GENERAL AND SPECIAL LAWS
OF THE
STATE OF IDAHO

PASSED BY
THE SECOND REGULAR SESSION OF THE
FORTY-FIFTH IDAHO LEGISLATURE
Convened January 7, 1980
Adjourned March 31, 1980

AND THE FIRST EXTRAORDINARY SESSION
OF THE
FORTY-FIFTH IDAHO LEGISLATURE
Convened May 12, 1980
Adjourned May 14, 1980

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

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

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

Printed by The Caxton Printers, Ltd.
Caldwell, Idaho
AN ACT
RELATING TO THE DISTRIBUTION OF FUNDS COLLECTED BY THE IDAHO CIGARETTE
TAX ACT TO THE CENTRAL TUMOR REGISTRY FUND; AMENDING SECTION
63-2520, IDAHO CODE, BY INCREASING THE MONEYS DISTRIBUTED TO THE
CENTRAL TUMOR REGISTRY FUND FROM SEVENTY THOUSAND DOLLARS TO
EIGHTY-FIVE THOUSAND DOLLARS.

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

SECTION 1. That Section 63-2520, Idaho Code, be, and the same is
hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from
the taxes imposed by this act, and any penalties, interest, or defi-
ciency 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 reason-
able requirement imposed upon such account.

(b) The balance remaining with the state treasurer after deduct-
ing 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
eighty-five thousand dollars ($70,000,000) per fiscal year, and
at such time as seventy eighty-five thousand dollars ($70,000,000) has been distributed to the central tumor registry
account during any fiscal year, all such distributions in excess of seventy eighty-five thousand dollars ($70,000,000) 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 appro-
 priated;
(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 February 13, 1980.

CHAPTER 2
(H.B. No. 379)

AN ACT
RELATING TO INCOME TAX LIABILITIES OF SHAREHOLDERS IN A SUBCHAPTER-S CORPORATION; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT NONRESIDENT SHAREHOLDERS ARE REQUIRED ONLY TO REPORT AN APPORTIONED SHARE OF INCOME EARNED FROM SUCH CORPORATIONS AS IDAHO INCOME; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

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

(a) Add interest and dividends received or accrued during the taxable year from foreign securities and from securities issued by states and other political subdivisions, other than those issued by the state of Idaho, its cities and political subdivisions, exempt from federal income tax under the Internal Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued during the taxable year adjusted for state tax refunds used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

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

(d) Subtract any net operating loss incurred in the five (5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss; provided, fur-
ther, 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 commissioner 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 adjust-
ments 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. When the salaries, wages, fees, and other compensations paid to such nonresident shareholders or dividends paid to such nonresident shareholders or undistributed taxable income allocated to such shareholders is reported to this state as taxable income pursuant to this subsection, such income shall be apportioned by applying to the total of such income the apportionment factor of the corporation. The apportionment factor of the corporation shall be computed pursuant to the provisions of section 63-3027, Idaho Code. 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.

(1) 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, 1980.

Approved February 13, 1980.
CHAPTER 3
(H.B. No. 382)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3024B, IDAHO CODE, TO ALLOW ONLY A CREDIT AGAINST INDIVIDUAL STATE INCOME TAX FOR POLITICAL CONTRIBUTIONS IN CONFORMITY WITH THE INTERNAL REVENUE CODE.

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

SECTION 1. That Section 63-3024B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024B. POLITICAL CONTRIBUTIONS. A credit shall be allowed to resident individuals against taxes due under the Idaho income tax act. This credit shall be in the amount of one-half (1/2) of all political contributions made by the taxpayer within the taxable year, but shall be limited to five dollars ($5.00) for an individual and ten dollars ($10.00) for a married couple filing a joint return; or a deduction shall be allowed to resident individuals for any political contribution made by the taxpayer within the taxable year as prescribed and limited by section 218 of the Internal Revenue Code. The term political contributions means political contributions as defined in section 41 of the Internal Revenue Code as it appeared on January 1, 1975.

Approved February 13, 1980.

CHAPTER 4
(H.B. No. 395)

AN ACT
RELATING TO DEDUCTION OF WAGES AND SALARIES FOR INCOME TAX PURPOSES; AMENDING SECTION 63-3022, IDAHO CODE, TO ALLOW A DEDUCTION UPON WHICH FEDERAL WORK INCENTIVES (WIN) CREDITS WERE CLAIMED; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

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

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

(a) Add interest and dividends received or accrued during the taxable year from foreign securities and from securities issued by states and other political subdivisions, other than those issued by
the state of Idaho, its cities and political subdivisions, exempt from federal income tax under the Internal Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued during the taxable year adjusted for state tax refunds used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

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

(d) Subtract any net operating loss incurred in the five (5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three (3) taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net operating losses accumulated in any taxable years commencing before January 1, 1964 shall be carried forward as provided in the beginning part of this subsection before any carryback from a succeeding taxable year shall be taken into consideration. Net operating losses incurred by a corporation during a year in which such corporation had no Idaho business situs may not be subtracted. Net operating losses incurred by a person, other than a corporation, in business activities not taxable by Idaho may not be subtracted.

(e) In the case of a corporation, add the amount deducted under the provisions of section 243(a) of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b)(1) of said code.

(f) In the case of a corporation, subtract an amount equal to eighty-five per cent (85%) of the amount received during the taxable year as dividends, as limited by the rules of section 246(b)(1) of the Internal Revenue Code, from any corporation which has shown to the satisfaction of the state tax commission that more than fifty per cent (50%) of its taxable income for the taxable year immediately preceding the declaration of such dividends was taxable by the state of Idaho under the provisions of this act.

(g) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income, as defined by section 63 of the Internal Revenue Code.

(h) In the case of a corporation with more than fifty per cent (50%) of its income taxable within this state, the salary, fee or other compensation of its nonresident officers or directors shall be
treated as income from sources within the state. Whether or not any personal services have been performed by such nonresident officers or directors in this state, they shall be deemed to have a business situs in this state. If such salary, fee or other compensation is not reported to this state as income, such corporation shall not deduct as part of its expenses for the taxable year any part of such salary, fee or other compensation in computing taxable income.

(i) For the purpose of determining the taxable income of the beneficiary of a trust or of an estate, distributable net income as defined for federal tax purposes shall be 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, enlister 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 under sections 40, 50A or 50B.
Internal Revenue Code, for claiming the federal tax credit for authorized work incentive program (WIN) wages and salaries upon which the federal jobs credits has have 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, 1979.

Approved February 13, 1980.

CHAPTER 5
(H. B. No. 397)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3033, IDAHO CODE, TO PROVIDE THAT A REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE AN INCOME TAX RETURN SUBMITTED BY A FIRST TIME FILER MUST BE ACCOMPANIED BY AN ESTIMATED TAX PAYMENT WHICH EQUALS EIGHTY PER CENT OF THE TAX REPORTED ON THE RETURN WHEN FILED.

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

SECTION 1. That Section 63-3033, Idaho Code, be, and the same is hereby amended to read as follows:

63-3033. EXTENSION OF TIME. (a) The state tax commission may grant a reasonable extension of time for filing any return, declaration, statement or other document, or payment required by this act; provided, however, that (1) no such extension shall be for a period in excess of six (6) months; (2) payment of the full amount of the tax estimated to be due must accompany the initial request for extension of time to file an income tax return; (3) payments must be at least eighty per cent (80%) of the total tax reported on the income tax return when it is filed, or must be the same as the total tax reported on the income tax return for the prior year if a return was filed for the prior year; (4) taxpayers residing or traveling outside any of the United States and Puerto Rico (including persons in military or naval service) shall have an automatic extension of time within which to file income tax returns with this state for a period which shall expire on the fifteenth day of the sixth month following the close of their taxable year. Any taxpayer entitled to an automatic extension shall attach a statement to his return claiming his right to such extension. Taxpayers who are military personnel or residents of foreign nations and entitled to extensions for filing federal income tax returns as a result of the application of the provisions of sections 911 and 7508 of the Internal Revenue Code as they appeared on the
first day of January, 1969, shall be entitled to extensions of time for the same period for filing income tax returns with the state of Idaho subject to the requirements imposed in implementation of the indicated sections.

(b) If the amount of payment made under subsection (a) (3) of this section is less than eighty per cent (80%) of the total tax reported on the income tax return when it is filed and is less than the amount of the total tax reported on the income tax return for the prior year, a penalty may be applied to the total of the balance due in the amount prescribed by section 63-3046(a), Idaho Code, unless reasonable cause can be established.

(c) In all cases, where the state tax commission has granted an extension of time in which to file any return, interest shall be paid on any tax due from due date to date of payment at the rate of {eight} per cent {8%} per annum.

Approved February 13, 1980.
AN ACT
AMENDING SECTION 2, CHAPTER 148, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF ADMINISTRATION, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL
INTERACCOUNT ACCOUNT BY $200,000 FOR THE GENERAL SERVICES -- TELEPHONE PROGRAM AND
$105,100 FOR THE GENERAL SERVICES -- PRINTING PROGRAM, AND BY ELIMINATING THE RECORDS
MANAGEMENT PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 148, Laws of 1979, 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, 1979, through June 30,
1980:

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<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>Federal Revolving</td>
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<td>XV. CENTRAL PROPERTY</td>
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<td>XVI. MOTOR POOL</td>
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<td>General Account</td>
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<td>General Interaccount Account</td>
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<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
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</tr>
<tr>
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<td>XVII. INTERNS:</td>
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<td>Risk Retention Account</td>
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<td>Personnel Commission Account</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 February 18, 1980.
CHAPTER 7
(S. B. No. 1294)

AN ACT
AMENDING SECTION 4, CHAPTER 52, LAWS OF 1979, 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 $47,600; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4, Chapter 52, Laws of 1979, 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 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>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$15,000</td>
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<tr>
<td>Operating Expenditures</td>
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<td>TOTAL</td>
<td>$170,002,600</td>
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<tr>
<td>Idaho Code Commission Account</td>
<td>$170,002,600</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 February 18, 1980.

CHAPTER 8
(S.B. No. 1295)

AN ACT
AMENDING SECTION 1, CHAPTER 99, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE STATE TREASURER, BY REVISIONING THE APPROPRIATION FOR DESIGNATED EXPENSE CLASSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 99, Laws of 1979, be, and the same is hereby amended to read as follows:

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>GENERAL ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$274,000</td>
<td>$274,000</td>
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<tr>
<td>Operating Expenditures</td>
<td>$86,500</td>
<td>$86,500</td>
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<tr>
<td>Capital Outlay</td>
<td>$47,500</td>
<td>$47,500</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$352,000</strong></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 February 18, 1980.
AN ACT
AMENDING SECTION 2, CHAPTER 162, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF AGRICULTURE BY INCREASING THE APPROPRIATIONS FROM THE RURAL
REHABILITATION ACCOUNT BY $150,000 FOR THE ADMINISTRATION PROGRAM, FROM THE AGRICULTURE
DEPARTMENT INSPECTION ACCOUNT BY $16,700 FOR COMMODITIES INSPECTION, FROM THE FRESH
FRUIT AND VEGETABLE INSPECTION ACCOUNT BY $249,800 FOR FRESH FRUIT AND VEGETABLE
INSPECTION, AND FROM THE SHEEP COMMISSION ACCOUNT BY $15,000 FOR PREDATORY ANIMAL
CONTROL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 162, Laws of 1979, be and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Agriculture the following
amounts, to be expended for designated programs according to expense classes designated
therein from the listed 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>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$165,100</td>
<td>$81,800</td>
<td>$800</td>
<td></td>
<td>$247,700</td>
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<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>29,700</td>
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<td></td>
<td>29,700</td>
<td></td>
</tr>
<tr>
<td>Rural Rehabilitation Account</td>
<td>13,500</td>
<td>2,000</td>
<td></td>
<td>$50,000</td>
<td>65,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$208,300</td>
<td>$83,800</td>
<td>$800</td>
<td>$50,000</td>
<td>492,900</td>
</tr>
</tbody>
</table>

B. ANIMAL INDUSTRY:    |
1. Animal Health:     |
FROM:                 |
General Account       | $179,300            | $48,300                     |                    |                                  | $227,600 |
Livestock Disease Control & T.B. Indemnity Account | 172,400 | 127,600 | $12,100 | 312,100 |
Meat Inspection Account | 25,600 |                                                | $12,100 | 25,600 |
TOTAL                 | $377,300            | $175,900                    | $12,100            |                                  | $565,300 |

2. Brucellosis Vaccination:  |
FROM:                   |
General Account         | $150,000            |                                  |                    |                                  | $150,000 |

3. Meat Inspection:
### PROGRAM FOR PERSONNEL COSTS FOR OPERATING EXPENDITURES FOR CAPITAL OUTLAY FOR TRUSTEE AND BENEFIT PAYMENTS TOTAL

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$429,500</td>
<td>$81,800</td>
<td>$1,800</td>
<td>$513,100</td>
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<tr>
<td>Meat Inspection Account</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$859,000</strong></td>
<td><strong>$163,600</strong></td>
<td><strong>$3,600</strong></td>
<td><strong>$1,026,200</strong></td>
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#### 4. Sheep Health:

<table>
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<tr>
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</thead>
<tbody>
<tr>
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<td>$7,500</td>
<td>$12,400</td>
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<td>$19,900</td>
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<tr>
<td>Sheep Commission Account</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$25,400</strong></td>
<td><strong>$12,400</strong></td>
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<td><strong>$38,800</strong></td>
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#### MAJOR PROGRAM TOTAL $1,261,700 $502,400 $15,700 $1,779,800

### C. FEDERAL-STATE INSPECTIONS:

#### 1. Commodities Inspection:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Department</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Inspection Account</td>
<td>$27,300</td>
<td>$10,100</td>
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<td><strong>$47,400</strong></td>
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<tr>
<td></td>
<td><strong>43,600</strong></td>
<td><strong>10,500</strong></td>
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<td><strong>54,100</strong></td>
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</tbody>
</table>

#### MAJOR PROGRAM TOTAL $3,851,188 $1,13,488 $5,200 $159,000 $3,495,388

### D. PLANT INDUSTRY:

#### 1. Plant Inspection:

<table>
<thead>
<tr>
<th>FROM:</th>
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</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$228,000</td>
<td>$169,600</td>
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<td>$397,600</td>
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<tr>
<td>Agriculture Department</td>
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<tr>
<td>Inspection Account</td>
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<td>Bee Inspection Account</td>
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</tr>
<tr>
<td>Plant-Federal Account</td>
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<td>13,800</td>
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<td><strong>30,000</strong></td>
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<td><strong>TOTAL</strong></td>
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#### 2. Plant Chemical:

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<tbody>
<tr>
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<td>Commercial Feed and Fertilizer Account</td>
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<td>Pesticide Account</td>
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<td>$63,600</td>
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<td><strong>217,100</strong></td>
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<tr>
<td>Plant-Federal Account</td>
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<td><strong>18,400</strong></td>
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<td><strong>71,100</strong></td>
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<td><strong>TOTAL</strong></td>
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</table>

