable to accomplish its several charges.
BE IT FURTHER RESOLVED that, in order that the Committee may per-
form the responsibilities and duties assigned to it, it shall have the
authority to:
(1) Delegate or assign particular tasks to individual members of
the committee;
(2) Appoint members of the committee to serve on subcommittees or
task forces;
(3) Request assistance, service and information from appropriate
executive departments;
(4) Hire, engage or retain such staff and/or consultants and
advisors as is necessary.
BE IT FURTHER RESOLVED that the Committee shall continue during
the duration of the Forty-fifth Idaho Legislature and shall make a
report of its activities and recommendations to the Second Regular
Session of the Forty-fifth Idaho Legislature, and further shall report
to the First Regular Session of the Forty-sixth Idaho Legislature. A
copy of each report shall be filed with the Secretary of the Senate,
the Clerk of the House of Representatives, the State Board of Land
Commissioners, the Governor, and each executive department affected by
its recommendations, to the State Land Board.
BE IT FURTHER RESOLVED that the members of the Committee shall be
compensated in the manner provided by law for members of the Legis-
lature. All expenses of the Committee shall be paid out of moneys in
the legislative account in the state operating fund, and the President
of the Senate and the Speaker of the House of Representatives are
hereby authorized and directed to make such payments as required by
the purposes of this resolution.

Adopted by the House March 9, 1979.
Adopted by the Senate March 19, 1979.

(H.C.R. No. 24)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE
COUNCIL TO UNDERTAKE AND COMPLETE AN EXAMINATION OF ALTERNATE
FUNDING AND APPORTIONMENT METHODS EXCLUSIVELY FOR CITY STREETS,
COUNTY SECONDARY ROADS AND BRIDGES, AND UNDERTAKE AND COMPLETE A
COMPREHENSIVE REVISION AND RECODIFICATION OF EXISTING LAWS RELAT-
ing TO HIGHWAYS, BRIDGES AND FERRIES.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, user fees and/or other possible methods of funding and
apportionment should be considered for city streets, county secondary
roads and bridges to replace ad valorem taxation wherever possible; and

WHEREAS, the Legislature of the State of Idaho hereby recognizes the need for revision and recodification of existing laws relating to highways, bridges and ferries, which laws contain many obsolete and conflicting sections and chapters making uniform interpretation by city, county and state officials extremely difficult, while at the same time providing inequities within some taxing entities, and which laws do not allow a practical method of permitting a city to detach itself from a highway or good road district.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to appoint a committee of not more than five legislative members, one from the House Transportation and Defense Committee, one from the House Local Government Committee, one from the Senate Transportation Committee, one from the Senate Local Government Committee, and a chairman to be selected from the Legislative Council, to undertake and complete an examination of user fees and/or other possible funding and apportionment methods exclusively for city streets, county secondary roads and bridges to replace ad valorem taxation wherever possible.

BE IT FURTHER RESOLVED that the Legislative Council undertake and complete a comprehensive revision and recodification of existing highway, bridge and ferry laws, and report interim results thereof to the Second Regular Session of the Forty-fifth Idaho Legislature, and report final results thereof, together with proposed legislation, to the First Regular Session of the Forty-sixth Idaho Legislature.

Adopted by the House March 12, 1979.
Adopted by the Senate March 20, 1979.

(H.C.R. No. 27)

A CONCURRENT RESOLUTION PROVIDING FOR A COMMITTEE TO STUDY REVENUE PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

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

WHEREAS, it is the responsibility of the Legislature to provide, in cooperation with the Chief Executive, for the sound fiscal operation of the State of Idaho; and

WHEREAS, the Legislature concludes that a sound budget practice is dependent upon an accurate income projection; and

WHEREAS, the Legislature will benefit from an authoritative estimate arrived at on the basis of the best and most accurate information available.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular
Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a joint committee is hereby created and constituted to study revenue projections. The committee shall consist of three members of the Senate, appointed by the President Pro Tempore of the Senate, no more than two of whom shall be from the same political party, and four members of the House of Representatives, appointed by the Speaker of the House, no more than two of whom shall be from the same political party. Because of the constitutional provision that makes the House of Representatives responsible for revenue raising measures, and the tradition which places revenue projection responsibility with the Revenue and Taxation Committee, it is further resolved that the Speaker of the House of Representatives shall designate the chairman of the committee. The committee shall avail itself of the expert knowledge available within the State to provide the Second Regular Session of the Forty-fifth Idaho Legislature with the most accurate revenue projection available and shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that meetings of the committee shall, with the approval of the Speaker and the President Pro Tempore, be held at such times as necessary.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the expenses of the committee including necessary staff and consultants, and to certify such compensation and expenses to the state auditor for payment.

Adopted by the House March 20, 1979.
Adopted by the Senate March 23, 1979.

(H.C.R. No. 28)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING A RULE GOVERNING THE SENIOR CITIZENS’ SERVICES PROGRAM ADOPTED BY THE IDAHO OFFICE ON AGING.

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, it is the finding of the Legislature that the rules and regulations governing the Senior Citizens' Services Program should be revised.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Rule 1-103.03, Area Advisory Council, of the Rules and Regulations Governing Senior Citizens' Services Program as adopted by the Idaho office on aging, be, and the same is hereby amended as follows:
1-103.03 Area Advisory Council. A group of individuals, of which at least one-half of the members are 60 years old or older and at least four members are public members under the age of 60 years and are not administrative personnel of the program, which serves in an advisory capacity to the Area Agencies on Aging concerning the development and administration of programs and services for the elderly.

Adopted by the House March 24, 1979.
Adopted by the Senate March 24, 1979.
A JOINT MEMORIAL

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, sixty years ago the First World War ended in Germany; and

WHEREAS, approximately twenty-five percent of those veterans of World War I, still live in our country; and

WHEREAS, thousands of these veterans have poor health and live far below the level of poverty established by our great country; and

WHEREAS, some 3,000 of these veterans are residents of Idaho and their average age is eighty-four years; and

WHEREAS, the cost of helping and caring for these men and women falls increasingly on the State of Idaho; and

WHEREAS, these men and women veterans are the only veterans of any war engaged in by the United States, who have never been pensioned; and

WHEREAS, since World War II, all honorably discharged veterans have received pensions and benefits too numerous to mention; and

WHEREAS, World War I veterans are now in failing health and becoming feeble; and

WHEREAS, hundreds of bills have been introduced in the Congress of the United States calling for a pension for all honorably discharged veterans of World War I, but have remained buried in committee and have not been brought to a vote; and

WHEREAS, the Legislature of the State of Idaho is in favor of a pension for these deserving men and women.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein and speaking on behalf of the citizens of the State of Idaho, that we ask the Congress of the United
States to pass legislation, and the President of the United States to sign such legislation, immediately, authorizing the payment of $150.00 monthly to every honorable discharged veteran of World War I, whose service exceeded sixty days; which veterans now live impoverished in an affluent society.

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 January 15, 1979.
Adopted by the House March 8, 1979.

(S.J.M. No. 102)

A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES AND THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Senate and the House of Representatives of the State of Idaho support energy conservation whenever sound and economically possible; and
WHEREAS, the President of the United States has requested everyone to join in an attempt to make our country energy-independent; and
WHEREAS, the people of Idaho support the full development of all safe, nonpolluting forms of electrical energy; and
WHEREAS, the use of nuclear power could be integrated into the electrical power system as a source of future energy for Idaho; and
WHEREAS, the federal government has adopted stringent nuclear safety regulations; and
WHEREAS, construction of nuclear plants and the provision of adequate energy provides jobs for citizens during and after construction of the plants.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we most respectfully urge the President of the United States and the Congress of the United States to act now to put an end to all administrative delays in order to provide for the earliest possible granting of necessary licensing and construction permits for nuclear power plants.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and
A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, more strict air pollution requirements will apply to light-duty trucks and vans in the 1979 model year; and

WHEREAS, such vehicles must be equipped with catalytic converters in order to economically meet these stricter emission standards; and

WHEREAS, many light-duty trucks and vans sold in the western states are used in locations, including grasslands, brush lands, and forest areas, which are subject to fire danger; and

WHEREAS, such fire hazard represents a threat to valuable grazing and forest areas of the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to provide special exemption from such emission requirements for vehicles used predominantly in fire prone areas; and

BE IT FURTHER RESOLVED that we find that such an exemptive action is necessary to safeguard valuable natural resources from fire danger; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 9, 1979.
Adopted by the House February 27, 1979.
A JOINT MEMORIAL


We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fifth 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 and the Nation'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 on the economy of the nation since it would mandate the importing of sugar from abroad, drive the domestic price of sugar up, further increase the U.S. balance of trade deficit, and continue to weaken the already depressed dollar on world money markets; and

WHEREAS, the loss of the domestic sugar industry would mandate U.S. farmers to convert their land to other crops and further depress farm prices which would make farm families unable to make a living from their land as well as cause the countless other workers who find employment in sugar mills and processing to face unemployment and cause welfare costs to rise; and

WHEREAS, legislation introduced during the 2nd Session of the 95th United States Congress would have remedied many of the economic problems of sugar beet producers and beet sugar processors if it had passed.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request and urge the Congress of the United States to consider and enact legislation which will 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 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 Agriculture, Robert Bergland, and 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 February 8, 1979.
Adopted by the House February 19, 1979.