#### MAJOR PROGRAM TOTAL $681,000 $330,500 $13,700 $1,025,200
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<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. MARKETING:</td>
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<tr>
<td>a. Bonded Warehouse and Track Buyers:</td>
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<td>Inspection Department</td>
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<tr>
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</tr>
<tr>
<td>&quot;ROM:&quot;</td>
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</tr>
<tr>
<td>General Account</td>
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<td>5. Grain Inspection:</td>
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<tr>
<td>&quot;ROM:&quot;</td>
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<td>MAJOR PROGRAM TOTAL</td>
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<tr>
<td>6. SHEEP COMMISSION:</td>
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<tr>
<td>1. Administration:</td>
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<tr>
<td>Sheep Commission Account</td>
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<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>Sheep Commission Account</td>
<td>$35,000</td>
<td>$25,000</td>
<td></td>
<td></td>
<td>$60,000</td>
</tr>
<tr>
<td></td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td>75,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$79,100</td>
<td>$35,000</td>
<td></td>
<td></td>
<td>$115,100</td>
</tr>
<tr>
<td>MAJOR PROGRAM TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$130,100</td>
</tr>
</tbody>
</table>
G. HONEY ADVERTISING COMMISSION:

<table>
<thead>
<tr>
<th>FOR TRUSTEE AND</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM</td>
<td>PERSONNEL COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>Idaho Honey Advertising Account</td>
<td>300</td>
<td>7,200</td>
<td>36,400</td>
</tr>
</tbody>
</table>

GRAND TOTALS

|                      | $6,400,600 | $1,465,200 | $36,400 | $269,000 | $7,829,700 |

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

Approved February 18, 1980.
AN ACT
AMENDING SECTION 1, CHAPTER 83, LAWS OF 1979, RELATING TO THE APPROPRIATIONS TO AGENCIES IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, BY INCREASING THE APPROPRIATION TO THE BOARD OF PHARMACY FOR THE PHARMACY-TRIPlicate PRESCRIPTION PROGRAM BY $4,800 FROM THE PHARMACY-TRIPlicate PRESCRIPTION PROGRAM ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 83, Laws of 1979, be, and the same is hereby amended to read as follows:

SECTION 1. That Section 1, Chapter 83, Laws of 1979, be, and the same is hereby amended to read as follows:

A. STATE ATHLETIC DIRECTOR:
FOR: Supervision of Boxing and Wrestling
FROM:
General Account $ 6,500
Athletic Account $ 3,000
TOTAL $ 9,500
B. BOARD OF PHARMACY:
FOR: Protecting Public Health
FROM:
Pharmacy Board Account $ 109,300
Pharmacy-Triplicate Prescription Program Account $ 4,800
TOTAL $ 114,100
C. BOARD OF ACCOUNTANCY:
FOR: Licensing and Enforcing
FROM:
State Board of Accountancy Account $ 33,800
D. BOARD OF DENTISTRY: 
<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>Purpose</th>
<th>From</th>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Dentistry</td>
<td>For Enforcing the Dental Practice Act</td>
<td>Professional Engineers</td>
<td>Account</td>
<td>$23,200</td>
<td>$29,200</td>
<td>$500</td>
<td>$52,900</td>
</tr>
<tr>
<td>E. BOARD OF ENGINEERING EXAMINERS:</td>
<td>For Licensing and Enforcement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Engineers</td>
<td></td>
<td>Account</td>
<td>$55,800</td>
<td>$56,500</td>
<td>$500</td>
<td>$112,800</td>
<td></td>
</tr>
<tr>
<td>F. BOARD OF MEDICINE:</td>
<td>For Licensing and Enforcement</td>
<td>State Board of Medicine</td>
<td>Account</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>For Education, Licensure and Discipline</td>
<td>State Board of Nursing</td>
<td>Account</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>For Licensing and Enforcing</td>
<td>Occupational License</td>
<td>Account</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>For Licensing and Enforcing</td>
<td>Public Works Contractors State</td>
<td>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>For Administration</td>
<td>Idaho Real Estate Brokers</td>
<td>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>For Professional Geologists Board</td>
<td>Professional Geologists</td>
<td>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>For Administration</td>
<td>State Board of Optometry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: $298,200 $240,500 $6,400 $545,100
<table>
<thead>
<tr>
<th>Account</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 2,300</td>
<td>$ 5,900</td>
<td></td>
<td></td>
<td>$ 8,200</td>
</tr>
</tbody>
</table>

M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:
FOR: Idaho Certified Shorthand Reporters Board
FROM:
State Certified Shorthand Reporters

N. OUTFITTERS AND GUIDES BOARD:
FOR: Outfitters and Guides Board
FROM:
Outfitters and Guides Board

<table>
<thead>
<tr>
<th>Account</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 6,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$ 6,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTAL**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,199,299</td>
<td>$845,900</td>
<td>$21,300</td>
<td>$2,011,200</td>
<td></td>
</tr>
</tbody>
</table>

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

Approved February 18, 1980.
CHAPTER 11
(H.B. No. 380)

AN ACT
RELATING TO SALES TAX; AMENDING SECTION 63-3626, IDAHO CODE, TO PROVIDE THAT INTEREST ON REFUNDS OF SALES TAX PAYMENTS SHALL BE INCREASED FROM SIX PER CENTUM TO EIGHT PER CENTUM PER ANNUM; AND AMENDING SECTION 63-3632, IDAHO CODE, TO PROVIDE THAT INTEREST ON DELINQUENT SALES TAX PAYMENTS SHALL BE INCREASED FROM SIX PER CENTUM TO EIGHT PER CENTUM PER ANNUM.

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

SECTION 1. That Section 63-3626, Idaho Code, be, and the same is hereby amended to read as follows:

63-3626. REFUNDS, LIMITATIONS, INTEREST. (a) If the tax commission determines that any amount due under this act has been paid more than once or has been erroneously or illegally collected or computed, the tax commission shall set forth that fact in its records and the excess amount paid or collected may be credited on any amount then due and payable to the tax commission from that person and any balance refunded to the person by whom it was paid or to his successors, administrators or executors; the tax commission is authorized and the state board of tax appeals authorized to order the tax commission in proper cases to credit or refund such amounts whether or not such payments have been paid under protest and certify such refund to the state board of examiners.

(b) No such credit or refund shall be allowed or made after three (3) years from the time the payment was made, unless before the expiration of such period a claim therefor is filed by the taxpayer. Provided the three (3) year period allowed by this section for making refunds or credit claims shall not apply in cases where the tax commission asserts a deficiency under sections 63-3629 and 63-3630, Idaho Code, and taxpayers desiring to appeal or otherwise seek a refund of amounts paid in obedience to such deficiencies must do so within the time limits elsewhere prescribed in this act.

(c) Interest shall be allowed on the amount of such credits or refunds at the rate of six eight per centum (68%) per annum from the date such tax was paid.

(d) Appeal of a tax commission decision denying in whole or part a claim for refund shall be made in accordance with and within the time limits prescribed in section 63-3632, Idaho Code.

SECTION 2. That Section 63-3632, Idaho Code, be, and the same is hereby amended to read as follows:

63-3632. APPEALS -- INTEREST ON DEFICIENCIES. (a) When a determination becomes final or a redetermination is made, the state tax commission shall give notice to the taxpayer against whom the determi-
nation or redetermination is made. Within thirty (30) days of the date upon which the notice of redetermination is mailed or served, the taxpayer may, at his option, file an appeal with the board of tax appeals or may file a complaint with the district court in accordance with the provisions of section 63-3049, Idaho Code, for a review of the state tax commission's determination or redetermination. No assessment of a deficiency in respect to the tax imposed by this act, no application of any security pursuant to the provisions of section 63-3625, Idaho Code, and no distraint or proceedings in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such thirty (30) day period after notice of redetermination, nor, if a protest has been filed, until the decision of the state tax commission becomes final.

(b) If the taxpayer does not file a protest with the state tax commission or an action in the district court within the time prescribed in the first subsection of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the state tax commission.

(c) Interest upon any deficiency shall be assessed at the same time as the deficiency and shall be due and payable upon notice and demand from the state tax commission and shall be collected as a part of the tax at the rate of six eight per centum (68%) per annum from the date prescribed for the payment of the tax.

Approved February 21, 1980.

CHAPTER 12
(H.B. No. 389)

AN ACT
RELATING TO INCOME TAX CREDITS FOR TAXES PAID TO OTHER STATES AND TERRITORIES; AMENDING SECTION 63-3029, IDAHO CODE, LIMITING THE INCOME TAX CREDIT TO TAXES IMPOSED BY ONE OF THE UNITED STATES, A POSSESSION OF THE UNITED STATES, A POLITICAL SUBDIVISION OF ANY OF THE FOREGOING, OR BY THE DISTRICT OF COLUMBIA.

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

SECTION 1. That Section 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY. (a) Whenever a resident person, excluding corporations, has become liable for income tax to another state, as a nonresident of such state, upon his taxable income, or any part thereof, for the taxable year, which is derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the income tax so payable by
him to such other state or territory. "Income tax to another state" includes only a tax imposed by one of the United States, a possession of the United States, a political subdivision of any of the foregoing, or by the District of Columbia. The credit granted shall be limited to the proportion of the tax computed under this chapter, but before the allowance of this credit, which the adjusted gross income as defined in section 62 of the Internal Revenue Code from such other state or territory bears to total adjusted gross income as defined in section 62 of the Internal Revenue Code; provided, however, that such credit shall not be in excess of the actual tax payable to such other state or territory and that such adjusted gross income shall be corrected to reflect additions to and subtractions from income required by this act.

(b) The credit shall not be allowed if such other state allows the individuals a credit against taxes imposed by such state for taxes paid or payable under this act.

(c) To substantiate the credit allowed under this section, the state tax commission may require a copy of any receipt showing payment of income taxes to another state and/or a copy of any return or returns filed with such other state or territory.

Approved February 21, 1980.

CHAPTER 13
(H.B. No. 441)

AN ACT RELATING TO THE POWERS OF BOARDS OF WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3212, IDAHO CODE, BY PROVIDING THAT DELINQUENT RATES, TOLLS AND CHARGES BE CERTIFIED TO THE TAX COLLECTOR OF THE COUNTY NOT LATER THAN THE FIRST DAY OF AUGUST TO BE PLACED ON THE TAX ROLL, AND PROVIDING THAT ASSESSMENTS MAY BE RETURNED TO THE DISTRICT IF NOT PAID WITHIN THREE YEARS.

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

SECTION 1. That Section 42-3212, Idaho Code, be, and the same is hereby amended to read as follows:

42-3212. GENERAL POWERS OF BOARD. For and on behalf of the district the board shall have the following powers:

(a) To have perpetual existence;

(b) To have and use a corporate seal;

(c) To sue and be sued, and be a party to suits, actions and proceedings;

(d) Except as otherwise provided in this act, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of
America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one or more of them in building, erecting or constructing works, canals, pipelines, sewage treatment plants, and other facilities within or without the district. Except in cases in which a district will receive aid from a governmental agency, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense of five thousand dollars ($5,000) or more. The district may reject any and all bids, and if it shall appear that the district can perform the work or secure material for less than the lowest bid, it may proceed so to do;

(e) To borrow money and incur indebtedness and evidence the same by certificate, notes or debentures, and to issue bonds, in accordance with the provisions of this act;

(f) To acquire, dispose of and encumber real and personal property, water, water rights, water and sewage systems and plants, and any interest therein, including leases and easements within or without said district;

(g) To refund any bonded indebtedness of the district without an election; provided, however, that the obligations of the district shall not be increased by any refund of bonded indebtedness. Otherwise, the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds;

(h) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein or therefor;

(i) To hire and retain agents, employees, engineers and attorneys;

(j) To have and exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted, both within and without the district;

(k) To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon, or over any vacant public lands, which public lands are now, or may become, the property of the state of Idaho, and to construct works and establish and maintain facilities across any stream of water or water course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof;

(l) To fix and from time to time to increase or decrease water and sewer rates, tolls or charges for services or facilities furnished by the district, and to pledge such revenue for the payment of any indebtedness of the district. The board shall fix rates, tolls and charges and the time or times for the payment thereof. All such rates, tolls and charges not paid within thirty (30) days after the date fixed for the payment thereof shall become delinquent; the board shall certify all such delinquent rates, tolls and charges at the same—time
and--in--the-same-manner-it-certifies-the-rate-of-the-regular-tax-levy of-the-district;--as-provided-in-section-42-3244;--and-when-so-certified such-delinquent-rates;--tolls-and--charges--shall--be--and--are--hereby imposed--as--a--lien--upon-and-against-the-property-served-or-premises against-which-the-same-are-levied-or-assessed;--and-shall--be--collectible--as--other--taxes to the tax collector of the county by the dis- trict, not later than the first day of August and shall be, by said tax collector, placed upon the tax roll and collected in the same man- ner and subject to the same penalties as other district taxes; pro- vided, however, that special assessments certified to the tax collec- tor which are placed on property qualifying for a hardship exemption may be returned to the taxing district from which they originated if the special assessments are not paid within three (3) years. The date of priority of such lien shall be the date upon which such charge becomes delinquent. The board shall shut off or discontinue service for delinquencies in the payment of such rates, tolls or charges, or in the payment of taxes levied pursuant to this act, and prescribe and enforce rules and regulations for the connection with and the disconnection from properties of the facilities of the district. For health and sanitary purposes the board shall have the power to compel the owners of inhabited property within a sewer district to connect their property with the sewer system of such district, and upon a failure so to connect within sixty (60) days after written notice by the board so to do the board may cause such connection to be made and a lien to be filed against the property for the expense incurred in making such connection, provided, however, that no owner shall be com- pelled to connect his property with such system unless a service line is brought, by the district, to a point within two hundred (200) feet of his dwelling place;

(m) To adopt and amend by-laws not in conflict with the constitu- tion and laws of the state for carrying on the business, objects and affairs of the board and of the district;

(n) To have and exercise all rights and powers necessary or inci- dental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

Approved February 21, 1980.
CHAPTER 14
(H.B. No. 494)

AN ACT

AMENDING SECTION 2, CHAPTER 263, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION, BY INCREASING THE APPROPRIATIONS FOR THE FINANCE AND ADMINISTRATION PROGRAM BY $175,000 FROM THE COMMODITY DISTRIBUTION ACCOUNT FOR THE STATE-FEDERAL-INSTRUCTIONAL SERVICES PROGRAM BY $6,100 FROM THE MISCELLANEOUS RECEIPTS ACCOUNT, AND FOR THE STATEWIDE EDUCATIONAL PLANNING AND REPORTING SYSTEM PROGRAM BY $20,900 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 263, Laws of 1979, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs according to expense classes designated therein from the listed accounts, for the period July 1, 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>B. FINANCE AND ADMINISTRATION:</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 Account</td>
<td>143,588</td>
<td>318,500</td>
<td></td>
<td></td>
<td>438,588</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$573,288</td>
<td>$395,900</td>
<td>14,300</td>
<td>$7,180,000</td>
<td>$8,510,000</td>
</tr>
</tbody>
</table>

School Food Services Account
Elementary-Secondary Education Account
Veterans Approval Account
Driver Retraining and Safety Education Accounts

TOTAL

$737,800 $395,900 $23,400 $7,180,000 $8,510,000
### C. STATE-FEDERAL-INSTRUCTIONAL SERVICES:

**FROM:**
- General Account: $446,100
- Indian Education Account: $8,800
- Elementary-Secondary Education Account: $944,300
- Adult Basic Education Account: $65,000
- Special Education-Teacher Training Account: $17,500
- Deaf and Blind Children Account: $14,700
- Professional Standards Commission Account: $32,900
- School Food Services Account: $358,000
- Miscellaneous Receipts Account: $477,000
- Total: $1,520,500

**TOTAL:** $1,520,500

### D. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEM:

**FROM:**
- General Account: $357,100
- Local School District Contributions Account: $108,900
- Miscellaneous Receipts Account: $21,000
- Total: $488,000

**TOTAL:** $488,000

**GRAND TOTAL:**
- $2,997,100
- $1,666,900
- $38,900
- $20,134,000
- $24,686,300

Approved February 21, 1980.
AMENDING SECTION 2, CHAPTER 212, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $16,200 FOR THE ADMINISTRATION PROGRAM AND BY $9,600 FOR THE INCARCERATION PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 212, Laws of 1979, be and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for designated programs according to expense classes designated 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>General Account</td>
<td>$523,500</td>
<td>$250,000</td>
<td>$5,800</td>
<td>$789,300</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>$5,800</td>
<td>$878,300</td>
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<tr>
<td>B. INCARCERATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,044,200</td>
<td>$1,088,300</td>
<td>$89,400</td>
<td>$3,213,900</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>79,100</td>
<td>350,000</td>
<td>429,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,123,300</td>
<td>$1,438,300</td>
<td>$89,400</td>
<td>$3,860,600</td>
</tr>
<tr>
<td>C. HABILITATION:</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>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>400,400</td>
<td>3,300</td>
<td>786,400</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><strong>E. PROBATION AND PAROLE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,086,200</td>
<td>$288,000</td>
<td>$26,000</td>
<td>$1,400,200</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement</td>
<td>Planning Account</td>
<td>$29,600</td>
<td>$11,600</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><strong>F. IDAHO SECURITY MEDICAL FACILITY:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$371,700</td>
<td>$60,200</td>
<td>$300</td>
<td>$432,200</td>
</tr>
<tr>
<td><strong>G. PAROLE COMMISSION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$46,000</td>
<td>$16,300</td>
<td></td>
<td>$62,300</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$4,892,000</td>
<td>$2,745,100</td>
<td>$141,200</td>
<td>$7,804,300</td>
</tr>
</tbody>
</table>

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

Approved February 21, 1980.
C. 16 '80  IDAHO SESSION LAWS  33

CHAPTER 16
(H.B. No. 507)

AN ACT
AMENDING SECTION 1, CHAPTER 169, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE, FOR THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $88,200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 169, Laws of 1979, 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 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>Account</td>
<td></td>
<td>452,500</td>
<td></td>
<td>729,900</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>1,207,500</td>
<td>123,800</td>
<td>13,200</td>
<td>1,344,500</td>
</tr>
<tr>
<td>Account</td>
<td>919,200</td>
<td></td>
<td></td>
<td>4,765,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,811,900</td>
<td>$836,700</td>
<td>$34,300</td>
<td>$4,783,900</td>
</tr>
</tbody>
</table>

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

Approved February 21, 1980.
AN ACT
RELATING TO COMPENSATION OF THE LIEUTENANT GOVERNOR WHILE ACTING AS GOVERNOR; AMENDING SECTION 67-806, IDAHO CODE, BY PROVIDING CLARIFICATION AS TO THE RATE OF COMPENSATION FOR THE LIEUTENANT GOVERNOR WHILE ACTING AS GOVERNOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-806, Idaho Code, be, and the same is hereby amended to read as follows:

67-806. LIEUTENANT GOVERNOR -- COMPENSATION WHILE ACTING AS GOVERNOR -- EXPENSES. The lieutenant governor while performing the duties of acting governor of Idaho, shall, in lieu of the compensation received as lieutenant governor, be entitled to receive compensation at the same rate as that allowed the governor, and in addition thereto expenses of all actual and necessary travel within the state incurred in the performance of such duties.

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, 1980.
CHAPTER 18
(S.B. No. 1320)

AN ACT
AMENDING SECTION 1, CHAPTER 246, LAWS OF 1979, 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 246, Laws of 1979, 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 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>$787,000</td>
<td>108,700</td>
<td>187,000</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>$829,700</td>
<td>$15,700</td>
<td>$1,815,400</td>
</tr>
</tbody>
</table>

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

Approved February 21, 1980.
AN ACT
AMENDING SECTION 1, CHAPTER 194, LAWS OF 1979, 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 $15,300; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 194, Laws of 1979, 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 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 COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$968,600</td>
<td>$43,300</td>
<td>$17,500</td>
<td></td>
<td>$1,029,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>14,800</td>
<td>18,190</td>
<td>33,400</td>
<td></td>
<td>48,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,320,800</td>
<td>312,200</td>
<td></td>
<td></td>
<td>1,633,000</td>
</tr>
<tr>
<td>State Youth Training Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,304,200</td>
<td>$593,590</td>
<td>$17,500</td>
<td></td>
<td>$2,910,699</td>
</tr>
</tbody>
</table>

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

Approved February 21, 1980.
CHAPTER 20
(S.B. No. 1281)

AN ACT
RELATING TO UNIFORM NUMBERING AND FORMAT FOR RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5202A, IDAHO CODE, TO PROVIDE THAT THE STATE LAW LIBRARIAN SHALL DEVELOP A UNIFORM NUMBERING SYSTEM AND FORMAT FOR RULES AND SHALL REVIEW AND REPORT ON CONFORMITY WITH THE SYSTEM.

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

SECTION 1. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5202A, Idaho Code, and to read as follows:

67-5202A. NUMBERING AND FORMAT OF RULES. The state law librarian shall develop, for the use of each agency, a uniform numbering system which shall apply to rules adopted by all agencies.

The state law librarian shall, in consultation with a representative of each agency, develop a uniform format for rules adopted by all agencies.

In order to accomplish the purposes of this section, agencies shall submit proposed rules to the law librarian for review prior to submission of the proposed rule to the director of the legislative council as provided in section 67-5203(a)(2), Idaho Code. The law librarian shall submit a summary of comments related to compliance with the numbering and format system for rules to the agency and the director of the legislative council.

At the time of transmittal of rules by the law librarian to the legislature, as required in section 67-5217, Idaho Code, the law librarian shall also report to the legislature compliance by agencies with the uniform numbering system and uniform format developed pursuant to this section.

Approved February 25, 1980.

CHAPTER 21
(S.B. No. 1323)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR THE OPERATIONS BUREAU PROGRAM FOR GROUND WATER QUALITY SURVEILLANCE AT THE IDAHO NUCLEAR ENGINEERING LABORATORY, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1980;
AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources for the Operations Bureau Program, the following amount, for ground water quality surveillance at the Idaho Nuclear Engineering Laboratory, to be expended according to the designated expense classes from the listed account for the period from the effective date of this act 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>$14,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$16,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$31,000</td>
</tr>
<tr>
<td></td>
<td>$61,700</td>
</tr>
</tbody>
</table>

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

Approved February 26, 1980.
CHAPTER 22
(H.B. No. 508)

AN ACT

AMENDING SECTION 1, CHAPTER 284, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WATER QUALITY PROGRAM, BY INCREASING THE APPROPRIATION FROM THE WATER POLLUTION CONTROL ACCOUNT BY $5,054,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 284, Laws of 1979, be, and the same is hereby amended as follows:

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>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>$ 509,300</td>
<td>$ 97,100</td>
<td>$23,000</td>
<td></td>
<td>$629,400</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>723,800</td>
<td>479,500</td>
<td></td>
<td>1,203,300</td>
<td></td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>44,400</td>
<td>9,000</td>
<td>1,500</td>
<td>12,500,000</td>
<td>12,554,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,277,500</td>
<td>$585,600</td>
<td>24,500</td>
<td>12,500,000</td>
<td>14,387,600</td>
</tr>
</tbody>
</table>

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

Approved February 26, 1980.
CHAPTER 23  
(H.B. No. 540)  

AN ACT  
AMENDING SECTION 1, CHAPTER 172, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH PROGRAM, BY INCREASING THE APPROPRIATION FROM THE CENTRAL TUMOR REGISTRY ACCOUNT BY $7,200; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 1, Chapter 172, Laws if 1979, 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 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>$1,513,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>$ 495,600</td>
<td>$ 520,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cancer Control Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Tumor Registry Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,036,100</td>
<td>$2,861,200</td>
<td>$4,300,600</td>
<td>$8,197,900</td>
</tr>
</tbody>
</table>

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

Approved February 26, 1980.
CHAPTER 24
(H.B. No. 541)

AN ACT
AMENDING SECTION 2, CHAPTER 168, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF PARKS AND RECREATION, BY INCREASING THE APPROPRIATION FOR THE STATEWIDE
RECREATION PLANNING PROGRAM BY $5,000 FROM THE CROSS-COUNTRY SKIING ACCOUNT; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 168, Laws of 1979, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the
following amounts, to be expended for designated programs according to expense classes
designated therein from the listed accounts for the period July 1, 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>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>60,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>82,400</td>
<td></td>
<td></td>
<td></td>
<td></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>General Account</td>
<td>$1,290,500</td>
<td>$228,300</td>
<td>$33,800</td>
<td></td>
<td>$1,552,600</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital</td>
<td>180,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement Account</td>
<td>180,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>237,500</td>
<td>136,300</td>
<td>38,000</td>
<td></td>
<td>411,800</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>8,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Account</td>
<td>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>General Account</td>
<td>$98,700</td>
<td></td>
<td></td>
<td></td>
<td>$98,700</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital</td>
<td>$175,000</td>
<td></td>
<td></td>
<td></td>
<td>175,000</td>
</tr>
<tr>
<td>Improvement Account</td>
<td>$9,900</td>
<td></td>
<td></td>
<td></td>
<td>9,900</td>
</tr>
<tr>
<td>Parks Donation Account</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>80,000</td>
<td></td>
<td></td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Account</td>
<td>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>
</tbody>
</table>
D. STATEWIDE RECREATION ASSISTANCE:

<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>$ 17,500</td>
<td>$ 15,700</td>
<td></td>
<td>$ 33,200</td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterways Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-road Motor Vehicle Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Pass Through Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coast Guard Boating Safety Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 126,100</td>
<td>$ 51,300</td>
<td></td>
<td>$ 3,675,400</td>
<td>$3,852,800</td>
</tr>
</tbody>
</table>

E. STATEWIDE RECREATION PLANNING:

<table>
<thead>
<tr>
<th>Program</th>
<th>For Personnel Costs</th>
<th>Operating Expenditures</th>
<th>For Capital Outlay</th>
<th>For Trustee And Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross-Country Skiing Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>$ 97,000</td>
<td>2,500</td>
<td></td>
<td>$ 5,000</td>
<td>99,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 97,000</td>
<td>44,200</td>
<td></td>
<td>$ 5,000</td>
<td>144,200</td>
</tr>
</tbody>
</table>

GRAND TOTAL                      | $2,383,800          | $719,300                | $1,616,400         | $3,675,400                       | $8,394,900 |
|                                  |                     |                        |                    |                                  | 3,680,400 |

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 26, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. IDAHO APPLE COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td>$ 4,900</td>
<td>$ 60,000</td>
<td>$ 100</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>FROM: Apple Commission Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Marketing and Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Idaho Bean Marketing &amp; Production Promotion Account</td>
<td>$ 54,500</td>
<td>$ 156,700</td>
<td></td>
<td>$ 211,200</td>
</tr>
<tr>
<td>C. IDAHO CHERRY COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 DAIRY PRODUCTS COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Dairy Products Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Idaho Dairy Products Commission Account</td>
<td>$193,000</td>
<td>$1,706,600</td>
<td>$2,000</td>
<td>$1,901,600</td>
</tr>
<tr>
<td>E. IDAHO POTATO COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Potato Commission Account</td>
<td>$334,700</td>
<td>$2,268,700</td>
<td>$1,300</td>
<td>$2,604,700</td>
</tr>
<tr>
<td>F. IDAHO WHEAT COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Marketing and Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Idaho Wheat Commission</td>
<td>$ 77,500</td>
<td>$ 694,200</td>
<td>$1,000</td>
<td>$ 772,700</td>
</tr>
<tr>
<td>FOR: Idaho Transportation Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Idaho Wheat Commission</td>
<td>$ 18,700</td>
<td>$ 24,800</td>
<td>$1,000</td>
<td>$ 43,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 96,200</td>
<td>$ 719,000</td>
<td></td>
<td>$ 816,200</td>
</tr>
</tbody>
</table>

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

GRAND TOTAL $685,900 $4,943,400 $4,500 $5,633,800

Approved February 29, 1980.
CHAPTER 26  
(H.B. No. 563)  

AN ACT  
AMENDING SECTION 2, CHAPTER 267, LAWS OF 1979, RELATING TO THE APPROPRIATION TO  
THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION BY INCREASING THE  
APPROPRIATION FROM THE GENERAL ACCOUNT BY $20,000 FOR THE RECRUITING AND  
RETENTION PROGRAM; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 2, Chapter 267, Laws of 1979, be, and the same is  
hereby amended to read as follows:  

SECTION 2. There is hereby appropriated to the Office of the Governor for  
the 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></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>D. ADMINISTERING DISASTER SERVICES:</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>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>
</tbody>
</table>
### Program Costs

<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>General Account</td>
<td>$34,700</td>
<td>$54,700</td>
<td></td>
<td>$34,700</td>
</tr>
</tbody>
</table>

#### G. FACILITY AND OPERATIONAL EMERGENCIES:

**FROM:**
- Miscellaneous Receipts Account: $23,600
- **GRAND TOTAL:** $1,348,500
  - $1,102,500
  - $26,100
  - $2,477,100

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

Approved February 29, 1980.
AN ACT

AMENDING SECTION 2, CHAPTER 279, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES, BY REVISIGN THE APPROPRIATION FOR THE SUPPORTING SERVICES PROGRAM BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $15,900 AND DECREASING THE APPROPRIATION FROM THE WATER ADMINISTRATION ACCOUNT BY $15,900, BY REVISIGN THE APPROPRIATION FOR THE TECHNICAL SERVICES PROGRAM BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $16,500 AND DECREASING THE APPROPRIATION FROM THE WATER ADMINISTRATION ACCOUNT BY $16,500, BY REVISIGN THE APPROPRIATION FOR THE OPERATIONS BUREAU PROGRAM BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $7,600 AND DECREASING THE APPROPRIATION FROM THE WATER ADMINISTRATION ACCOUNT BY $7,600, AND BY INCREASING THE APPROPRIATION FOR THE REGIONAL OFFICES PROGRAM FROM THE GENERAL ACCOUNT BY $44,800; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 279, Laws of 1979, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 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>$253,400</td>
<td>$171,300</td>
<td>$29,000</td>
<td>$453,400</td>
<td></td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>$269,000</td>
<td>$8,000</td>
<td></td>
<td></td>
<td>$31,200</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>$493,200</td>
<td>$96,000</td>
<td>$6,000</td>
<td>$593,200</td>
<td></td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>$536,000</td>
<td>$14,000</td>
<td></td>
<td></td>
<td>$78,900</td>
</tr>
<tr>
<td>Watermaster Service Account</td>
<td>$64,900</td>
<td>$38,200</td>
<td></td>
<td></td>
<td>$101,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$643,700</td>
<td>$148,200</td>
<td>$6,000</td>
<td></td>
<td>$818,700</td>
</tr>
<tr>
<td>III. TECHNICAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