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER, TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE HONORABLE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Congress in its wisdom established the National Rail Passenger System, better known as "Amtrak", to provide an alternate means of transportation for those persons who by choice wish to travel by other than automobile, bus or airplane; and

WHEREAS, the Secretary of Transportation, Mr. Brock Adams, has recommended to the Congress that the entire rail passenger system be reduced from the present 27,000 miles to 15,000 miles, or a 43 percent reduction of the total mileage in the system; and

WHEREAS, this reduction would eliminate the "Pioneer Route" which extends from Seattle, Washington to Salt Lake City, Utah and traverses through southern Idaho providing services to the cities and surrounding areas of Nampa, Boise, Mountain Home, Shoshone and Pocatello; and

WHEREAS, the "Pioneer Route" has, since its beginning in June, 1977, exceeded the expectations of Amtrak by steadily increasing ridership, in providing an alternate method of transportation, and in being used extensively by our senior citizens and young families; and

WHEREAS, rail passenger transportation provides the most fuel efficient method of transportation; and

WHEREAS, we are asked by the President of the United States to conserve energy and especially in the area of fossil fuels; and

WHEREAS, the supply of oil and gasoline is very uncertain and the rationing of aviation fuel and gasoline is a very real possibility in the near future.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, and speaking on behalf of the citizens of the State of Idaho, that we ask the Congress of the United States and the President of the United States to take necessary steps to insure that the present rail passenger system remain intact, most notably the "Pioneer Route."

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and
she is hereby authorized and directed to forward copies of this Memo¬rial to the Honorable Jimmy Carter, President of the United States, the President of the Senate and the Speaker of the House of Represent¬atives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 14, 1979.
Adopted by the House February 27, 1979.

(S.J.M. No. 106)

A JOINT MEMORIAL


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

WHEREAS, the powers delegated to the federal government by the United States Constitution are limited, and those powers not delegated to the federal government are reserved to the states; and

WHEREAS, it is becoming increasingly the practice of the federal government to require states to enact state laws to implement federal policies by threatening to withhold or withdraw federal funds for failure to do so; and

WHEREAS, the federal government has imposed upon the states many programs and obligations which require funding in excess of state means, thereby making the states subservient to and dependent upon the federal government for financial assistance; and

WHEREAS, through the coercive force of withdrawing or withholding federal funds, or the threat of withdrawing or withholding federal funds, the federal government is indirectly imposing its will upon the states and requiring implementation of federal policies which neither Congress nor the President nor any administrative agency is empowered to impose or implement directly; and

WHEREAS, this coercive power of the purse is being used to extend the power of the federal government over the states far beyond the powers delegated to the federal government by the United States Constitution; and

WHEREAS, the power of the federal government should be exercised directly by the enactment, implementation and enforcement of federal laws governing only those areas in which the federal government is empowered to act by the United States Constitution, and the federal government should be prohibited from usurping the authority of the states and imposing its will indirectly in those areas in which it has no power to act directly; and

WHEREAS, the federal government has imposed upon the states many programs and obligations which require state administration and such programs or other programs may lose federal financing if certain
conditions attached to the program are not met.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to refrain from withholding, withdrawing or threatening to withhold or withdraw federal funds from a state as a means of requiring a state to implement federal policies or practices; and

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 President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the members of the Congress of the United States representing the State of Idaho.

Adopted by the Senate February 16, 1979.
Adopted by the House March 15, 1979.
A JOINT MEMORIAL
URGING THE CONGRESS OF THE UNITED STATES TO ACT TO PREVENT PROPOSED UNITED STATES INTERNAL REVENUE SERVICE REVENUE PROCEDURES FROM BECOMING EFFECTIVE WHICH WOULD ESTABLISH MINORITY QUOTAS FOR TAX EXEMPT PRIVATE SCHOOLS TO FOLLOW OR BE DEPRIVED OF THEIR TAX EXEMPT STATUS.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Internal Revenue Service, Department of the Treasury, has announced a proposed revenue procedure relating to private school tax exemptions; and

WHEREAS, the proposed revenue procedure will, in effect, establish quotas for minority participation in tax exempt private schools; and

WHEREAS, such quotas have been held discriminatory in a recent United States Supreme Court opinion; and

WHEREAS, the use of private schools should be encouraged in order to help take the burden from public schools.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are deeply concerned with such a proposed procedure and strongly urge that the Congress take such immediate action as necessary to prevent such proposed procedure from becoming effective.

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 Senate February 2, 1979.
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal government has advanced a wide variety of programs which encroach upon the land, water and other natural resource management decisions of the several states, including programs such as the Wilderness Act, the Wild and Scenic Rivers Act, the designation of National Recreation Areas, and the programs to set aside habitat for endangered species; and

WHEREAS, each of these programs, and others, creates an allocation of the natural resources of the states without regard to state policy decisions, state objectives or economic well being; and

WHEREAS, these federal program decisions prevent the implementation of legitimate state policies, developed at the state level with the direct participation of the states' citizens, and intend to achieve the management of our natural resources to the greatest benefit of our citizenry; and

WHEREAS, the citizens of the affected states, through their elected representatives should be active participants in decisions regarding the management of resources located within the state boundaries.

NOW, THEREFORE, BE IT RESOLVED by the members of the Legislature of the State of Idaho, the House of Representatives and the Senate concurring therein, that we urge adoption of a federal policy governing all programs to manage and allocate the resources of the states, which would involve local decision makers. Specifically, we urge that no lands, waters, or other resources be set aside or withdrawn from state management without the approval of the Governor and the Legislatures of the affected states. This policy should 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 role of the states within the federal system.
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 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 2, 1979.
Adopted by the Senate March 19, 1979.

(H.J.M. No. 4)

A JOINT MEMORIAL
TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER, TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE HONORABLE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal government, through numerous Congressional enactments, such as the Metric Conversion Act of 1975 and the Education Amendments of 1976, have caused confusion within our society and have created an atmosphere of mandatory conversion; and

WHEREAS, the General Accounting Office in a recent study of legislative history towards metrisation, found that the national policy is not to prefer one system over the other but rather to provide for either to be predominant on the basis of the voluntary actions of those affected; and

WHEREAS, the General Accounting Office found that there is a strong public opinion against mandatory conversion to the metric system, which if mandatory could cost several billion dollars of unnecessary expense.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request and urge the Congress of the United States to enact legislation for the sole purpose of informing the American people that conversion to the metric system is strictly voluntary and that the national policy does not favor, but merely allows for conversion to the metric system.

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 President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional dele-
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Nation is heading towards a severe crisis in the supply of electrical energy; and
WHEREAS, the Northwest has been a leader in the development of hydroelectric energy, using nature's renewable resource; and
WHEREAS, in most years more water flows through the reaches of the Snake River than can be caught in the existing reservoirs, to be used for hydroelectric generation; and
WHEREAS, extensive study has already been devoted to a hydroelectric site in the middle reach of the Snake River, at a site commonly known as "Pleasant Valley-High Mountain Sheep"; and
WHEREAS, a dam and hydroelectric generating facility at this site could be expected to add more than five and three quarters billion kilowatt hours per year to the generation of electricity in the Northwest; and
WHEREAS, a hydroelectric generating facility can be installed and be productive in a significantly shorter period of time than either a coal-fired or nuclear generating plant; and
WHEREAS, the Congress of the United States, during the first session of the 94th Congress, passed S322, now known as P.L. 94-199, which delimits an area along the middle reach of the Snake River, and which precludes hydroelectric development in this area; and
WHEREAS, the aforementioned hydroelectric site, lies within the delimited area.

NOW, THEREFORE, BE IT RESOLVED, by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge consideration and adoption by Congress of the necessary amendments to Public Law 94-199 to allow the development of a dam and hydroelectric generating facility at the Pleasant Valley-High Mountain Sheep site.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth 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 First Regular Session of the Forty-fifth 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 Ser-
vice 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 March 15, 1979.
Adopted by the Senate March 23, 1979.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA  
\( \text{ss.} \)  
STATE OF IDAHO  
\( \text{ss.} \)

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-fifth Legislature of the State of Idaho, First Regular Session thereof, which convened January 8, 1979, and adjourned March 26, 1979, 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 17th day of April, 1979.

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.
INITIATIVE FIXING MAXIMUM AMOUNT OF AD VALOREM TAX AT 1% OF MARKET VALUE, EXCEPTING EXISTING INDEBTEDNESS. THE ASSESSOR'S VALUES FOR REAL PROPERTY ARE TO BE DETERMINED BY THE ACTUAL USE, CONSTRUCTION COSTS AND SALE PRICE. MARKET VALUES MAY BE INCREASED NOT MORE THAN 2% A YEAR, OR DECREASED IF CONSUMER INDEX LOWERS. LEGISLATION TO CHANGE TAXES TO INCREASE REVENUE MUST BE PASSED BY TWO THIRDS OF THE LEGISLATURE. NO NEW AD VALOREM TAXES MAY BE IMPOSED BY LEGISLATION. COUNTIES AND MUNICIPALITIES MAY IMPOSE SPECIAL TAXES BY TWO THIRDS VOTE OF QUALIFIED ELECTORS. PROCEDURAL PROVISIONS ARE INCLUDED.

That a New Section be added to Title 63 Chapter 9 of the Idaho Code, to be known as Section 63-923, Idaho Code as follows:

SECTION 1.
1. The maximum amount of any ad valorem tax on any property subject to assessment and taxation within the State of Idaho shall not exceed One Percent (1%) of the actual market value, of such property. The one percent (1%) to be collected by the Counties and apportioned according to law to the taxing districts within the Counties.
2. The limitation provided for in subdivision 1 shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective.

SECTION 2.
1. The actual market value shall be determined by the County Assessor but where real property is concerned it shall be the actual use of the real property. The actual market value means the County Assessors valuation of property subject to taxation as shown on the 1978 tax Assessment under "market value", or thereafter, the appraised value of property subject to taxation when purchased, newly constructed, or a change in ownership has occurred after the 1978 assessment. All taxable property which has not already been assessed up to the 1978 levels may be reassessed to reflect that valuation.
2. The actual market value base may reflect from year to year the inflationary rate not to exceed two percent (2%) for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction.

SECTION 3.
1. From and after the effective date of this section 63-923 I.C., any changes in State taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or
changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on such taxable property may be imposed.

SECTION 4.
Cities, Counties and taxing districts, by a two-thirds vote of the qualified electors of such districts, may impose special taxes on such Cities, Counties and taxing districts.

SECTION 5.
This law shall take effect for the tax year beginning on October 1 following the passage of this statute, except Section 3 which shall become effective upon the passage of this law.

SECTION 6.
If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be effected but will remain in full force and effect.

Submitted on initiative to a vote of the people at General Election on November 7, 1978. Adopted by majority of the aggregate vote cast for the Office of Governor on November 7, 1978. Governor's proclamation dated November 27, 1978, declaring the same to have been approved by the people. (NOTE: This initiative has been amended by Chapter 18, Laws of 1979.)
EXECUTIVE ORDERS
WHEREAS, it is in the public interest to promote the highest education of Idaho students; and
WHEREAS, financial assistance is often necessary if Idaho students are to achieve their educational goals; and
WHEREAS, the Congress of the United States has provided in Public Law 94-482 for the guarantee of certain student loans; and
WHEREAS, it is my desire that the State of Idaho should obtain the full benefit of that program for the benefit of Idaho students;
THEREFORE, I do hereby appoint the Student Loan Fund of Idaho, Inc., a non-profit Idaho Corporation as the Guaranteed Student Loan Program Administrator in the State of Idaho.
Student Loan Fund of Idaho, Inc., is authorized to establish the necessary relationships with the federal government, lending institutions, and institutions of education to fulfill the intent of Public Law 94-482 in the best interest of the students of Idaho.
This appointment is made with the understanding that Student Loan Fund of Idaho, Inc., must meet the requirements of federal law and regulations as well as state statutes. It may be terminated upon a 30-day written notice by either party except that such termination must be made in good faith, and adequate financial arrangements must be made to insure the proper continuation of coverage for outstanding loans.
This appointment is made with the understanding that the Student Loan Fund, Inc., will vigorously pursue the promotion of guaranteed student loans for all Idaho institutions of higher learning and all Idaho students seeking advanced education as long as students and institutions meet the guidelines of acceptability established by law.
The State of Idaho will assume no liability as a result of this appointment. All debts and liabilities resulting from this program shall be the sole responsibility of the Student Loan Fund of Idaho, Inc. All reserve funds of the Student Loan Fund of Idaho Inc., will be maintained in Idaho financial institutions subject to audit and inspection according to federal standards. All funds of the Student Loan Funds of Idaho, Inc., shall be used only in furtherance of the purposes of the Corporation as provided in its Articles of Incorporation.

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 thirteenth day of June, in the year of our Lord nineteen hundred seventy-eight, and of the
WHEREAS, it is in the public interest to protect the environment by correctly managing solid and hazardous waste; and

WHEREAS, it is important to have statewide continuity and yet to also have local control with local solutions to solid waste management problems; and

WHEREAS, the Congress of the United States has provided in Public Law 94-580 for the designation of a state solid waste management agency and for regional solid waste management agencies; and

WHEREAS, the designated agencies can receive federal funds to perform solid waste management activities including planning, technical assistance, surveillance, and enforcement; and

WHEREAS, it is desirable that the State of Idaho receive the full benefit of that law for the protection of the Idaho public health and environment;

THEREFORE, the following agencies are hereby designated to perform solid waste management activities as prescribed by Public Law 94-580.

The Department of Health and Welfare is hereby designated the State Solid Waste Management Agency to administer a state solid and hazardous waste management program to include application for federal money to operate the state program and to distribute the money to the regional solid waste management agencies by means of an annual contract.

The Panhandle District Health Department is designated to perform solid waste management planning, surveillance, and enforcement and related activities in Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties. The Panhandle District Health Department shall develop a Memorandum of Understanding and working arrangements with the Panhandle Area Council.

The North Central District Health Department is designated to perform solid waste management planning, surveillance, and enforcement...

The Ida-Ore Regional Planning and Development Association is designated to perform solid waste management planning in Adams, Washington, Payette, Gem, Owyhee, Valley, Boise, and Elmore Counties.

The Southwest District Health Department is designated to perform solid waste management surveillance and enforcement and related activities in Canyon, Adams, Washington, Payette, Gem, and Owyhee Counties.

The Central District Health Department is designated to perform solid waste management surveillance and enforcement and related activities in Ada, Elmore, Boise, and Valley Counties.

The Ada/Canyon Waste Treatment Management Committee is designated to perform solid waste management planning in Ada and Canyon Counties.

The South Central District Health Department is designated to perform solid waste management planning, surveillance, and enforcement and related activities in Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia Counties. The South Central District shall develop a Memorandum of Understanding and working arrangement with the Region IV Development Association.

The South Central District Health Department is designated to perform solid waste management surveillance and enforcement and related activities in Butte, Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake Counties.

The Southeastern District Health Department is designated to perform solid waste management surveillance and enforcement and related activities in Butte, Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake Counties.