47
### PROGRAM

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$357,400</td>
<td>$53,600</td>
<td>$2,100</td>
<td>$312,000</td>
<td>$741,600</td>
</tr>
<tr>
<td>Water Administration</td>
<td>368,300</td>
<td>59,200</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 State</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River Basin Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$375,400</td>
<td>$68,100</td>
<td>$2,100</td>
<td>$312,000</td>
<td>$757,600</td>
</tr>
</tbody>
</table>

### IV. PROJECT STUDIES:

<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>$271,300</td>
<td>$26,300</td>
<td></td>
<td></td>
<td>$297,600</td>
</tr>
<tr>
<td>Water Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>3,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative State</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River Basin Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$305,800</td>
<td>$45,300</td>
<td></td>
<td></td>
<td>$351,100</td>
</tr>
</tbody>
</table>

### V. OPERATIONS BUREAU:

<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>$306,900</td>
<td>$44,900</td>
<td></td>
<td></td>
<td>$358,200</td>
</tr>
<tr>
<td>Water Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$315,900</td>
<td>$50,900</td>
<td></td>
<td></td>
<td>$365,800</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**

<table>
<thead>
<tr>
<th></th>
<th>$1,998,700</th>
<th>$491,100</th>
<th>$37,100</th>
<th>$312,000</th>
<th>$2,793,700</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,953,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Approved February 29, 1980.
AN ACT
AMENDING SECTION 1, CHAPTER 238, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE STATE AUDITOR FOR THE PRE-AUDIT AND ACCOUNTING PROGRAM, BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $70,000, DELETING THE APPROPRIATION FROM THE GENERAL INTERACCOUNT ACCOUNT AND ADDING AN APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 238, Laws of 1979, be, and the same is hereby amended to read as follows:

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>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>28,100</td>
<td>62,000</td>
<td></td>
<td>90,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>50,000</td>
<td></td>
<td></td>
<td>50,000</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>General Account</td>
<td>$864,100</td>
<td></td>
<td></td>
<td>$864,100</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>121,200</td>
<td>$1,684,100</td>
<td>$30,000</td>
<td>1,835,300</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. An emergency existing therefor, 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 29, 1980.
CHAPTER 29
(H.B. No. 584)

AN ACT
AMENDING SECTION 1, CHAPTER 258, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE IDAHO DAIRY PRODUCTS COMMISSION IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, BY INCREASING THE APPROPRIATION BY $300,000 FROM THE IDAHO DAIRY PRODUCTS COMMISSION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 258, Laws of 1979, be, and the same is hereby amended to read as follows:

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:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>141,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,558,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,700,000</td>
</tr>
</tbody>
</table>

FROM:

| Idaho Dairy Products Commission Account | $1,700,000 |

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

Approved February 29, 1980.

CHAPTER 30
(H.B. No. 410)

AN ACT
RELATING TO THE FISCAL AFFAIRS OF SCHOOL DISTRICTS; AMENDING SECTION 33-701, IDAHO CODE, BY INCREASING THE MAXIMUM AMOUNT OF INSURANCE PROCEEDS SCHOOL DISTRICTS MAY CREDIT TO THE GENERAL FUND OF THE DISTRICT TO FIVE THOUSAND DOLLARS.

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 five thousand dollars ($5,000), 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 salaries and other expenses by category. Salaries may be reported in gross amount. 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 February 29, 1980.

CHAPTER 31
(H.B. No. 490)

AN ACT
RELATING TO THE RENEWAL OF MINERAL LEASES ON STATE LANDS; AMENDING SECTION 47-704, IDAHO CODE, TO PROVIDE FOR A PREFERENTIAL RIGHT FOR THE LEASEHOLDER OF A MINERAL LEASE TO RENEW BOTH THE ORIGINAL LEASE AND ALL RENEWALS THEREOF.

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

SECTION 1. That Section 47-704, Idaho Code, be, and the same is hereby amended to read as follows:

47-704: LEASES OF MINERAL RIGHTS IN STATE LANDS. The state board of land commissioners may lease in tracts not exceeding six hundred forty (640) acres for prospecting and mining purposes, and mineral deposits, except for leases for oil, gas and other hydrocarbons, that may be contained in any portion of the unsold lands of the state or that may be contained in state lands sold with a reservation of mineral deposits or belong to the state of Idaho by reason of being situated between the high water marks of navigable rivers of the state, for such annual rental, not less than twenty-five cents (25¢) per acre per annum, and for such royalty upon the product as the board may deem fair and in the interest of the state, except in the case of state oil and gas leases wherein the royalty to the state shall be not less than twelve and one-half per cent (12 1/2%), and provided that the minimum royalty shall not be less than two and one-half per cent (2 1/2%). The rental paid for any year shall be deducted from the royalties as they accrue for that year.

All mineral leases, except leases for oil, gas, and other hydrocarbons, of state school lands and for lands belonging to the state of Idaho, other than school lands, shall be for a term of ten (10) years, and so long thereafter as precious metals, minerals, and ores, or any of them, are produced in paying quantities, or as much longer thereafter as the lessee in good faith shall conduct mining operations thereon, together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the prospecting for, exploration for, development of, production, refining, processing and marketing of said precious metals, minerals and ores produced from said lands, including the right to con-
struct and maintain thereon all works, buildings, plants, waterways, roads, communication lines, reservoirs, tanks or other structures necessary to the full enjoyment thereon for the purpose of the lease.

Provided, that the leaseholder of any mineral lease except leases for oil, gas, and other hydrocarbons, heretofore or hereafter issued, upon the expiration of the initial lease and all renewals thereof, shall be given the preferential right of renewal to renew such lease or renewal leases under such readjustment of the terms and conditions as the board may determine to be necessary in the interest of the state.

Applications for mineral leases shall be made under oath in such form as the board may prescribe, and the applicant shall describe the land, indicate the annual rental and royalty offered by him, specify the particular mineral or minerals, and give such additional information as may be required by the rules and regulations of the board. If the applicant for a lease has previously filed a certificate of location, as provided in section 47-703, Idaho Code, upon any part of the land desired to be leased, such application shall be given a preferential right to the land covered by his location; that no lands upon which a mineral location has been duly made and recorded as provided in section 47-703, Idaho Code, shall be leased for mining purposes during the two-year periods to any applicant except the person having made such location; provided, however, that no locations may be made for oil and gas deposits or lands.

Upon receipt by the state board of land commissioners of an application to lease any lands which may belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the State, the board shall cause at the expense of the applicant, a notice of such application to be published once a week for two (2) issues in a newspaper of general circulation in the county or counties in which said lands described in said application are situated, which notice shall be substantially as follows:

"Notice is hereby given that .... of ...., has applied to the State Board of Land Commissioners of the State of Idaho for a lease, for prospecting and mining purposes and mineral deposits that may be contained in any portion of the lands in the bed of the following navigable river to-wit: .... .... and that, on the .... day of ..... A.D. 19...., at ...., before the State Board of Land Commissioners, or its authorized agent, the opportunity will be given to any and all persons to appear and present for its consideration any reason or reasons why a lease of the aforesaid lands for the aforementioned purposes should not be granted."

Provided, however, that the state board of land commissioners shall send notice of any such application for leasing the bed of navigable rivers to the state reclamation engineer, who, if he thinks advisable, shall at the expense of the applicant make an investigation. If said investigation shows that the rights of interested parties may be jeopardized by the issuance of the proposed lease, he shall give notice of such applications to parties affected thereby. If, at the above hearing, it shall appear to the state board of land commissioners that the leasing of any lands between the high water
marks of any navigable river will be injurious to the rights of any person or persons having the right to the use of the waters thereof for irrigation, power, or any other lawful purpose, the state board of land commissioners shall deny such application.

Approved February 29, 1980.

CHAPTER 32
(S.B. No. 1266)

AN ACT
RELATING TO MEMBERS OF A SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION 33-501, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT TRUSTEE'S OATH OF OFFICE BE FILED WITH THE OFFICIAL RECORDS OF THE DISTRICT; AND AMENDING SECTION 59-405, IDAHO CODE, TO REQUIRE THAT A SCHOOL DISTRICT TRUSTEE'S OATH OF OFFICE BE FILED AS PRESCRIBED.

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

SECTION 1. That Section 33-501, Idaho Code, be, and the same is hereby amended to read as follows:

33-501. BOARD OF TRUSTEES. Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district which has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) or more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. Except as otherwise provided by law, a school district trustee shall be elected for a term of three (3) years or until the annual meeting of his district held during the year in which his term expires.

Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated and elected, or appointed.

Each trustee shall qualify for and assume office at the annual meeting of his school district next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, re-elected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.
SECTION 2. That Section 59-405, Idaho Code, be, and the same is hereby amended to read as follows:

59-405. WHERE OATH FILED. Every oath of office, certified by the officer, before whom the same was taken, must be filed within the time required by law, except when otherwise specially directed, as follows:
1. The oath of all officers whose authority is not limited to any particular county, in the office of the secretary of state.
2. The oath of all officers elected or appointed for any county, district or precinct, in the offices of the recorder of their respective counties. The oath for school district trustees shall be filed in the manner prescribed by section 33-501, Idaho Code.

Approved February 29, 1980.

CHAPTER 33
(S.B. No. 1268)

AN ACT RELATING TO MINIMUM SALARIES FOR CERTIFICATED EMPLOYEES; REPEALING SECTION 33-1219, IDAHO CODE, TO DELETE PROVISIONS FOR MINIMUM ANNUAL SALARIES FOR CERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS.

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

SECTION 1. That Section 33-1219, Idaho Code, be, and the same is hereby repealed.

Approved February 29, 1980.

CHAPTER 34
(S.B. No. 1313)

AN ACT RELATING TO RULE MAKING POWERS OF THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 39-107, IDAHO CODE TO STRIKE REFERENCES TO RULE MAKING PROCEDURES WHICH ARE IN CONFLICT WITH THE ADMINISTRATIVE PROCEDURE ACT.

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

SECTION 1. That Section 39-107, Idaho Code, be, and the same is hereby amended to read as follows:
39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES AND REGULATIONS.

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

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

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

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

5. The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

6. Any person aggrieved by an action or inaction of the department of health and welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder. The hearings herein provided may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or hearing officer designated by it, shall have power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

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

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

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

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

10. All codes, rules, regulations and standards heretofore
adopted by the department of public health, the board of health, and
the air pollution control commission and board of environmental and
community services, shall remain in full force and effect until super-
seded by rules, regulations and standards duly adopted by the board or
until the same is rejected, amended or modified by the legislature in
accordance with the provisions of chapter 52, title 67, Idaho Code.

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

Approved February 29, 1980.
CHAPTER 35
(S.B. No. 1358)

AN ACT
MENDING SECTION 2, CHAPTER 264, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE
DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATIONS FOR THE FOREST AND RANGE FIRE
PROTECTION PROGRAM BY $200,000 FROM THE FOREST MANAGEMENT ACCOUNT AND BY $50,000 FROM
THE SOUTHERN IDAHO TIMBER PROTECTIVE ASSOCIATION ACCOUNT AND FOR THE SCALING PRACTICES
PROGRAM BY $17,200 FROM THE LOG SCALERS LAW ACCOUNT; INCREASING THE APPROPRIATION AS
PROVIDED BY SECTION 2, CHAPTER 264, LAWS OF 1979 TO THE DEPARTMENT OF LANDS FOR THE
FOREST RESOURCES MANAGEMENT PROGRAM BY $95,000 FROM THE 10% TIMBER LEASE ACCOUNT FOR
THE PERIOD SPECIFIED; AND DECLARING AN EMERGENCY.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2, Chapter 264, Laws of 1979, be, and the same is hereby
mended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Lands the following
mounts, to be expended for designated programs according to expense classes designated
herein 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>SUPPORTING SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROM:</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 Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Clark-McNary Account</td>
<td>147,400</td>
<td>22,700</td>
<td>2,700</td>
<td></td>
<td>172,800</td>
</tr>
<tr>
<td>Forest &amp; Range Conservation Account</td>
<td>9,600</td>
<td>1,500</td>
<td></td>
<td></td>
<td>11,100</td>
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<tr>
<td>0% Timber Lease Account</td>
<td>5,100</td>
<td></td>
<td></td>
<td></td>
<td>5,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 768,100</td>
<td>$ 262,600</td>
<td>$ 18,100</td>
<td></td>
<td>$ 1,048,800</td>
</tr>
<tr>
<td>FOR FOREST &amp; RANGE FIRE PROTECTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROM:</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>$197,000</td>
<td>$ 1,098,500</td>
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<tr>
<td>Forest &amp; Range</td>
<td></td>
<td></td>
<td></td>
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<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>
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<tr>
<td>0% Timber Account</td>
<td>699,100</td>
<td>55,100</td>
<td></td>
<td></td>
<td>754,200</td>
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<tr>
<td>S. Clark-McNary Account</td>
<td>717,400</td>
<td>9,200</td>
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<td></td>
<td>726,600</td>
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<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</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection Association Account</td>
<td>1,093,900</td>
<td></td>
<td></td>
<td></td>
<td>1,093,900</td>
</tr>
</tbody>
</table>
## Protection Association Award

<table>
<thead>
<tr>
<th>Program</th>
<th>Personel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lands Federal Account</td>
<td>$2,500</td>
<td>$2,778,800</td>
<td>$187,000</td>
<td>$3,988,100</td>
<td>$4,558,100</td>
</tr>
</tbody>
</table>

### C. FOREST RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$928,000</td>
<td>$185,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>10,800</td>
<td>10,800</td>
</tr>
<tr>
<td>Land Commissioners</td>
<td>346,300</td>
<td>37,500</td>
</tr>
<tr>
<td>Insect Disease Control Account</td>
<td>54,000</td>
<td>102,700</td>
</tr>
<tr>
<td>Site Restoration Account</td>
<td>10,000</td>
<td>245,000</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
<td>639,400</td>
<td>549,100</td>
</tr>
<tr>
<td>Lands Federal Account</td>
<td>119,300</td>
<td>119,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,097,500</td>
<td>$1,119,300</td>
</tr>
</tbody>
</table>

### D. LANDS AND RANGE RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$575,300</td>
<td>$107,900</td>
</tr>
<tr>
<td>10% Grazing Lease Account</td>
<td>46,100</td>
<td>48,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$621,400</td>
<td>$156,300</td>
</tr>
</tbody>
</table>

### E. EARTH RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$486,900</td>
<td>$57,300</td>
</tr>
<tr>
<td>Oil and Gas Commission Account</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Lands Federal Funds Account</td>
<td>13,700</td>
<td>21,600</td>
</tr>
<tr>
<td>10% Recreation Lease Account</td>
<td>9,200</td>
<td>23,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$509,800</td>
<td>$107,600</td>
</tr>
</tbody>
</table>

### F. SOILS & WATER MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$267,500</td>
<td>$36,900</td>
</tr>
<tr>
<td>Lands Federal Funds Account</td>
<td>55,000</td>
<td>55,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$322,500</td>
<td>$36,900</td>
</tr>
</tbody>
</table>

### G. SCALING PRACTICES:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Log Scalers Law Account</td>
<td>$93,200</td>
<td>$24,200</td>
</tr>
<tr>
<td></td>
<td>101,100</td>
<td>26,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$5,708,100</td>
<td>$258,700</td>
</tr>
</tbody>
</table>

### GRAND TOTAL:

<table>
<thead>
<tr>
<th>Source</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5,708,100</td>
<td>$258,700</td>
</tr>
<tr>
<td></td>
<td>5,916,000</td>
<td>4,488,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$10,624,100</td>
<td>$307,400</td>
</tr>
</tbody>
</table>
SECTION 2. In addition to the appropriation made by Section 2, Chapter 264, Laws of 1979, to the Department of Lands for the Forest Resources Management Program, there is hereby appropriated the following amount, to be expended for the Forest Resources Management Program according to the designated expense classes from the listed account, for the period from the effective date of this act through June 30, 1981.

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM 10% Timber Lease Account</td>
<td>$20,000</td>
<td>$75,000</td>
<td>$95,000</td>
</tr>
</tbody>
</table>

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

Approved February 29, 1980.
CHAPTER 36
(S.B. No. 1396)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>AGRICULTURAL LABOR BOARD:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
</tr>
<tr>
<td>Operating Expenditures</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

FROM:
General Account | $500

Approved February 29, 1980.

CHAPTER 37
(S.B. No. 1397)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATION AS PROVIDED BY SENATE BILL 1358, SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, FOR THE FOREST AND RANGE FIRE PROTECTION PROGRAM BY $539,300 FROM THE GENERAL ACCOUNT; SPECIFYING CONDITIONS FOR EXPENDITURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriations made to the Department of Lands by Sections 1 and 2 of Senate Bill 1358, Second Regular Session, Forty-fifth Idaho Legislature, there is hereby appropriated the following amount, to be expended for the Forest and Range Fire Protection Program according to the expense class designated from the listed account, for the period from the effective date of this act through June 30, 1980.

FOR:
Trustee and Benefit Payments | $539,300

FROM:
General Account $539,300

SECTION 2. The funds appropriated in Section 1 of this act are to be expended from the General Account solely for purposes of payment of deficiency warrants and related interest to the Treasurer of the State of Idaho, for payment to the United States Department of Agriculture for fire fighting activities, for payment to the Clearwater-Potlatch Timber Protective Association and the Southern Idaho Timber Protective Association for fire fighting costs in excess of the twenty cents per acre statutory limit, and for payment of fire fighting bills to miscellaneous vendors. Any unexpended balance shall revert to the General Account.

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

Approved March 3, 1980.

CHAPTER 38
(H.B. No. 412)

AN ACT RELATING TO ALTERING SCHOOL DISTRICT BOUNDARIES; AMENDING SECTION 33-307, IDAHO CODE, BY STRIKING THE REQUIREMENT THAT NOT MORE THAN FIFTY STUDENTS ATTEND SCHOOL FROM AN AREA BEING CONSIDERED FOR ALTERATION OF THE BOUNDARY.

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

SECTION 1. That Section 33-307, Idaho Code, be, and the same is hereby amended to read as follows:

33-307. CORRECTING OR ALTERING SCHOOL DISTRICT BOUNDARIES. Whenever the state board of education shall find that, because of error in the legal description of the boundaries of any school district, or for any other reason,

a. any part of the area of the state is not included within the area of a school district, or
b. is included in more than one (1) school district, or
c. that any area of less than fifty (50) square miles in which no school is operated, should be excised from the school district in which it lies and annexed to a contiguous school district when the best interests of the school children residing in each of the affected districts such areas will be served thereby,

the said state board of education shall make an appropriate order including an omitted area into any school district, or districts, or
correcting or altering the boundaries of the districts, in such manner as, in its judgment, is just and proper.

A copy of any such order shall be sent by the state board of education to the board of trustees of any school district affected by the order, and to the board of county commissioners of any county in which any such district, or part thereof, shall lie. The board of county commissioners shall thereupon correct the legal description of the school district or districts, as the same may appear in its records, and immediately thereafter shall notify the state board of education that the county records have been corrected in accordance with the order of the said state board of education.

Approved March 5, 1980.

CHAPTER 39
(H.B. No. 440)

AN ACT RELATING TO THE PAYMENT OF PERSONAL PROPERTY TAXES; AMENDING SECTION 63-1302, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONAL PROPERTY TAXES BECOME DELINQUENT ON THE DAY FOLLOWING THE DEMAND DUE DATE.

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

SECTION 1. That Section 63-1302, Idaho Code, be, and the same is hereby amended to read as follows:

63-1302. TAX PAYABLE ON DEMAND -- DELINQUENCY DATE -- PENALTY (Effective--After--January--1, 1980). All taxes shown on the personal property assessment roll, the mobile home assessment roll, and on any subsequent roll, be it personal or mobile home roll, shall be due and payable to the tax collector on demand and, if unpaid, shall become delinquent on December 20 of each year or the day following the demand due date if so specified by the tax collector on the demand tax notice, 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 on December 20 and the second half shall become delinquent on June 20, together with a penalty of two per cent (2%) of the amount of the taxes as shown on the assessment roll, plus 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 or mobile home tax, he may appeal to the board of county commissioners. If sufficient information is given to satisfy the board that the taxes will be paid, and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for the payment of the taxes, penalty and interest, not exceeding four (4) months. A
warrant of distraint shall not be issued until expiration of the extended time.

Approved March 5, 1980.

CHAPTER 40
(H.B. No. 474)

AN ACT
RELATING TO TAXES ON CORPORATE INCOME; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3025, IDAHO CODE, TO IMPOSE AN EXCISE TAX ON CORPORATE INCOME EXEMPTED FROM THE TAX IMPOSED BY THE PROVISIONS OF SECTION 63-3025A, IDAHO CODE; AMENDING SECTION 63-3025A, IDAHO CODE, TO PROVIDE THAT THE TAX SHALL NOT BE IMPOSED ON THE INCOME OF CORPORATIONS ENGAGED IN BUSINESS IN IDAHO FOR THE EXCLUSIVE PURPOSE OF PERFORMING CONTRACTS WITH THE UNITED STATES DEPARTMENT OF ENERGY AT THE IDAHO NATIONAL ENGINEERING LABORATORY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3025, Idaho Code, and to read as follows:

63-3025. EXCISE TAX ON CORPORATIONS EXEMPTED FROM TAX ON CORPORATE INCOME BY SECTION 63-3025A, IDAHO CODE. For taxable years commencing on and after January 1, 1980, an excise tax is hereby imposed on corporations which are exempted from tax on corporate income by section 63-3025A, Idaho Code. Such tax shall be computed at the rate of six and one-half percent (6.5%) of the taxable income derived from sources within this state but without deduction for federal income tax.

SECTION 2. 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, that the tax imposed herein shall not be imposed upon corporations which are engaged in business in Idaho for the exclusive purpose of performing
contracts with the United States department of energy at the Idaho national engineering laboratory.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1980.

Approved March 5, 1980.

CHAPTER 41
(H.B. No. 426)

AN ACT
RELATING TO ACTIVITIES WITHIN THE STATE OF IDAHO BY CERTAIN FOREIGN ENTITIES WHICH DO NOT CREATE A BUSINESS SITUS FOR TAX PURPOSES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION 63-3023A, IDAHO CODE, PROVIDING THAT CERTAIN ACTIVITIES OF CERTAIN FOREIGN ENTITIES DO NOT CREATE A BUSINESS SITUS FOR TAX PURPOSES.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3023A, Idaho Code, and to read as follows:

63-3023A. NO BUSINESS SITUS. Any corporation, bank, trust company, mutual savings bank, savings and loan association, national banking association or other corporation, association or trust organized and existing under the laws of any state or territory of the United States other than the state of Idaho or existing under the laws of the United States including, without restriction of the generality of the foregoing, employee pension fund organizations, charitable foundations, trust funds, real estate investment trusts, or other such funds and trusts engaged in the investment of moneys, and trustees of such organizations, which does not maintain an office within the state of Idaho for any purpose shall not be deemed to have a business situs within the state of Idaho during any taxable year by reason of carrying on in this state any one or more of the following activities:

(a) Creating, acquiring or purchasing of loans, secured or unsecured, or any interest therein;
(b) Collecting and servicing of loans in any manner whatsoever and the making of credit investigations and physical inspections and appraisals of real or personal property securing any loans or proposed to secure any loans;
(c) Soliciting of applications for loans which are sent outside this state for approval; and
(d) Filing of security interests; maintaining or defending any action or suit; holding, selling, assigning, transferring, collecting or enforcing any loans, or foreclosing or other disposition thereof, including acquiring title to property securing such loans by foreclosure, deed in lieu of foreclosure, or otherwise, as a result of default under the terms of the mortgage, deed of trust or other security instruments relating thereto, or the holding, protecting and maintaining of said property so acquired or the disposition thereof.

Approved March 5, 1980.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE SECRETARY OF STATE;
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE SECRETARY OF STATE, TO BE
EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE
LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; APPROPRIATING
MONEYS FROM THE GENERAL ACCOUNT TO THE SECRETARY OF STATE, TO BE EXPENDED FOR THE
DESIGNATED PURPOSE FOR THE PERIOD SPECIFIED; EXPRESSING LEGISLATIVE INTENT WITH RESPECT
TO CERTAIN EXPENDITURES; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. It is legislative intent that the expenditures for the Secretary of State
as appropriated in Sections 2 through 5 of this act not exceed the following amounts for
the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 524,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>712,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>7,700</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>229,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,472,900</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 678,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>39,700</td>
</tr>
<tr>
<td>Idaho Code Commission Account</td>
<td>212,000</td>
</tr>
<tr>
<td><strong>Federal Accounts:</strong></td>
<td></td>
</tr>
<tr>
<td>Idaho Commission on Arts &amp; Humanities Account</td>
<td>543,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,472,900</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Secretary of State for the functions to
be performed by the Secretary of State the following amounts, to be expended for the
designated program according to designated expense classes from the listed account for the
period July 1, 1980, through June 30, 1981:

**OPERATION OF THE SECRETARY OF STATE OFFICE:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$382,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>162,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$550,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$550,000</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the Secretary of State for the functions to
be performed by the Commission on Uniform Laws the following amounts, to be expended for
the designated program according to the designated expense class from the listed account
for the period July 1, 1980, through June 30, 1981:
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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 84,100</td>
<td>$ 34,600</td>
<td>$2,500</td>
<td>$121,200</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td>39,700</td>
<td></td>
<td>39,700</td>
<td></td>
</tr>
<tr>
<td>Idaho Commission on Arts &amp; Humanities Account</td>
<td>42,600</td>
<td>271,200</td>
<td></td>
<td>229,200</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$126,700</td>
<td>$345,500</td>
<td>$2,500</td>
<td>$229,200</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 5. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Code Commission the following amounts, to be expended for the designated program according to designated expense classes from the listed account for the period July 1, 1980, through June 30, 1981:

<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></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>197,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$212,000</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Code Commission Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$212,000</td>
</tr>
</tbody>
</table>

SECTION 6. There is hereby appropriated to the Secretary of State from the General Account the following amount, to be expended for the designated purpose for the period from the effective date of this act through June 30, 1981.

| FOR: | | | | | |
| 1980 Presidential Primary | | | | | $60,000 |
| FROM: | | | | | |
| General Account | | | | | $60,000 |

SECTION 7. 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.

SECTION 8. This act shall be in full force and effect on and after July 1, 1980, except for Section 6 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 shall be in full force and effect on and after passage and approval of this act.

Approved March 5, 1980.
CHAPTER 43
(S.B. No. 1395)

AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE STATE TREASURER, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; 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 according to designated expense classes from the listed account for the period July 1, 1980, through June 30, 1981:

FOR:

Personnel Costs $318,700
Operating Expenditures 62,300
Capital Outlay 500
TOTAL $381,500

FROM:

General Account $381,500

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 5, 1980.

CHAPTER 44
(S.B. No. 1260)

AN ACT

RELATING TO THE PROCEDURES FOR THE ADOPTION OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5203, IDAHO CODE, TO EXEMPT THE IDAHO FISH AND GAME COMMISSION AND THE DIRECTOR OF THE FISH AND GAME DEPARTMENT FROM THE PROVISIONS OF THIS SECTION UNDER CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 67-5203, Idaho Code, be, and the same is hereby amended to read as follows:

'67-5203. PROCEDURE FOR ADOPTION OF RULES. (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall:
(1) give at least twenty (20) days' notice of its intended action as provided for in section 60-109, Idaho Code. The notice shall include a statement in nontechnical language of substance of the intended action and the principal issues involved, and the time when, the place where, and the manner in which interested persons may represent their views thereon. The notice shall be mailed to all persons who have made timely request in writing of the agency for advance notice of its rule-making proceedings and shall be published in some newspaper published in and having general circulation throughout the state;
(2) ten (10) days prior to notice specified in subsection (1), transmit notice of intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, to the director of the legislative council. The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data; views or arguments in writing to the agency within twenty (20) days as specified in the notice. If a public hearing is held the record shall remain open for ten (10) days thereafter for further written comments from the germane joint subcommittee;
(3) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested in writing no later than five (5) days before the date of the intended action by twenty-five (25) persons, by a governmental subdivision or agency, or by an association presenting a petition with signatures of not less than twenty-five (25) members of the organization. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(b) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than twenty (20) days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred twenty (120) days, but the adoption of an identical rule under subsections (a)(1), (a)(2) and (a)(3), and (c) of this section is not precluded.
(c) Notwithstanding any other provisions of this section, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with this section if:

(1) Notice is given by including the intended action in the official written agenda for a regularly-scheduled meeting of the board, and the agenda is available for public inspection at the central office of the board not less than five (5) days prior to the meeting; and

(2) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative council at the time notice is given under subsection (1). The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the board prior to the time for receiving comment as provided in subsection (4); and

(3) The intended action is discussed but not acted upon during the regularly-scheduled meeting for which the agenda was prepared, but instead is held for final action at the next regularly-scheduled or later meeting of the board; and

(4) At least fifteen (15) days prior to the scheduled date for final action, the board shall mail to all persons who have made timely request in writing of the agency and shall cause to be published in some newspaper published in and having general circulation throughout the state a brief description of the intended action, and shall note the time when, the place where, and the manner in which interested persons may present their views thereon; and

(5) Upon adoption of a rule, the board, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(d) Notwithstanding any other provisions of this section, the Idaho fish and game commission and the director of the Idaho fish and game department shall be deemed in full compliance with the provisions of this section when adopting, repealing, or amending any rule relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals, game birds, fur bearers, and resident fish which may be taken in this state if:

(1) Public notice of not less than fourteen (14) days is given; and

(2) Notice is given to the director of the legislative council concurrent with public notice.

When adopting, repealing, or amending any rule relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as salmon, steelhead, or migratory birds which may be taken in this state, the Idaho fish and game commission
and the director of the Idaho fish and game department shall be exempt from the provisions of this section.

(e) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the rule.

SECTION 2. An emergency existing therefor, 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, 1980.

CHAPTER 45
(S.B. No. 1348)

AN ACT RELATING TO EXPENDITURES FOR POSTAGE; AMENDING SECTION 67-5750, IDAHO CODE, TO ALLOW THE OFFICES MAINTAINED BY ANY DEPARTMENT, AGENCY OR INSTITUTION OF THE STATE OF IDAHO WITHIN THE BOISE AREA TO DIRECTLY EXPEND APPROPRIATIONS FOR POSTAGE.

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

SECTION 1. That Section 67-5750, Idaho Code, be, and the same is hereby amended to read as follows:

67-5750. POSTAGE APPROPRIATIONS -- RECORDS OF DEPARTMENTAL MAIL KEPT THROUGH CENTRAL POSTAL SYSTEM -- EXCEPTION. From and after the effective date of this act, no office maintained by any department, agency or institution of the state of Idaho within the Boise area shall directly expend any of that department, agency or institution's appropriation for postage except as herein provided.