The District Seven Health Department is designated to perform solid waste management surveillance and enforcement and related activities in Lemhi, Custer, Clark, Fremont, Jefferson, Madison, Teton, and Bonneville Counties.

The Southeastern District Health Department is designated to perform solid waste management planning in Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake Counties.

The above designations may be changed by Executive Order if a significant change in jurisdiction or other conditions so warrant.

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 19th day of July, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.
WHEREAS, energy, its cost and availability, is of major concern to each citizen of the State of Idaho; and

WHEREAS, an adequate supply of energy is essential to the health, safety and welfare of the people of our state and to a vigorous state economy. It is imperative that we accelerate research and development of alternative sources of energy and more efficient utilization of all energy. Uncontrolled growth in the demand for energy will result in a serious depletion of our energy resources (or an irreversible commitment of them) and may threaten our state's economic health and environmental quality; and

WHEREAS, it is the responsibility of state government to insure that the supply of energy is adequate and reliable; therefore, it is a necessary function of state government to plan for future energy requirements and facilities; and

WHEREAS, to effectively plan for our future, to make and implement sound energy decisions, the state must have centrally located technical capability. The state must have the ability to respond effectively to interruptions in the orderly provision of energy and to maximize the efficient use of our energy resources. Such decisions require sound analysis and long-term commitment; and

WHEREAS, it is the policy of the state to assume its responsibility for energy policy planning and the coordination of the implementation of state energy policies. It is further the policy of the state to employ a range of measures to reduce wasteful, uneconomical and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserving our energy resources and assuring achievement of statewide economic, public safety and environmental goals;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, being aware of the state's responsibility to promote effective energy use and to provide Idaho's citizens continued social and economic viability consistent with available resources, do hereby establish within the Office of the Governor an Office of Energy to be headed by a director appointed by the Governor.

Except as otherwise provided by law or by action of the Governor, the Office of Energy shall have the primary responsibility within the
Executive Department of the State of Idaho to provide:

(1) Energy policy planning:
   (a) Prepare future plans and contingency activities for the State of Idaho related to energy;
   (b) Prepare and present state energy policies for consideration by the Governor and the Legislature;
   (c) Enter into working arrangements with the other state agencies to develop state energy policies consistent with adopted state policies or programs;
   (d) Contract with universities, consultants and other public and private agencies to develop state energy policies;
   (e) Review and evaluate federal policies and programs and appropriately advise the Governor; and
   (f) Establish working arrangements with agencies of the federal government to further state energy policy goals and objectives.

(2) Implementation of energy policies:
   (a) Insure the timely and effective implementation of energy policies adopted by the state; and
   (b) Petition for and receive moneys such as grants or gifts to be used by the state to carry out such energy policies.

(3) Coordination of energy policies:
   (a) Coordinate state programs related to energy;
   (b) Act, in conjunction with the Division of Budget, Policy Planning and Coordination, as a clearinghouse for federal and other non-state programs in energy; and
   (c) Act on the behalf of the state with any region in the development, implementation, or coordination of energy activities.

(4) Perform other duties as directed by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-sixth day of July, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, the Legislature of the State of Idaho by Title 67, Chapter 59, of the Idaho Code has declared a policy to secure to all individuals within the State freedom from discrimination because of race, color, religion, national origin, or sex, and by Title 44, Chapter 16 of the Idaho Code, freedom from discrimination in employment because of age, and by Title 56, Chapter 8, of the Idaho Code, freedom from discrimination in employment in the state service on the basis of handicap, and by Title 65, Chapter 5, of the Idaho Code, veterans are to be given preference in employment by public employers; and

WHEREAS, every Idahoan should be provided the opportunity to fully develop and use his/her talents. When we allow race, color, religion, national origin, sex, age and/or handicap to prevent anyone from reaching their potential, we fail that person, our state and our country. In accordance with the principles of fair practice, we must strive to recognize and advance the abilities and talents of every individual, while denying no person his/her rightful opportunities; and

WHEREAS, we must assume our citizen-granted role of leadership in the protection of freedom for all citizens and serve in that leadership role as a model for government, business, industry, labor and education in this regard; and

WHEREAS, in that spirit and to that purpose, I, JOHN V. EVANS, Governor of the State of Idaho, now proclaim the following Idaho Code of Fair Employment Practices to be the governing policy throughout every department of the Executive Branch of Government of the State of Idaho.

ARTICLE I - Employment Policies of State Agencies

State employees shall be recruited, appointed, assigned and promoted upon the sole basis of individual merit, without regard to race, color, religion, national origin, sex, age or handicap. Appropriate consideration shall be given to veterans in accordance with applicable State and Federal laws and regulations.

All state departments, commissions and boards are directed to review present personnel recruitment, appointment, promotion, demotion, transfer, retention, discipline, separation, training and compensation policies and other employment practices to assure compliance with this Executive Order. They shall regularly review present State and Federal laws and regulations regarding equal employment opportunities to assure compliance.

The State Personnel Commission shall take positive steps to insure that the entire examination process, oral and written, shall be free from either conscious or inadvertent bias. State agencies shall give wide distribution of notice of employment opportunities so that all citizens may be fully advised of career opportunities in state govern-
ment. Employment announcements issued by state agencies shall include a statement indicating "Hiring is done without regard to race, color, religion, national origin, sex, age or handicap. Appropriate consideration shall be given to veterans in accordance with applicable State and Federal laws and regulations."

ARTICLE II - State Action

All services of every state agency shall be performed without discrimination based on race, color, religion, national origin, sex or handicap. No state facility shall be used in furtherance of any discriminatory practice, nor shall any state agency become a party to any agreement, arrangement, plan, contract or subcontract which has the effect of sanctioning such practices.

ARTICLE III - State Financial Assistance

Race, color, religion, national origin, sex or handicap shall not be considered in state-administered programs involving the distribution of funds to qualified recipients for benefits authorized by law; nor shall state agencies provide grants, loans or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices.

ARTICLE IV - State Employment Services

All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers, shall accept job orders and/or applications on a non-discriminatory basis. They shall refuse to fill any job order designed, either consciously or inadvertently, to exclude any person from employment because of race, color, religion, national origin, sex, age or handicap.

ARTICLE V - State Education, Counseling, and Training Programs

All educational, counseling and vocational guidance programs, employment and training programs, policy declarations and staff services of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, sex, age or handicap.

ARTICLE VI - Cooperation with Human Rights Commission

All state departments shall cooperate fully with the Idaho Human Rights Commission if state employees or applicants for state employment file complaints with the Commission. They shall also utilize the services of the Commission when needing technical advice regarding compliance with equal employment opportunity as described by Title 67, Chapter 59, Idaho Code. The Commission shall act as a referral agency for information or complaints concerning discrimination in certain protected classes not covered by Title 67, Chapter 59, Idaho Code.

ARTICLE VII - Enforcement by Appointing Authorities

The executive head of each state executive department shall be responsible for carrying out the policies of this Idaho Code of Fair Employment Practices and shall inform and educate all supervisory personnel regarding its intent and spirit. They shall promulgate clearly written directions to carry out this policy. Upon a showing of substantial evidence to the appropriate appointing authority that any
officer or employee of the State has knowingly violated any of the provisions of this Executive Order or any applicable State or Federal law or regulation, the appointing authority shall take appropriate disciplinary action.

This Executive Order shall be posted in prominent places in all state facilities in public view so that its contents may be easily read by all employees and by the general public.

ARTICLE VIII - Annual Reports

Each executive agency shall, on September 1 of each year, submit a written report to the Governor setting forth all activities undertaken in the past year to effect this Idaho Code of Fair Employment Practices.

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 17th day of October, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 78-5

CONTINUATION OF A STATEWIDE HEALTH COORDINATING COUNCIL
AND REPEALING AND REPLACING EXECUTIVE ORDER NO. 76-6

WHEREAS, the Congress of the United States has enacted the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), for which the stated purpose is to "facilitate the development of recommendations for a national health planning policy, to augment areawide and state planning for health services, manpower and facilities, and to authorize financial assistance for the development of resources to further that policy; and

WHEREAS, timely implementation of this Act requires the involvement of all levels of government, cooperation among all participants in both the public and private sectors of the health care field, and consumers;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the Statewide Health Coordinating Council pursuant
to the provisions of P.L. 93-641.

FURTHERMORE, within the compositional restrictions of P.L. 93-641, the Council shall consist of thirty (30) members appointed by the Governor. At least eighteen (18) of the members will represent Idaho Health Systems Agency, Inc., established pursuant to the provisions of P.L. 93-641. The remaining twelve (12) members shall be selected and appointed by the Governor. The Statewide Health Coordinating Council membership will represent the health professions; various units and levels of government, public, private and voluntary health associations; ethnic, racial and other minority groups. In the aggregate, the Council shall include persons residing in various geographic areas in the State; will be drawn from all socio-economic stations in life; a majority of the members shall be persons classified as consumers of health services as defined by the Act;

FURTHER, the Idaho Department of Health and Welfare, as previously designated in Executive Order No. 77-6, as the State Health Planning and Resource Development Agency, is hereby directed to serve as the professional staff resource to the Council in accordance with the provisions of P.L. 93-641.

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 17th day of October, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 78-6

DECLARING THE POLICY OF THE STATE ON LIFE-CYCLE COSTING PRACTICES: AND DIRECTING THE ADMINISTRATOR OF THE DIVISION OF PURCHASING TO ASSIST STATE AGENCIES IN DEVELOPING PLANS TO UTILIZE LIFE-CYCLE COSTING PRACTICES.

WHEREAS, energy, its production, distribution, and utilization is a primary concern of all Idaho citizens; and

WHEREAS, the use of energy is an integral part of people's lives: in agriculture, in business and industry, at home and in state and
local government; and

WHEREAS, to be effective, energy planning should be incorporated into decision-making; and, with regard to procurement practices and construction of new buildings by the State, life-cycle costing is one technique already in use in several states of the Union; and

WHEREAS, life-cycle costing is a technique whereby the long-term maintenance and operating costs of a building or product are considered in addition to its original purchase price or construction cost. These additional costs are often as important as the original cost and affect the true economy of buildings and products. Life-cycle costing techniques supplement the present minimum bid standards for controlling State contracting, purchasing and building practices. When applied logically, this method of cost evaluation has been proven effective in establishing the greatest gain between quality and thrift; and

WHEREAS, Idahoans are rightly concerned about the cost of government today. By encouraging wise management of energy and fiscal resources in government, through life-cycle costing, every Idaho citizen's tax dollar will be expended in a manner to guarantee maximum efficiency;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, declare that it is the policy of the State to promote the conservation of energy and the life-cycle cost or greatest value of commodities, and to effect coordination in the purchase of commodities by the State of Idaho.

To that end, all state agencies, prior to construction or renovation of any major facility, are directed to include in the design phase a provision for life-cycle costing. Life-cycle costing shall be a consideration in the selection of a building design by a public agency.

All state agencies are further directed to develop plans and specifications for energy efficiency in the acquisition of commodities purchased and/or acquired by the State, including life-cycle costing for the purchase of all major energy-consuming products.

I further direct the Department of Administration to assist all state agencies in developing plans and specifications to utilize energy efficiency and life-cycle costing in their acquisition and building practices.

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 28th day of December, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.
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 to more expensive sources of electrical energy 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 electric power and changes in this system, if not thoroughly reviewed, will be devastating 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 Executive Office of the 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.

Executive Order No. 77-12 is hereby repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of December, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 78-8

ESTABLISHMENT OF A STATE EXECUTIVE INSTITUTE

WHEREAS, continuing education of Idaho public administrators is essential for efficient and productive governmental affairs; and

WHEREAS, it is the responsibility of state government to insure that continuing education of Idaho public administrators is maintained in order to update their professional competence; and

WHEREAS, the absence of continuing education results in decreased professional competence, impairing the ability of Idaho public administrators to conduct their assigned duties in an effective and efficient manner; and

WHEREAS, the planning for continuing education of Idaho public administrators is a necessary function of state government; and

WHEREAS, it is the policy of the State to employ a range of measures to reduce ineffective and inefficient expenditures of public resources, prudently conserve manpower and fiscal resources, and update the competency of Idaho public administrators;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, being aware of the State's responsibility to promote effective and efficient governmental affairs and to provide Idaho's citizens continued public administration viability consistent with available resources, do hereby establish within the Office of the Governor a State Executive Institute to be headed by a director appointed by the Governor.

Except as otherwise provided by law or by action of the Governor,
the State Executive Institute shall have the primary responsibility within the Executive Department of the State of Idaho to provide:

1. Formulation of continuing education of Idaho public administrators
   a. Prepare future plans and activities for the State of Idaho related to continuing education
   b. Prepare and present state continuing education policies for consideration by the Governor and the Legislature
   c. Enter into working arrangements with state agencies to develop continuing education policies consistent with adopted state policies and programs
   d. Contract with universities, consultants and other public and private agencies to formulate state continuing education

2. Implementation of continuing education of Idaho public administrators
   a. Insure the timely and effective implementation of continuing education adopted by the State
   b. Petition for and receive moneys such as grants or gifts to be used by the State to carry out continuing education

3. Coordination of continuing education of Idaho public administrators
   a. Coordinate state programs related to continuing education
   b. Act in conjunction with the Division of Budget, Policy Planning and Coordination as a clearinghouse for federal and other nonstate programs in continuing education;

4. Preparation of continuing education of Idaho public administrator information
   a. Collect, analyze and distribute data and information on the production and consumption of continuing education in the State of Idaho
   b. Contract with universities, consultants and other public and private agencies to develop mechanisms to provide information on continuing education to the Governor, state agencies, the Legislature, political subdivisions and the public
   c. Provide technical assistance, related to continuing education, to state agencies and/or political subdivisions
   d. Serve as a statewide clearinghouse for information, data and material on continuing education which may be helpful in determining needed legislation

5. Perform other duties as directed by the Governor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of December, in the year of our Lord
WHEREAS, the citizens of the State of Idaho deserve the benefits of an efficient, effective state government; and
WHEREAS, in order to continue and improve upon the ability of state government to provide services to its constituents and ensure that every citizen receives full value for tax dollars expended; and
WHEREAS, it is incumbent upon the Governor to draw on the talents and resources of the private sector for the knowledge and experience to undertake a thorough and comprehensive review of the management, operating and organizational functions related to the administration and delivery of government services;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby order that:
1. There be established The Governor's Management Task Force to review and analyze activities of the departments and functions that make up the Executive Branch and report directly or indirectly to the Governor for the purpose of identifying immediate opportunities for increasing efficiency and reducing costs, suggesting managerial, operating and organizational improvements for short and long-term consideration and pinpointing specific areas where further in-depth reviews can be justified.
2. The Governor's Management Task Force shall undertake this review and analysis by organizing a nonprofit corporation under the laws of the State of Idaho and shall obtain support for staffing and financing from business, industry and professional organizations so no direct costs will be incurred by the State. I hereby appoint Thomas C. Frye to be chairman of the task force and authorize retaining the consulting firm of Warren King and Associates, Inc., to act as program managers based on their extensive experience in directing similar projects. In addition, the task force may utilize the
services of such persons from business and industry it deems necessary to carry out its functions including volunteer management and technical specialists who will serve on the task force without compensation or expense.

3. In furtherance of this effort, every officer and employee under the jurisdiction of the Governor is directed to cooperate with the task force and furnish its representatives with such information and assistance as may be needed to carry out the intent of this Executive Order.

4. The task force shall submit to the Governor a full report of its findings and final recommendations upon completion of its work.

5. This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-fourth day of January, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States the two hundred third, and of the Statehood of Idaho the eighty-ninth.

THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/ Pete T. Cenarrusa
SECRETARY OF STATE
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NUMERICAL LIST OF HOUSE BILLS

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SENATE CONCURRENT RESOLUTIONS

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SENATE JOINT RESOLUTIONS

That were adopted by both the Senate and House and appear in the 1979 Session Laws.