The central postal system head chief, under the direction of the department of administration, shall cause to be metered all such outgoing mail and shall be responsible for the keeping of records and costs thereof, and shall be able to at least monthly certify to the state auditor the amount expended on behalf of each department, agency or institution of the state directly utilizing the central postal system, which amount shall be charged against the funds of such department, agency or institution and credited to the account of the department of administration for the operation of the central postal system. Those agencies which expend funds for stamps and metered postage directly shall make expenditure reports available to the department of administration at least semiannually. The department of administration shall annually submit in the department budget request an accounting of the total cost of postage to the state, as well as
the calculated savings and the methods through which such savings were derived. The central postal system head chief is hereby directed to evaluate materials to be mailed and shall cause mail to be properly prepared utilizing the lowest practical and most feasible rate of postage. Provided, however, that each member of the legislature of the state of Idaho shall be issued United States postage for each session attended, in an amount determined by each session of the legislature to be charged to the legislative expense appropriation.

Approved March 5, 1980.

CHAPTER 46
(S.B. No. 1402)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON WOMEN'S PROGRAMS, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981.

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 designated expense classes from the listed account for the period July 1, 1980, through June 30, 1981:

<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>$15,000</td>
</tr>
</tbody>
</table>

Approved March 5, 1980.
CHAPTER 47
(S.B. No. 1407)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<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 $821,200</td>
<td>$198,200</td>
<td>$65,800</td>
<td>$1,085,200</td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>55,000</td>
<td>15,000</td>
<td>70,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$876,200</td>
<td>$213,200</td>
<td>$65,800</td>
<td>$1,155,200</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>$327,800</td>
<td>$122,600</td>
<td>$15,600</td>
<td>$466,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,204,000</td>
<td>$335,800</td>
<td>$81,400</td>
<td>$1,621,200</td>
</tr>
</tbody>
</table>

Approved March 7, 1980.
CHAPTER 48
(S.B. No. 1408)

AN ACT
AMENDING SECTION 1, CHAPTER 164, LAWS OF 1979, RELATING TO THE APPROPRIATION TO
THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY DEVELOPMENTAL
DISABILITY SERVICES PROGRAM, BY INCREASING THE APPROPRIATIONS FROM THE
MISCELLANEOUS RECEIPTS ACCOUNT BY $24,000, FROM THE GENERAL ACCOUNT BY
$103,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 164, Laws of 1979, be, and the same is
hereby amended to read as follows:

SECTION 2. 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>PERSONNEL EXPENDITURES</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>2,582,300</td>
<td>1,015,100</td>
<td>7,200</td>
<td>3,604,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>718,000</td>
<td>59,800</td>
<td>83,800</td>
<td>801,800</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>334,900</td>
<td>1,066,300</td>
<td></td>
<td>1,401,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,635,200</td>
<td>2,165,200</td>
<td>7,200</td>
<td>5,807,600</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 10, 1980.
CHAPTER 49
(S.B. No. 1409)

AN ACT
AMENDING SECTION 1, CHAPTER 179, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAL ASSISTANCE PAYMENTS PROGRAM, BY INCREASING THE APPROPRIATIONS FROM THE COOPERATIVE WELFARE ACCOUNT BY $4,559,600, FROM THE GENERAL ACCOUNT BY $2,136,800, FROM THE REVENUE SHARING ACCOUNT BY $300,000, AND BY ADDING AN APPROPRIATION OF $500,000 FROM THE MISCELLANEOUS RECEIPTS ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 179, Laws of 1979, 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 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:

Trusted and Benefit Payments

FROM:

Revenue Sharing Account

General Account

Cooperative Welfare Account

Liquor Account

Miscellaneous Receipts Account

TOTAL

$45,117,300 52,613,700

$8,500,000 8,800,000

6,564,300 8,701,100

29,403,000 33,962,600

500,000

$45,117,300 52,613,700

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 10, 1980.

CHAPTER 50
(H.B. No. 526)

AN ACT
THE APPLICABILITY OF CHAPTER 14, TITLE 72, IDAHO CODE; AMENDING SECTION 72-1402, IDAHO CODE, TO PROVIDE CLARIFYING DATE CHANGES, TO PROVIDE PROPER NOMENCLATURE, AND TO STRIKE REFERENCES TO REPEALED SECTIONS; AMENDING SECTIONS 72-1404, 72-1405, 72-1406, 72-1407, 72-1408 AND 72-1410, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 72-1411, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS; AMENDING SECTION 72-1412, IDAHO CODE, TO PROVIDE CLARIFYING DATE CHANGES AND DEFINITIONS; AMENDING SECTIONS 72-1413, 72-1414, 72-1415, 72-1417, 72-1418, 72-1420, 72-1422, 72-1423, 72-1424, 72-1426, AND 72-1427, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 72-1428, IDAHO CODE, TO PROVIDE CLARIFYING DATE CHANGES, TO PROVIDE PROPER NOMENCLATURE, AND TO PROVIDE CLARIFYING DEFINITIONS; AMENDING SECTION 72-1429F, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS; AMENDING SECTION 72-1429H, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429I, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429J, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429K, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429L, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429M, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429N, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN BENEFITS ORDERED PRIOR TO JULY 1, 1978; AMENDING SECTION 72-1429Q, IDAHO CODE, TO STRIKE REFERENCE TO A TWO YEAR WAITING PERIOD, TO PROVIDE FOR CONVERSION OF FIREMEN'S RETIREMENT SYSTEM BENEFITS TO PUBLIC EMPLOYEE RETIREMENT SYSTEM UNDER LIMITED CONDITIONS, AND TO PROVIDE FOR ADVICE TO FIREMEN WISHING TO CONVERT BENEFITS; AMENDING SECTIONS 72-1429R, 72-1429S, IDAHO CODE, TO PROVIDE THAT OPTION II BENEFITS CAN BE PAID STARTING OCTOBER 1, 1979, RATHER THAN JULY 1, 1981; AMENDING SECTIONS 72-1429T, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF THE SECTION APPLY TO ALL FIREMEN, IRRESPECTIVE OF DATE OF HIRE; AMENDING SECTIONS 72-1430, IDAHO CODE, TO PROVIDE FOR A SCHEDULE OF BENEFITS FOR VOLUNTARY RETIREMENT; AMENDING SECTIONS 72-1430H, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, TO PROVIDE PROPER NOMENCLATURE, AND TO PROVIDE FOR DISABILITY BENEFITS FOR CERTAIN PAID FIREMEN; AMENDING SECTIONS 72-1431, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, AND PROVIDING THAT BENEFIT CHANGES SHALL BE PROSPECTIVE ONLY; AMENDING SECTIONS 72-1432, IDAHO CODE, TO PROVIDE CLARIFYING DATE CHANGES AND DEFINITIONS; AMENDING SECTIONS 72-1432B, IDAHO CODE, TO PROVIDE CLARIFYING DATE CHANGES AND NOMENCLATURE; AMENDING SECTIONS 72-1432C, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF THE SECTION APPLY TO ALL FIREMEN, IRRESPETIVE OF DATE OF HIRE, TO PROVIDE PROPER NOMENCLATURE, AND TO PROVIDE PROPER CODE CITATIONS; AMENDING SECTIONS 72-1434, IDAHO CODE, TO PROVIDE THAT THE SECTION APPLY TO ALL FIREMEN, IRRESPECTIVE OF DATE OF HIRE, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTIONS 59-1351, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE AND DATE CHANGES; AMENDING SECTIONS 59-1353, IDAHO CODE, TO PROVIDE
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CLARIFYING AMENDMENTS FOR THE PAYMENT OF CONTRIBUTIONS, AND TO PROVIDE CLARIFYING DATE CHANGES; AMENDING SECTION 59-1354, IDAHO CODE, TO STRIKE REFERENCE TO PROVISIONS AMENDED BY ANOTHER SECTION, AND TO PROVIDE CLARIFYING DATE CHANGES; AMENDING SECTION 59-1355, IDAHO CODE, TO PROVIDE FOR A LIMITATION ON RETURN OF ACCUMULATED CONTRIBUTIONS TO FIREMEN WHO TERMINATE EMPLOYMENT; AMENDING SECTION 59-1356, IDAHO CODE, TO STRIKE REFERENCE TO SOCIAL SECURITY BENEFITS FOR FIREMEN WHO WERE EMPLOYED PRIOR TO OCTOBER 1, 1980; AMENDING SECTION 59-1357, IDAHO CODE, TO PROVIDE CLARIFYING DEFINITIONS, TO PROVIDE FOR ADDITIONAL STATE CONTRIBUTIONS, TO PROVIDE FOR CLARIFYING DATE CHANGES, AND TO PROVIDE THAT CERTAIN AD VALOREM LEVIES BE EXEMPT FROM THE ONE PERCENT TAX LIMITATION; AMENDING SECTION 59-1358, IDAHO CODE, TO STRIKE REFERENCE TO THE MERGER OF THE TWO SYSTEMS BEING CONDITIONED ON PRESENT FIREMEN BECOMING MEMBERS OF THE SOCIAL SECURITY SYSTEM, AND TO PROVIDE THAT FUTURE FIREMEN WILL BE MEMBERS OF THE SOCIAL SECURITY SYSTEM; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION FOR SECTIONS 72-1429R AND 72-1432, IDAHO CODE, AS AMENDED BY THIS ACT, PROVIDING THAT A PORTION OF THE PROVISIONS OF SECTION 72-1428, IDAHO CODE, AS AMENDED BY THIS ACT SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER JULY 1, 1980, PROVIDING THAT A PORTION OF SECTION 59-1357(1)(b), IDAHO CODE, AS AMENDED BY THIS ACT SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER JULY 1, 1980, AND PROVIDING THAT THE REMAINING SECTIONS OF THIS ACT SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER OCTOBER 1, 1980.

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


SECTION 2. That Section 72-1401, Idaho Code, be, and the same is hereby amended to read as follows:

72-1401. PURPOSE OF ACT. The retirement, with continuance of pay for themselves, provision for dependents, and pay during temporary disability, and the encouragement of long service in fire fighting service, of paid firemen becoming aged or disabled in the service of the state or any of its cities; towns; or fire districts, is hereby declared to be a public purpose of joint concern to the state and each of its cities; towns and fire districts in the protection and conservation of property and lives and essential to the maintenance of competent and efficient personnel in fire service. The provisions of chapter 14, title 72, Idaho Code, are applicable only to those paid firemen who were employed as paid firemen prior to October 1, 1980. If any person employed as a paid fireman prior to October 1, 1980, should leave such employment prior to his establishing eligibility to benefits under any provision of chapter 14, title 72, Idaho Code, except as provided by sections 72-1428(6), 72-1429Q,
and 72-1429S, Idaho Code, and such fireman is again employed as a paid fireman, he shall not be eligible to participate in the retirement system authorized by chapter 14, title 72, Idaho Code, but shall be eligible to participate in the public employee retirement system, as provided in chapter 13, title 59, Idaho Code.

SECTION 3. That Section 72-1402, Idaho Code, be, and the same is hereby amended to read as follows:

72-1402. DEFINITIONS. The following are definitions of terms used in this act:

(A) The words "paid fireman" are synonymous with "paid firefighter," and mean any individual, male or female, excluding office secretaries employed after July 1, 1967, who is on the payroll of any city or-town or fire district in the state of Idaho prior to October 1, 1980 and who devotes his or her principal time of employment to the care, operation, maintenance or the requirements of a regularly constituted fire department of such city or fire district in the state of Idaho.

(B) "Industrial commission" means the commission as authorized and created under the provisions of chapter 5 of title 72, Idaho Code.

(C) "Workmen's compensation law" means the workmen's compensation law as authorized and created under title 72, Idaho Code.

(D) "Twenty-five (25) years active service": An individual whose principal means of livelihood for the period of twenty-five (25) years has been through employment by a city or-town or fire district in the state of Idaho in a regularly constituted fire department of a city or-town or fire district, and has actually been carried on the payroll of an Idaho fire department for twenty-five (25) years or more.

(E) "Five (5) years continuous service": An individual who has been employed by a regularly constituted fire department in a city or-town or fire district in the state of Idaho for a period of five (5) years continuously, without having engaged in any other gainful occupation as his principal gainful occupation and has had "five (5) years continuous service" with a paid fire department of a city or-town or fire district in the state of Idaho.

(F) "State-insurance-fund": "Public employee retirement account" as used herein, means the state-insurance-fund public employee retirement account created by chapter 9 of title 72 chapter 13, title 59, Idaho Code, and the "director" thereof, as used herein, means the duly appointed, qualified and acting executive director or manager of said fund the public employee retirement system.

(G) The meaning of the term "incapacitated in a degree which prohibits efficient service" means that degree of mental or physical disability which prohibits the efficient performance of the duties of a paid fireman.

(H) "Years active service": Service rendered by an individual whose principal means of livelihood for the prescribed period of years has been through employment by a city or-town or fire district in the state of Idaho, in a regularly constituted fire department of a
city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for the prescribed period of years. All years of active service as herein defined before the establishment of the firemen's retirement fund may count only toward the prescribed period of years for retirement as set out in sections 72-1429, 72-1429, 72-1429, and 72-1429.

Before any year's service since the establishment of the firemen's retirement fund February 28, 1945 may count toward the prescribed period of years, contributions must have been deducted from his or her wage or salary and remitted as set out in sections 72-1411 and 72-1412, Idaho Code, for that year.

SECTION 4. That Section 72-1404, Idaho Code, be, and the same is hereby amended to read as follows:

72-1404. FUNDS -- HOW USED. All moneys coming into the said-fund public employee retirement account under the provisions of this act are hereby continuously appropriated for the objects and purposes of this act and the uses and purposes set forth in this act, and to pay all costs and expenses to be incurred and the costs of administration thereof by the state-insurance-fund public employee retirement system as herein provided.

SECTION 5. That Section 72-1405, Idaho Code, be, and the same is hereby amended to read as follows:

72-1405. ADMINISTRATION OF FUND PROVISIONS OF CHAPTER. The firemen's-retirement-fund provisions of this chapter shall be administered by the director of the state insurance-fund of the state of Idaho public employee retirement system board without liability on the part of the state, or of any of its officers, beyond the moneys in said-fund the public employee retirement account for the purposes of chapter 14, title 72, Idaho Code, and the moneys accruing thereto. It shall be the duty of the said-director board to administer the said-fund account and conduct the business thereof, and the said-director board is hereby vested with full authority over the said-fund account, and may do any and all things which are necessary or convenient in the administration thereof as provided or as consistent with the provisions of this act and the general laws of the state.

SECTION 6. That Section 72-1406, Idaho Code, be, and the same is hereby amended to read as follows:

72-1406. POWER OF FUND BOARD TO SUE AND BE SUED. The said-state insurance-fund public employee retirement system board shall, in its official name, have power to sue and be sued in all courts of the state in all matters arising out of the administration, management and enforcement of this act chapter. The venue of all actions in which the board is a party shall be Ada County, Idaho.
SECTION 7. That Section 72-1407, Idaho Code, be, and the same is hereby amended to read as follows:

72-1407. POWER OF FBNB BOARD TO ENGAGE EMPLOYEES. The said--state insurance--fund public employee retirement system board shall have power to engage all needful assistants, experts, accountants, clerks, and other employees which may be found necessary by it, in carrying out the provisions of this act chapter, the same to be paid out of said--retirement-fund the public employee retirement account.

SECTION 8. That Section 72-1408, Idaho Code, be, and the same is hereby amended to read as follows:

72-1408. LIABILITY OF FBNB BOARD. The state--insurance--fund public employee retirement system board shall not, nor shall any person employed by it, be personally liable in its private capacity for or on account of any act performed or entered into in an official capacity in good faith and without intent to defraud, in connection with the administration of said--retirement-fund the provisions of chapter 14, title 72, Idaho Code.

SECTION 9. That Section 72-1410, Idaho Code, be, and the same is hereby amended to read as follows:

72-1410. WORKMEN'S COMPENSATION LAW NOT REPEALED. No provision contained in this act chapter shall be deemed to operate as either a repeal or modification of any provision of the Workmen's Compensation Law of this state, except as hereinafter specifically set forth.

SECTION 10. That Section 72-1411, Idaho Code, be, and the same is hereby amended to read as follows:

72-1411. CONTRIBUTION FROM FIREMEN -- MANNER OF COLLECTION. Beginning October 1, 1978, there is hereby levied upon and shall be paid into the state-treasury-to-the-credit-of-the-firemen's-retirement fund public employee retirement system board, in addition to other provisions of payment to said-fund the board, a contribution from each paid fireman as-defined-herein-equal-to-eleven-and-forty-five-one-hundredths--percent-(11.45%)-of-the-average-paid-fireman's-salary-or-wage in-the-state-of-Idaho,-or-eleven-and-forty-five-one-hundredths-percent (11.45%)-on-each-individual-fireman's-salary-or-wage,-based-on--each fireman's--classification-under-Option-I-or-Option-II-as-defined-under section-72-1432,-Idaho-Code; establishing the right to benefits under the provisions of chapter 14, title 72, Idaho Code, as follows:

(a) For a paid fireman who selected Option I, as provided in section 72-1432, Idaho Code, the contribution shall be equal to eleven and forty-five one hundredths percent (11.45%) of the average paid fireman's salary or wage in the state;

(b) For a paid fireman who selected Option II, as provided in section 72-1432, Idaho Code, the contribution shall be equal to eleven and forty-five one hundredths percent (11.45%) of his individual...
salary or wage, which

The contribution shall be collected by the employer by deducting the amount of the contribution from the fireman's wages or salary as and when paid; the said contribution shall be payable to the fund board by the end of the succeeding payroll period, and shall be remitted to the state treasury of Idaho by the city, town, or fire district employing the said paid fireman. Said the average paid salary or wage or the individual fireman's salary or wage, shall be determined annually on October 1 by the director, as defined in the manner prescribed in section 72-1412, Idaho Code, from the payroll period reports submitted to him on or before September 1 by the cities, towns of, or fire districts; after determining the amount to be collected from each paid fireman as herein set out, the director shall notify each city, town and fire district of the amount of said the contribution to be collected for the ensuing calendar fiscal year commencing October 1.

SECTION 11. That Section 72-1412, Idaho Code, be, and the same is hereby amended to read as follows:

72-1412. PENSION FUND CONTRIBUTIONS BY CITIES, TOWNS AND FIRE DISTRICTS -- REMITTANCES. Beginning October 1, 1978, it shall also be the duty of the cities, towns, and fire districts of this state employing paid firemen who are establishing the right to benefits under the provisions of chapter 14, title 72, Idaho Code, and of the boards and officers having authority therein, beginning with the effective date of this act, to cause to be remitted into the firemen's public employee retirement fund annually system board, as an incident to and part of the current expenses of such cities, towns, and fire districts, an amount equivalent to the total contribution rate and tax percentage paid into the Idaho public employee retirement system and the social security act on other public employees plus one percent (1%) thereafter of the annual average paid fire fighter's salary or wage in the state of Idaho or the monthly gross salary or wage of each individual fire fighter, to be computed according to the classification of each fire fighter under Option I or Option II as defined under section 72-1432, Idaho Code, for each paid fireman employed by said cities, towns, or fire districts; which said sum shall be measured and determined by the actual expenditures for such purpose during the preceding year from September 1 to August 30, and remitted by the end of the succeeding payroll period as herein provided for remittances for individual firemen as set forth in section 72-1411, Idaho Code.

SECTION 12. That Section 72-1413, Idaho Code, be, and the same is hereby amended to read as follows:

72-1413. FAILURE OF CITY, TOWN OR FIRE DISTRICT TO MAKE PAYMENT -- EFFECT. In event any city, town or fire district of this state shall
fail to contribute to the said-fund public employee retirement system board for any cause whatever, the provisions of this act chapter shall apply to and be available for the payment of benefits to firemen employed by such municipality or subdivision if the contribution required of such city-town or fire district shall have been, in fact, paid from any source whatever. In the event that any city-town or fire district shall eliminate its paid fire department, the city-town or fire district shall continue to make its contribution prescribed by section 72-1412, Idaho Code, necessary to fund the payment of benefits vested in any paid fireman, or then being paid to any retired fireman or beneficiary, of such city-town or fire district.

SECTION 13. That Section 72-1414, Idaho Code, be, and the same is hereby amended to read as follows:

72-1414. PAYMENT OF PENSIONS -- AMOUNT TO BE PAID -- PARTIES ENTITLED THERETO. Any fireman, spouse, child or children of a fireman entitled to compensation under the Workmen's Compensation Law, shall draw benefits under this act chapter only to the extent that the benefits under this act chapter exceed those to which he or she shall be entitled under the Workmen's Compensation Law of Idaho.

SECTION 14. That Section 72-1415, Idaho Code, be, and the same is hereby amended to read as follows:

72-1415. POWERS AND DUTIES OF STATE-INSURANCE-FUND PUBLIC EMPLOYEE RETIREMENT BOARD. The state-insurance-fund public employee retirement system board shall have power to make rules and regulations for the administration of this act chapter, to prescribe forms and require registration, to delegate its authority to act in specific instances to its deputies and employees, and to incur expenses in connection with the management, administration and enforcement of this act chapter, which expenses shall be paid out of the fund-created-by this act public employee retirement account.

SECTION 15. That Section 72-1417, Idaho Code, be, and the same is hereby amended to read as follows:

72-1417. BENEFITS EXEMPT FROM EXECUTION -- NOT ASSIGNABLE. No benefits or payments payable under the provisions of this act chapter shall be subject to execution, nor assignable, nor shall the same be hypothecated or in any manner encumbered.

SECTION 16. That Section 72-1418, Idaho Code, be, and the same is hereby amended to read as follows:

72-1418. RECORDS TO BE PUBLIC RECORDS. The records of the industrial commission, insofar as they relate to the administration, management, and enforcement of this act chapter, shall constitute public records.
SECTION 17. That Section 72-1420, Idaho Code, be, and the same is hereby amended to read as follows:

72-1420. CONSTRUCTION OF ACT. The provisions of this act shall be liberally construed, with the object of promotion of justice and the welfare of the persons subject to its provisions.

SECTION 18. That Section 72-1422, Idaho Code, be, and the same is hereby amended to read as follows:

72-1422. RISKS AUTHORIZED TO BE INSURED -- PAYMENT OF PREMIUMS. In event the state-insurance-fund public employee retirement system board shall determine that there are risks arising under the terms of this act which may be made the subject of insurance against loss to the fund-created-herein; said fund public employee retirement account, the board is hereby authorized, at its discretion, and subject-to-approval-of-the-director-of-the-bureau-of-insurance; to insure such risks; in event of such insurance, the premiums therefor shall be paid from the fund-created hereby public employee retirement account as other claims are paid; provided, that such insurance shall not in any event be insurance of any individual but exclusively insurance of the fund public employee retirement account itself against loss.

SECTION 19. That Section 72-1423, Idaho Code, be, and the same is hereby amended to read as follows:

72-1423. FILING OF CLAIMS -- PROCEDURE -- JURISDICTION OF INDUSTRIAL COMMISSION. All claims against said fund the public employee retirement account shall be filed with the public employee retirement system board. Any appeal from a decision of the board shall be filed with the industrial commission in as nearly as practicable the same manner that claims under the Workmen's Compensation Law of the state of Idaho are filed, and the said industrial commission is hereby given jurisdiction to entertain and pass upon said claims, allow or deny claims and make awards, and the provisions of the Workmen's Compensation Law of the state of Idaho relative to process, hearings and appeals are hereby made applicable to the provisions of this act, and said industrial commission is hereby given power and authority to make rules and regulations governing procedure in relation to said claims appealed from the public employee retirement system board.

SECTION 20. That Section 72-1424, Idaho Code, be, and the same is hereby amended to read as follows:

72-1424. EMPLOYMENT OF ATTORNEYS AND AGENTS. The state-insurance fund public employee retirement system board and its director are hereby given power and authority to employ the attorneys and agents of the--state--insurance--fund in the administration of this act chapter, its conservation and protection.
SECTION 21. That Section 72-1426, Idaho Code, be, and the same is hereby amended to read as follows:

72-1426. SEPARABILITY. If any clause, section or provision of this act chapter be found to be unconstitutional, the remainder of this act chapter shall remain in full force and effect, notwithstanding such invalidity.

SECTION 22. That Section 72-1427, Idaho Code, be, and the same is hereby amended to read as follows:

72-1427. PRESENTATION OF FALSE CLAIM PENALIZED. Any person making a false claim for allowance of benefits or payment of money under this act chapter, knowing the same to be false, shall be deemed guilty of presentation-of-a-false-claim-against-the--state a misdemeanor and shall be punished as provided by law.

SECTION 23. That Section 72-1428, Idaho Code, be, and the same is hereby amended to read as follows:

72-1428. MINIMUM MEDICAL AND HEALTH STANDARDS FOR PAID FIREMEN. (1) The term "minimum medical and health standards" means minimum medical and health standards adopted by the director-of-the--state--insurance--fund public employee retirement system board pursuant to this section.
(2) From and after January 1, 1975, no paid fireman as defined in section 72-1402(A), Idaho Code, whether covered under the provisions of chapter 14, title 72, Idaho Code, or under the provisions of chapter 13, title 59, Idaho Code, may be employed until he:
   (a) Has met and has been certified as having met minimum medical and health standards;
   (b) Has successfully passed a physical agility test conducted by an examining physician;
   (c) Is at least nineteen (19) years of age and has not reached the age of thirty-four (34) at the time of appointment; and
   (d) Has met prescribed physical performance standards as promulgated by the director-of-the--state--insurance--fund public employee retirement system board.
(3) A true copy of the medical history and physical agility test of the applicant, completed and signed by the examining physician shall accompany employer certification to the director-of-the--state--insurance--fund public employee retirement system board. Such records shall be furnished prior to the date of active employment of the applicant.
(4) Physical examination records shall be a part of the permanent file of the employer and shall be available upon request to the director-of-the--state--insurance--fund public employee retirement system board.
(5) By October 1, 1974 1980, the director-of-the--state--insurance--fund public employee retirement system board shall adopt minimum medi-
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cal and health standards for membership--coverage--into-the-Idaho
firemen's-retirement-fund;--as-provided-by-chapter-14;--title-72;--Idaho
Code employment as a paid fireman, and shall select an examining
physician for each city, county and fire district. In adopting such
standards the director board shall consider existing standards recom­
mended by the Idaho state council of fire fighters, and shall adopt
equal or higher standards, together with appropriate standards and
procedures to insure uniform compliance with this section. The stan­
dards when adopted shall be published and distributed to each
employer. The cost of the medical examination contemplated by this
section is to be paid by the employer.

(6) Nothing in this section shall apply to paid firemen who are
employed as such on or before December 31, 1974 October 1, 1980, as
long as they continue in such employment; nor to promotional appoint­
ments after becoming a member of a fire department of any employer;
nor to the reemployment of a paid fireman by the same or a different
employer within six (6) months two (2) years after the termination of
his employment; nor to the reinstatement of a paid fireman who has
been on military or disability leave, disability retirement status, or
who was terminated because of a reduction in force or leave of absence
status.

(7) Nothing in this section shall apply to the chief or super­
visor of a volunteer fire department employed on or before October 1,
1980, when that department becomes a paid department if such chief or
supervisor fails to meet the standards of this section; however, if
such chief or supervisor meets all applicable standards he may, with
the approval of the manager-of-the-state-insurance-fund board, make
contributions to and receive benefits from-the-firemen's-retirement
fund under the provisions of chapter 14, title 72, Idaho Code, and, in
such event, the employing fire department shall be required to make
contributions to-the-firemen's-retirement-fund under the provisions of
chapter 14, title 72, Idaho Code for such chief or supervisor. If such
chief or supervisor fails to meet the standards of this section, he
shall not be eligible to contribute to or receive benefits from-the
firemen's-retirement-fund under the provisions of chapter 14, title
72, Idaho Code, and, in that event, the employing fire department
shall not be required to make contributions to-the-firemen's--retire­
ment-fund under the provisions of chapter 14, title 72, Idaho Code for
such chief or supervisor.

(8) Subject to the provisions of subsections (6) and (7) of this
section, when an individual who has attained or exceeded the age of
thirty-four (34) years at the time of employment is employed as a paid
fire chief, the employing fire department shall be required to either:
(a) In addition to any other contributions required by this set
chapter, make contributions to-the-firemen's-retirement-fund in an
amount equal to the sum of the amounts that would have been con­
tributed by the fire chief in accordance with section 72-1411,
Idaho Code, and by the employing fire department in accordance
with section 72-1412, Idaho Code, for each year of the fire
chief's age at the time of employment beyond thirty-three (33)
years of age; or
(b) Enroll the fire chief in the public employees retirement system under the conditions of chapter 13, title 59, Idaho Code, and the rules and regulations established thereunder by the retirement board of such system.

SECTION 24. 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 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, who shall become totally incapacitated 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: (a) 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, if the incapacitated fireman is an Option I fireman; or, (b) 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, for each year's active service, based on his average final compensation, as defined in section 72-1432A, Idaho Code, if the incapacitated fireman is an Option II fireman hired prior to July 1, 1978; or, (c) one and one-half per cent (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, if the incapacitated fireman is an Option II fireman hired after July 1, 1978. "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) In the event said fireman has twenty-one (21) or more years' service, and has otherwise met the requirements of section 72-1439A-1430, Idaho Code, if applicable, 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) 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 public employee retirement system board, 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 the fire fighter is mentally or physically totally incapacitated the director board may approve such application for retirement as provided herein.

(5) All paid firemen, irrespective of date of hire, who are receiving nonservice disability benefits shall be subject to the provisions of sections 72-1432C and 72-1434, Idaho Code.

SECTION 25. That Section 72-1429H, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429H. DEATH BENEFITS -- SPOUSE AND CHILDREN OF FIREMAN KILLED IN PERFORMANCE OF DUTY. (1) In the event a paid fireman is killed or sustained injury from which death results, while in performance of his duty and leaves surviving him a spouse or a spouse with child or children, the spouse, during his or her lifetime and so long as he or she does not remarry, shall be paid from the said fund public employee retirement account the same pension he or she the deceased fireman would have been entitled to under section 72-1429G, Idaho Code, had he or she lived and if he or she had the deceased fireman retired as of the date of death, but in no event less than a monthly sum equal to: (a) sixty-five percent (65%) of the average paid fireman's salary or wage in this state, if the deceased fireman was an Option I fireman; or, (b) sixty-five percent (65%) of the deceased fireman's average monthly salary or wage, based on his average final compensation, if the deceased fireman was an Option II fireman hired prior to July 1, 1978; or (c) fifty percent (50%) of the deceased fireman's average monthly salary or wage, based on his average final compensation, if the deceased fireman was an Option II fireman hired after July 1, 1978. If the surviving spouse should die, the full retirement pay shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to be paid from said fund the public employee retirement account the same pension he the deceased fireman would have been entitled to under section 72-1429G, Idaho Code, had he lived had the deceased fireman retired as of the date of death, until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) 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.