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HOUSE JOINT RESOLUTIONS

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IDAHO SESSION LAWS

IDAHO STATE OFFICIAL DIRECTORY

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
Phil Batt (R) ......................... Box 428, Wilder, Idaho 83676

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
David H. Leroy (R) ............... 2305 Claremont Drive, Boise, Idaho 83702

SUPERINTENDENT OF PUBLIC INSTRUCTION
Jerry L. Evans (R) ............... 1623 Dearborn, Caldwell, Idaho 83605
1 — BOUNDARY & BONNER COUNTIES

<table>
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<tr>
<th>Name</th>
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<tr>
<td>Karmil V. Klebert</td>
<td>D</td>
<td>3rd</td>
<td>Box 187, Hope 83836</td>
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<td>Contractor-Educator</td>
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<td>Marion Davidson</td>
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<td>Route 3, Bonners Ferry 83805</td>
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<td>James F. Stolteff</td>
<td>D</td>
<td>4th</td>
<td>815 Lakeview, Sandpoint 83864</td>
<td>263-2375</td>
<td>Teacher</td>
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<td>Art Manley</td>
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<td>6th</td>
<td>1109 11th, Coeur d'Alene 83814</td>
<td>864-2300</td>
<td>Realtor</td>
<td>Fin, Res/Env</td>
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<td>Gary J. Ingram</td>
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<td>4th</td>
<td>3530 Highland Dr., Coeur d'Alene 83814</td>
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<td>L. C. (Jack) Spurgeon</td>
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2 — KOOTENAI COUNTY

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3 — KOOTENAI & BENEWAH COUNTIES

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<td>C. C. Chase</td>
<td>D</td>
<td>6th</td>
<td>201 11th St, St. Maries 83861</td>
<td>245-2057</td>
<td>Auto Dealer</td>
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<td>Emery E. Hadlund</td>
<td>D</td>
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<td>1746 Main Ave., St. Maries 83861</td>
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<td>Merchant</td>
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<td>B. E. (Bud) Lewis</td>
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<td>Route 3, St. Maries 83861</td>
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4 — KOTENAI & SHOSHONE COUNTIES

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<td>Gerald V. Blackbird</td>
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<td>Box 134, Pinehurst 83650</td>
<td>662-2004</td>
<td>Miner</td>
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<td>Louie J. Harveth</td>
<td>D</td>
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<td>Box 888, Pinehurst 83650</td>
<td>982-2587</td>
<td>Guidance Counselor</td>
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<td>William F. Lyle</td>
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<td>Box 358, Pinehurst 83650</td>
<td>982-2448</td>
<td>Professional Engineer</td>
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<td>Norma Dobler</td>
<td>D</td>
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<td>1401 Alpowa St., Moscow 83843</td>
<td>882-3318</td>
<td>Homemaker</td>
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<td>Tom Boyd</td>
<td>R</td>
<td>2nd</td>
<td>Route 1, Box 88, Genesee 83832</td>
<td>265-1578</td>
<td>Rancher</td>
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<td>Joseph W. Walker</td>
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<td>1333 Ponderosa, Moscow 83843</td>
<td>882-0334</td>
<td>Insurance Agent</td>
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6 — NEZ PERCE COUNTY

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<td>Mike P. Mitchell</td>
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<td>316 Skyline Dr., Lewiston 83501</td>
<td>743-7753</td>
<td>Wholesale</td>
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<td>Ronald V. Harlow</td>
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<td>804 Burrell Dr., Lewiston 83501</td>
<td>743-7130</td>
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<td>Joe N. Wagner</td>
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<td>2628 Sunset Dr., Lewiston 83501</td>
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7 — CLEARWATER, LATAH & NEZ PERCE COUNTIES

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<td>Leeve V. Clemen</td>
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<td>203 10th, Troy 83571</td>
<td>825-5493</td>
<td>Farm Business</td>
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<td>Carl P. Braun</td>
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<td>Box 752, Orofino 83644</td>
<td>478-3585</td>
<td>Retirement</td>
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<td>Marquellite P. McLaughlin</td>
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<td>479-4136</td>
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8 — LEWIS, NEZ PERCE & IDAHO COUNTIES

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<td>Michael S. Black</td>
<td>D</td>
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<td>Box 296, Craigmont 83523</td>
<td>924-5956</td>
<td>Minister</td>
<td>Agric Alf, HEW, Loc Gov</td>
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<td>Harold W. Reid</td>
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<td>Route 2, Box 34, Craigmont 83523</td>
<td>937-3614</td>
<td>Agriculture</td>
<td>Agric Alf, Rev/Tax</td>
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<td>K. J. J. Ries</td>
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<td>P.O. Box 42, Grangeville 83530</td>
<td>983-1410</td>
<td>Barber-Style</td>
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IDAHO STATE LEGISLATORS 1978-79
IDAHO STATE LEGISLATORS 1978-79

9 — ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA & CANYON COUNTIES

David Little, Senate (R) .......................... 4th Term
P.O. Box 68, Emmett 83617 365-4821
Livestock Rancher Wife — Geraldine
COMMITTEES: Chm-Fin, Res/Env

Herbert G. Fitz, House (R) ..................... 4th Term
Box 317, New Meadows 83654 347-2256
Pharmacist Wife — Ruth
COMMITTEES: Health/Wel, Res/Con, St Aff

Morgan Munger, House (R) ..................... 3rd Term
Ola 83657 827-4232
Rancher Wife — Ellen
COMMITTEES: Loc Gov, Rev/Tax

10 — PAYETTE & WASHING TON COUNTIES

Larry E. Craig, Senate (R) ....................... 3rd Term
Midvale 83645 355-2402
Rancher/Real Estate
COMMITTEES: Agric Aff, HEW, Chm-Chm/Comm/Lab

W. Dean Abraham, Senate (R) .................. 5th Term
116 S. 7th Ave., Caldwell 83605
Home 459-3141
I.O.N. Cattle Co.
COMMITTEES: Agric Aff, Transp

R. E. Verner, Senate (A) ....................... 1st Term
Route 4, Box 4451, Nampa 83651
Home 468-0530 Bus. 467-2144
Attorney Wife — Beverly
COMMITTEES: HEW, Jud

Virginia D. Smith, House (R) ................... 2nd Term
Route 6, Caldwell 83605 459-7192
Fruit Farmer Husband — Willard L
COMMITTEES: Agric Aff, Jud, St Aff

13 — CANYON COUNTY

Reese E. Verner, Senate (R) ..................... 1st Term
 Rt. 4, Box 4451, Nampa 83651
Home 468-0530 Bus. 467-2144
Attorney Wife — Beverly
COMMITTEES: HEW, Jud

14 — ADA COUNTY

Ronald G. Carter, Senate (R) .................... 1st Term
4210 Edwards, Boise 83703 345-9556
Attorney Wife — LaRae
COMMITTEES: Comm/Lab, Fin

John M. Gwaltney, House (A) ................. 2nd Term
8400 Pierce Park Lane, Boise 83703
Home 345-1285 Bus. 345-2560
Boise Cascade Corp. Wife — Barbara
COMMITTEES: Bus, Loc Gov, Rev/Tax

18 — ADA COUNTY

Kenneth L. Robison, Senate (D) ............... 1st Term
7330 Swift Lane, Boise 83704 375-0091
Journalist Wife — Maxene
COMMITTEES: Res/Env, Loc Gov

James D. Golder, House (R) .................... 2nd Term
3635 Amherst, Boise 83704
Home 375-6188 Bus. 345-8721
Stock Broker/Bosworth Sullivan Wife — Diane
COMMITTEES: Bus, Transp

Christopher R. Hooper, House (R) ............ 1st Term
7902 Ustick Road, Boise 83704
Home 375-5963 Bus. 345-3600
Casualty Mgr/North Pacific Ins. Co.
COMMITTEES: Bus, Educ, Health/Wel

11 — CANYON COUNTY

Walter E. Little, House (R) ..................... 8th Term
Route 1, New Plymouth 83655 768-5004
Rancher Wife — Evelyn
COMMITTEES: WIM, St Aff

12 — CANYON COUNTY

Ronald G. Carter, Senate (D) ................. 1st Term
4210 Edwards, Boise 83703 345-9556
Attorney Wife — LaRae
COMMITTEES: Comm/Lab, Fin

Paul E. Guernsey, House (D) ................... 1st Term
4747 E. Albion Woods, Boise 83705
Home 345-0903 Bus. 342-4571
Sales Rep., Investors Olera. Serv. Wife — Buiie
COMMITTEES: Educ, Print, Res/Con

15 — ADA COUNTY

Edith Miller Klein, Senate (R) ................ 9th Term
P.O. Box 475, Boise 83701
Home 344-5402 Bus. 343-3676
Lawyer
COMMITTEES: Jud, Comm/Lab, Chm-Loc Gov

Peggy Bunting, House (R) ..................... 4th Term
944 Lewis, Boise 83702 342-3147
Pres., Bunting Bldg. Corp. & Bunting Tractor Co.
COMMITTEES: Loc Gov, St Aff

16 — ADA COUNTY

Kenneth L. Robison, Senate (D) ............. 1st Term
7330 Swift Lane, Boise 83704 375-0091
Journalist Wife — Maxene
COMMITTEES: Res/Env, Loc Gov

James D. Golder, House (R) .................... 2nd Term
3635 Amherst, Boise 83704
Home 375-6188 Bus. 345-8721
Stock Broker/Bosworth Sullivan Wife — Diane
COMMITTEES: Bus, Transp

Christopher R. Hooper, House (R) ............ 1st Term
7902 Ustick Road, Boise 83704
Home 375-5963 Bus. 345-3600
Casualty Mgr/North Pacific Ins. Co.
COMMITTEES: Bus, Educ, Health/Wel
IDAHO STATE LEGISLATORS 1978-79

17 — ADA COUNTY
Ron J. Twillegar, Senate (D) 3rd Term
One Capital Center, Suite 1102, Boise 83702
Home 345-7076 Bus. 345-3460
Businessman-Attorney Wife — Elizabeth
COMMITTEES: Comm/Lab, St Aft

Kathleen W. (Kitty) Gurnsey, House (R) 3rd Term
1111 W. Highland View Dr., Boise 83702 343-1790
Housewife Husband — Vern L.
COMMITTEES: Appro, Approp

Larry W. Harrs, House (R) 2nd Term
1925 Montclair Dr., Boise 83702 344-6242
Retired Wife — Jane B.
COMMITTEES: Jud, St Alf

James E. Rfsch, Senate (R) 3rd Term
Route 3, S. Cole Rd., Boise 83705
Home 362-2626 Bus. 345-9974
Attorney Wife — Vicki
COMMITTEES: Jud, St Alf

Jack C. Kenedick, House (R) 5th Term
1 Mesa Dr., Boise 83705 343-2136
Insurance Wife — Mary Anne
COMMITTEES: Bus, St Aff, W/M

Wendy A. Ungrlcht, House (R) 2nd Term
5302 Aztec Circle, Boise 83705 362-3265
Homemaker Husband — Samuel K.
COMMITTEES: Health/Weil, Jud, Rev/Tax

18 — ADA COUNTY
James E. Rfsch, Senate (R) 3rd Term
Route 3, S. Cole Rd., Boise 83705
Home 362-2626 Bus. 345-9974
Attorney Wife — Vicki
COMMITTEES: Jud, St Alf

Jack C. Kenedick, House (R) 5th Term
1 Mesa Dr., Boise 83705 343-2136
Insurance Wife — Mary Anne
COMMITTEES: Bus, St Aff, W/M

Wendy A. Ungrlcht, House (R) 2nd Term
5302 Aztec Circle, Boise 83705 362-3265
Homemaker Husband — Samuel K.
COMMITTEES: Health/Weil, Jud, Rev/Tax

19 — ADA & OWYHEE COUNTIES
Walter H. Yarbrough, Senate (R) 6th Term
P.O. Drawer B, Glenns Ferry 83623 366-7956
Rancher/Rodeo Producer Wife — Hazel
COMMITTEES: St Alf, Transp, Res/Env

John F. Rurdon, House (R) 7th Term
3100 N. Five Mile Road, Boise 83704 375-3824
Mech. Engineer Wife — Blanche
COMMITTEES: Chm-St Aff

Lyman G. Wincheater, House (R) 4th Term
Route 1, Kuna 83634 922-5750
Rancher Wife — Lena
COMMITTEES: Res/Con, St Aff

20 — CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES
Vearl C. Crystal, Senate (R) 2nd Term
Route 6, Box 322, Idaho Falls 83401 754-4705 (Rigby)
Rancher/Rodeo Producer Wife — Brenda
COMMITTEES: Agric Aff, Loc Gov, HEW

Ray E. Infanger, House (R) 4th Term
Route 1, Box 174, Salmon 83457 756-3649
Heating Contractor Wife — Vera
COMMITTEES: Agric Aff, Appro

Wayne E. Tibblitts, House (R) 8th Term
Lorenzo Route, Box 212, Rigby 83442
Home 745-6022 Farm 745-7550
Farmer Wife — Lela
COMMITTEES: Agric Aff, Rev/Tax, Res/Con

21 — BLAINE, LINCOLN & MINIDOKA COUNTIES
John J. (Jock) Bell, Senate (D) 2nd Term
1143 Link St., Rupert 83350 436-3246
Retired Wife — Emily
COMMITTEES: Agric Aff, Res/Env, Transp

Steve Antone, House (R) 6th Term
1141 Link St., Rupert 83350 436-3927
Farmer Wife — Diane
COMMITTEES: Chm-Rev/Tax, Bus

Mack Wm. Nalbaur, House (R) 2nd Term
Route 1, Box 142, Paul 83347
Home 532-4175 Bus. 532-4240
COMMITTEES: Transp, Appro

22 — CAMAS, ELMORE, GOODING & TWIN FALLS COUNTIES
J. Wilson Steen, Senate (R) 6th Term
P.O. Drawer B, Glenns Ferry 83623 366-7956
Retired Railroad Engineer Wife — Hazel
COMMITTEES: St Alf, Transp, Res/Env

Dan Kelly, House (R) 2nd Term
930 N. 10th E., Mtn. Home 83647
Home 587-5426 Bus. 587-4435
Teacher Wife — Roberta (Bobbi)
COMMITTEES: Educ, Agric Aff

Vilil L. Kraus, House (R) 5th Term
500 N. 11th E., Mtn. Home 83647 587-3952
Merchant Wife — Gerl
COMMITTEES: Chm-Bus, Rev/Tax

23 — JEROME, LINCOLN & GOODING COUNTIES
Kenneth Bradshaw, Senate (R) 2nd Term
Home 934-5915 Bus. 536-2471
Self-employed COMMITTEES: Loc Gov, Res/Env, Transp

John H. Brooks, House (R) 3rd Term
Route 2, Box 233, Gooding 83330 934-5183
Rancher Wife — Sharon
COMMITTEES: Agric Aff, Print, Rev/Tax

Gordon R. Holllifeeld, House (R) 3rd Term
Route 3, Box 115, Jerome 83336 324-4220
Farmer Wife — Jean
COMMITTEES: Agric Aff, Rev/Tax

24 — TWIN FALLS COUNTY
John M. Ballor, Senate (R) 7th Term
Route 4, Box 222, Buhl 83316
Home 543-4372 Bus. 543-4372
Realtor/Insurance Wife — Rose
COMMITTEES: Chm-HEW, Jud

Noy E. Brickalt, House (R) 3rd Term
Box 403, Twin Falls 83301 733-4623
Rancher Wife — Ruby
COMMITTEES: Res/Con, Rev/Tax, Transp

Lawrence Knigge, House (R) 2nd Term
Route 1, Filer 83328 328-4252
Farming Wife — Marilyn
COMMITTEES: Agric Aff, Appro
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25 — TWIN FALLS

Richard S. High, Senate (R) .......................... 7th Term
302 Sunrise Blvd. N., Twin Falls 83301 733-0992
Farmer Wife — Laura
COMMITTEES: Chm-Jud, Loc Gov

Ralph Olmstead, House (R) .......................... 4th Term
Route 2, Twin Falls 83301
Home 733-3921
Farmer Wife — Laura

Ralph Olmstead, House (R) .......................... 4th Term
Route 2, Twin Falls 83301
Home 733-3921
Farmer Wife — Laura

COMMITTEES: Chm-Jud, Loe Gov

Ralph Olmstead, House (R) .......................... 4th Term
Route 2, Twin Falls 83301
Home 733-3921
Farmer Wife — Laura

COMMITTEES: Chm-Jud, Loe Gov

26 — BUTTE, BINGHAM & BONNEVILLE COUNTIES

J. Marsden Williams, Senate (R) .......................... 7th Term
1500 Carmel Dr., Idaho Falls 83401 524-1922
Rancher/Realtor/5vg-Loan Off. Wife — Phyllis
COMMITTEES: Chm-Res/Env, St Aff

Kurt L. Johnson, House (R) .......................... 7th Term
Route 5, Box 407, Idaho Falls 83401 522-7999
Farmer Wife — Lucille
COMMITTEES: Agric Aff, Chm-Res/Con

C. Wendell Miller, House (D) .......................... 4th Term
791 N. Skyline Dr., Idaho Falls 83401
Home 523-1192 Bus. 526-3837
Instrument Supervisor Wife — Alene
COMMITTEES: Transp, St Aff

27 — BINGHAM & BONNEVILLE COUNTIES

Dane Watkins, Senate (R) .......................... 5th Term
2975 Fieldstream Lane, Idaho Falls 83401
Home 522-4855 Bus. 523-0600
Farm Equipment Dealer Wife — Sherry
COMMITTEES: Loc Gov, Chm-Agric Aff, Fin

Elaine Kaarme, House (R) .......................... 5th Term
3040 Gustafson Circle, Idaho Falls 83401
Home 522-2286 Bus. 522-6875
Accountant Wife — Rene
COMMITTEES: Chm-Health/Wel, St Aff

Gary L. Paxman, House (R) .......................... 1st Term
719 E. 16th, Idaho Falls 83401
Home 523-2913 Bus. 523-6572
Drive-In Owner Wife — Renee
COMMITTEES: Jud, Loc Gov, Print

28 — BINGHAM & BONNEVILLE COUNTIES

Gary L. Paxman, House (R) .......................... 1st Term
719 E. 16th, Idaho Falls 83401
Home 523-2913 Bus. 523-6572
Drive-In Owner Wife — Renee
COMMITTEES: Jud, Loc Gov, Print

29 — BINGHAM & BONNEVILLE COUNTIES

Gary L. Paxman, House (R) .......................... 1st Term
719 E. 16th, Idaho Falls 83401
Home 523-2913 Bus. 523-6572
Drive-In Owner Wife — Renee
COMMITTEES: Jud, Loc Gov, Print

30 — BINGHAM & BONNEVILLE COUNTIES

Dane Watkins, Senate (R) .......................... 5th Term
2975 Fieldstream Lane, Idaho Falls 83401
Home 522-4855 Bus. 523-0600
Farm Equipment Dealer Wife — Sherry
COMMITTEES: Loc Gov, Chm-Agric Aff, Fin

Elaine Kaarme, House (R) .......................... 5th Term
3040 Gustafson Circle, Idaho Falls 83401
Home 522-2286 Bus. 522-6875
Accountant Wife — Rene
COMMITTEES: Chm-Health/Wel, St Aff

Gary L. Paxman, House (R) .......................... 1st Term
719 E. 16th, Idaho Falls 83401
Home 523-2913 Bus. 523-6572
Drive-In Owner Wife — Renee
COMMITTEES: Jud, Loc Gov, Print

31 — TETON, BONNEVILLE & MADISON COUNTIES

Richard A. Egbert, Senate (D) .......................... 14th Term
218 Egbert Street, Tetonia 83452 456-8831
Rancher/Businessman Wife — Alta
COMMITTEES: Fin, Transp

Lindan B. Bateman, House (R) .......................... 2nd Term
Route 1, Box 442, Idaho Falls 83401
Home 524-0927 Bus. 523-1823
High School Teacher Wife — Deann
COMMITTEES: Educ, Loc Gov, Res/Con

John O. Sessions, House (R) .......................... 7th Term
Box 152, Driggs 83422 354-2508
Retailer Wife — Alice
COMMITTEES: Educ, Chm-Transp

32 — BEAR LAKE, CARIBOU & FRANKLIN COUNTIES

Reed W. Dudge, Senate (R) .......................... 7th Term
231 S. 1st E., Soda Springs 83334 457-3096
Rancher Wife — Gwen
COMMITTEES: Transp, St Aff, President Pro Tempore

Robert C. Geddes, House (R) .......................... 2nd Term
Route 3, Box 107, Preston 83263 852-1376
Farmer Wife — Carma
COMMITTEES: Health/Wel, Rev/Tax

Willard W. Stockl, House (R) .......................... 1st Term
Paris 83261 Home 945-2508 Ext. 206
Lab Analyst Wife — Doris
COMMITTEES: Educ, Health/Wel, Res/Con

33 — BEAR LAKE, CARIBOU & FRANKLIN COUNTIES

Reed W. Dudge, Senate (R) .......................... 7th Term
231 S. 1st E., Soda Springs 83334 457-3096
Rancher Wife — Gwen
COMMITTEES: Transp, St Aff, President Pro Tempore

Robert C. Geddes, House (R) .......................... 2nd Term
Route 3, Box 107, Preston 83263 852-1376
Farmer Wife — Carma
COMMITTEES: Health/Wel, Rev/Tax

Willard W. Stockl, House (R) .......................... 1st Term
Paris 83261 Home 945-2508 Ext. 206 (Night) 547-3398
Lab Analyst Wife — Doris
COMMITTEES: Educ, Health/Wel, Res/Con

34 — BEAR LAKE, CARIBOU & FRANKLIN COUNTIES

Reed W. Dudge, Senate (R) .......................... 7th Term
231 S. 1st E., Soda Springs 83334 457-3096
Rancher Wife — Gwen
COMMITTEES: Transp, St Aff, President Pro Tempore

Robert C. Geddes, House (R) .......................... 2nd Term
Route 3, Box 107, Preston 83263 852-1376
Farmer Wife — Carma
COMMITTEES: Health/Wel, Rev/Tax

Willard W. Stockl, House (R) .......................... 1st Term
Paris 83261 Home 945-2508 Ext. 206 (Night) 547-3398
Lab Analyst Wife — Doris
COMMITTEES: Educ, Health/Wel, Res/Con
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33 — ONEIDA & BANNOCK COUNTIES

Lester A. Hartvigsen, Senate (D) .................. 7th Term
255 E. 155 S., Malad 83252 766-4106
Farmer Wife — Edris
COMMITTEES: Jud, St Aff

Myron Jones, House (R) ......................... 2nd Term
Route 1, Box 123C, Malad 83252 766-4291
Farmer/Rancher Wife — Nola
COMMITTEES: Educ, Transp, Res/Con

Bart W. Marley, House (D) ..................... 1st Term
Box 32, McCammon 83250
Home 238-2575
Teacher/Farmer Wife — Betty Jane
COMMITTEES: Agrlc Aff, Educ, Jud

34 — BANNOCK COUNTY

James A. Leese, Senate (D) ..................... 2nd Term
1075 East Elm, Pocatello 83201 232-7583
Retired Wife — Louise
COMMITTEES: Jud, Loc Gov

Gary Gould, House (D) ......................... 2nd Term
541 S. 7th, Pocatello 83201
Spec. Asst. to Vice Pres/Admin., ISU Wife — Marcy
COMMITTEES: Loc Gov, Rev/Tax

Patricia L. McDermott, House (D) ........... 6th Term
P.O. Box 3, Pocatello 83201
Home 232-8978 Bus. 232-3162
Attorney
COMMITTEES: Jud, St Aff, WIM

35 — POWER, BINGHAM & BANNOCK COUNTIES

C. E. “Chick” Billyeu, Senate (D) ............ 5th Term
Route 1N, Box 48, Pocatello 83201 237-3158
Educator Wife — Diane
COMMITTEES: Fin, Transp

W. Rusty Barlow, House (R) ................... 2nd Term
Rt. 1 Laughran, Tyhee 83201
Home 237-3635 Bus. 233-0962
Elec/Pbg/Htg. Contractor Wife — Andrea
COMMITTEES: Transp, Print, Rev/Tax

Dwight W. Horsch, House (D) ................. 1st Term
Rt. 1, Aberdeen 83210 367-4925
Farmer Wife — Kathy M.
COMMITTEES: Agrlc Aff, Print, St Aff