(3) Those benefits payable under the provisions of subsection (1), or under the provisions of section 72-1429G, Idaho Code, which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.
SECTION 26. That Section 72-1429I, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429I. DEATH BENEFITS -- SPOUSE OF RETIRED FIREMAN. (1) In the event a paid fireman, retired on retirement pay, shall die and leave surviving a spouse, who was such spouse for over five (5) years immediately prior to said fireman's death, but no minor children, such surviving spouse shall receive for life the retirement benefits to which the deceased spouse was entitled during the lifetime of the deceased fireman and so long as such surviving spouse does not remarry.

(2) Those benefits payable under the provisions of subsection (1) which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.

SECTION 27. That Section 72-1429L, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429L. DEATH BENEFITS -- WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER FIVE YEARS. (1) In the event a paid fireman who shall have died from causes disconnected unconnected with said fireman's official duties, but during the period of said fireman's service, leaves surviving a spouse or a spouse with child or children, and who shall have completed less than twenty (20) years, but more than five (5) years of active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as-defined-in-this-act, said spouse, during the spouse's lifetime and so long as said spouse does not remarry, shall be paid from the fund account a monthly sum equal to: (a) two per cent (2%) of the average paid fireman's salary or wage in this state, as-defined-in section-72-1411-, Idaho-Code if the deceased fireman was an Option I fireman, for each year's active service; or, (b) a monthly sum equal to two per cent (2%) of said fireman's average monthly salary or wage, as-defined-in-section-72-1411-, Idaho-Code; based on his average final compensation, if the deceased fireman was an Option II fireman hired prior to July 1, 1978, for each year's active service;--based-on-his-average-final-compensation--as-defined-in-section-72-1432A-, Idaho Code;--according-to-his-classification-as-defined-in-section-72-1432A; Idaho-Code;--which-said; or, (c) one and one-half percent (1 1/2%) of said fireman's average monthly salary or wage, based on his average final compensation, if the deceased fireman was an Option II fireman hired after July 1, 1978, for each year's active service. The monthly sum for Option I benefits shall vary annually, according to the determination of the average paid fire fighter's salary or wage in this state as set forth in section 72-1411, Idaho Code;--and-if. If said surviving spouse dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving
spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) In the event a paid fireman who shall have died from causes disconnected unconnected with said fireman's official duties, but during the period of said fireman's service, leaves surviving a spouse or a spouse with child or children, and who shall have completed less than twenty-five (25) years, but more than twenty (20) years of active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as-defined-in-this-act, said spouse, during his or her lifetime and so long as said spouse does not remarry, shall be paid from the fund account a monthly sum equal to the sum the fireman would have received under the provisions of section 72-1430, Idaho Code, had said fireman retired as of the date of his death, and for the purposes of this section, said fireman shall be deemed to have retired as of the date of death—which-said. The monthly retirement sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if said spouse dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first, provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they reach the age of eighteen (18) years or shall marry, whichever occurs first.

(3) Those benefits payable under the provisions of subsections (1) and (2) which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.

SECTION 28. That Section 72-1429M, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429M. DEATH BENEFITS -- SPOUSE AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWENTY-FIVE YEARS. (1) In the event a paid fireman who shall have died from causes disconnected unconnected with said fireman's official duties, but during the period of said fireman's service, and left surviving a spouse or a spouse with child or children, and who shall have completed twenty-five (25) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined-in-this-act, said spouse, during his or her lifetime and so long as he or she does not remarry, shall be paid from the fund account a monthly sum equal to: (a) sixty-five per cent (65%) of the average paid fireman's salary or wage as-set-out-in-section-72-1441; Idaho Code; in this state, if the deceased fireman was an Option I fireman; or, (b) a monthly-sum-equal-to sixty-five per cent (65%) of said fireman's average monthly salary or wage, as-defined--in--section-72-1441--Idaho--Code; based on his "average final compensation,"
defined in section 72-1432A, Idaho Code, according to the classification as defined in section 72-1432, Idaho Code, which said if the deceased fireman was an Option II fireman hired prior to July 1, 1978; or, (c) fifty per cent (50%) of the deceased fireman's average monthly salary or wage, based on his average final compensation, if the deceased fireman was an Option II fireman hired after July 1, 1978. The monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if he or she dies said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving a child or children, said surviving child or children shall be entitled to receive the pension which said fireman was entitled until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) Those benefits payable under the provisions of subsection (1), or under the provisions of section 72-14306, Idaho Code, which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.

SECTION 29. That Section 72-1429Q, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429Q. REFUND TO FIREMAN TERMINATING EMPLOYMENT. (1) If the employment of a paid fireman, irrespective of date of hire, as defined in this act chapter, is terminated for any reason prior to the completion of twenty (20) years of service, and said fireman has worked continuously two (2) years or more as a paid fireman; and he cannot qualify for benefits under any other provision of this act chapter, he shall be entitled to receive at the time of said termination one hundred percent (100%) of whatever sums he has contributed to the retirement fund account. If such fireman is subsequently reemployed as a paid fireman with duties which involve or are incidental to fire-fighting, he shall, within ninety (90)-days two (2) years from such employment, reimburse the retirement fund account to the full extent of the amount he received from said fund account upon said termination.

(2) In lieu of withdrawing his accumulated contributions as provided in subsection (1) of this section, a paid fireman, with less than five (5) years of service, may elect to convert his accumulated contributions to an equivalent benefit entitlement under the provisions of chapter 13, title 59, Idaho Code, as if such contributions had been made by the fireman at the contribution rate of a paid fireman under the provisions of chapter 13, title 59, Idaho Code; this conversion will normally result in a higher "years of service" factor than the fireman actually served under the provisions of chapter 14, title 72, Idaho Code. It is legislative intent that this is precisely the effect to be achieved.

(3) No paid fireman may elect to proceed under the provisions of
subsection (2) until he has been personally interviewed and advised by the director of the public employee retirement system on the choices available. The fireman may be accompanied during such interview by any person of his choice.

SECTION 30. That Section 72-1429R, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429R. DATE OF PAYMENT. All claims for benefits originating under Option II from and after five-(5)-years-from-the-effective-date of--this--set October 1, 1979 shall be payable as provided in section 72-1432 through section 72-1432C, Idaho Code;--inclusive;--and--all. All claims for benefits now being paid or originating prior to said-date October 1, 1979 shall be payable as provided in section 72-1414, Idaho Code, so long as such claims or benefits are entitled to be paid, as that section existed prior to July 1, 1976; provided, however, that any firefighter incapacitated in the performance of duty prior to the effective date of any claims under this set chapter shall be entitled to benefits under Option II, if said firefighter and his or her employer have been contributing the required exercise-tax contributions under sections 72-1411 and 72-1412, Idaho Code.

SECTION 31. That Section 72-1429S, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429S. ACCRUED PENSION PAYMENT -- FIREMEN DISCONTINUING SERVICE PRIOR TO VOLUNTARY RETIREMENT. A paid fireman, irrespective of date of hire, who has at least five (5) years of continuous service as defined in section 72-1402, subsections (E) and (H), Idaho Code, and who discontinues service with the city-town or fire district prior to meeting voluntary retirement or disability requirements, and who has not withdrawn his contributions as provided in section 72-1429Q, Idaho Code, shall be eligible, only after reaching sixty (60) years of age, to receive a monthly service retirement benefit equal to two percent (2%) of his average monthly salary, as defined in section 72-1411, Idaho Code, for each year of credited service, adjusted by the cost of living adjustment as provided under section 72-1432B, Idaho Code.

SECTION 32. 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 72-1430, Idaho Code, and to read as follows:

72-1430. VOLUNTARY RETIREMENT -- YEARS OF SERVICE DETERMINE PENSION BENEFIT. (1) Any paid fireman hired prior to July 1, 1978, who selected Option I as provided in section 72-1432, Idaho Code, who has had the contributions remitted as provided in sections 72-1411 and 72-1412, Idaho Code, for the same number of years as he claims for service as a paid fireman in Idaho, may at his option retire, and upon retirement shall be paid from the public employee retirement account a monthly sum during the remainder of his life equal to:
(a) after twenty (20) years of service and contributions, forty percent (40%) of the average paid fireman's salary or wage; or
(b) after twenty-one (21) years of service and contributions, forty-five percent (45%) of the average paid fireman's salary or wage; or
(c) after twenty-two (22) years of service and contributions, fifty percent (50%) of the average paid fireman's salary or wage; or
(d) after twenty-three (23) years of service and contributions, fifty-five percent (55%) of the average paid fireman's salary or wage; or
(e) after twenty-four (24) years of service and contributions, sixty percent (60%) of the average paid fireman's salary or wage; or
(f) after twenty-five (25) years of service and contributions, sixty-five percent (65%) of the average paid fireman's salary or wage.

All benefit payments to Option I firemen shall be based on the average paid fireman's salary or wage in this state as defined in section 72-1411, Idaho Code. Option I monthly benefit payments shall vary annually according to the determination of the cost of living adjustment as set forth in section 72-1432B, Idaho Code.

(2) Any paid fireman hired prior to July 1, 1978, who selected Option II as provided in section 72-1432, Idaho Code, who has had the contributions remitted as provided in sections 72-1411 and 72-1412, Idaho Code, for the same number of years as he claims for service as a paid fireman in Idaho, may at his option retire, and upon retirement shall be paid from the public employee retirement account a monthly sum during the remainder of his life equal to:

(a) after twenty (20) years of service and contributions, forty percent (40%) of his average salary or wage; or
(b) after twenty-one (21) years of service and contributions, forty-five percent (45%) of his average salary or wage; or
(c) after twenty-two (22) years of service and contributions, fifty percent (50%) of his average salary or wage; or
(d) after twenty-three (23) years of service and contributions, fifty-five percent (55%) of his average salary or wage; or
(e) after twenty-four (24) years of service and contributions, sixty percent (60%) of his average salary or wage; or
(f) after twenty-five (25) years of service and contributions, sixty-five percent (65%) of his average salary or wage.

All benefit payments to Option II firemen shall be based on his average final compensation as defined in section 72-1432A, Idaho Code. Option II monthly benefit payments shall vary annually according to the determination of the cost of living adjustment as set forth in section 72-1432B, Idaho Code.

(3) Any paid fireman hired after July 1, 1978, who has attained the age and years of active service as set out in this subsection, may at his option retire, and in the event of such retirement he shall be paid from the public employee retirement account a monthly sum during the remainder of his life equal to:
(a) after twenty (20) years of service and an attained age of fifty (50), forty percent (40%) of his average salary or wage; or
(b) after twenty-one (21) years of service and an attained age of fifty-one (51), forty-five percent (45%) of his average salary or wage; or
(c) after twenty-two (22) years of service and an attained age of fifty-two (52), fifty percent (50%) of his average salary or wage; or
(d) after twenty-three (23) years of service and an attained age of fifty-three (53), fifty-five percent (55%) of his average salary or wage; or
(e) after twenty-four (24) years of service and an attained age of fifty-four (54), sixty percent (60%) of his average salary or wage; or
(f) after twenty-five (25) years of service and an attained age of fifty-five (55), sixty-five percent (65%) of his average salary or wage; or
(g) after thirty (30) years of service and an attained age of sixty (60), seventy percent (70%) of his average salary or wage.

All benefit payments to firemen hired after July 1, 1978, shall be based on his average final compensation as defined in section 72-1432A, Idaho Code. All such benefits shall vary annually according to the determination of the cost of living adjustment as set forth in section 72-1432B, Idaho Code.

SECTION 33. 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 public employee retirement account 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:
(a) 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 if the incapacitated fireman is an Option I fireman; or, (b) 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 if the incapacitated fireman is an Option II fireman hired prior to July 1, 1978; or, (c) fifty percent (50%) of the said fireman's average monthly salary or wage, based on his average final compensation, if the incapacitated fireman is an Option II fireman hired after July 1, 1978. The 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 public employee retirement system board, 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 to such treatment, the director public employee retirement system board 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 public employee retirement system board 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 board 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.

(3) The public employee retirement system board shall provide and maintain disability benefits for all paid firemen who are hired for the first time after October 1, 1980. The benefits provided shall be
at least equal to those provided to an Option II fireman who was hired after July 1, 1978. The benefits shall be maintained only until a paid fireman is eligible for disability retirement under the provisions of chapter 13, title 59, Idaho Code. The costs for such benefits shall be paid from the appropriation made by section 59-1357(1)(b), Idaho Code.

SECTION 34. That Section 72-1431, Idaho Code, be, and the same is hereby amended to read as follows:

72-1431. PENSION PAYMENT -- MAXIMUM. (1) No paid fireman, retiring under the Firemen's-Retirement-Aet provisions of chapter 14, title 72, Idaho Code, shall receive more than one hundred per cent (100%) of his last year's monthly average salary or wage, which said monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(2) As the amount, terms and conditions of benefits under this chapter may be revised from time to time, the application of such revisions shall be prospective only and not retrospective or retroactive unless otherwise provided by law.

SECTION 35. That Section 72-1432, Idaho Code, be, and the same is hereby amended to read as follows:

72-1432. OPTIONAL PENSION AMOUNTS -- OPTION I AND OPTION II. Prior to the effective date of this act July 1, 1976, but not thereafter, any paid fireman in this state, as defined in subsection (A) of section 72-1402, Idaho Code, may elect to receive his or her retirement benefits in accordance with the provisions of Option I or Option II as hereinafter set forth. Except as otherwise provided in this act chapter, in the event a fireman fails to elect an option prior to the effective date of this act July 1, 1976, then his or her retirement benefits shall be paid to him under the provisions as set forth in Option I. Selection of option shall be nominated by written designation duly executed and filed with the director-of-the-state--insurance--fund--of Idaho public employee retirement system board. Any paid fireman employed in the state by a city, town or fire district, after the effective date of this act July 1, 1976, shall be employed under the provisions as set forth in Option II.

(1) OPTION I -- Upon-the-effective-date-of-this-act On or after July 1, 1976, any employed paid fireman, as defined in subsection (A) of section 72-1402, Idaho Code, electing this option or failing to nominate an option, after payment of excise-tax the contribution, as set forth in section 72-1411, Idaho Code, and after completion of "years active service," as defined in subsection (H) of section 72-1402, Idaho Code, may at his or her option retire, and in the event of such retirement said fireman shall be paid from the firemen's retirement--fund public employee retirement account a monthly sum during the remainder of his life equal to the percentage of the average paid fireman's salary or wage in this state, as defined in section 72-1411, Idaho Code, and that said fireman is entitled to under the provisions of this act chapter, which said monthly sum shall vary
annually, according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(2) OPTION II -- Upon the conclusion of the five-(5)-year-waiting clause from the effective date of this act, as defined in section 72-1429R, Idaho Code. On or after October 1, 1979, any paid fireman, as defined in subsection (A) of section 72-1402, Idaho Code, electing this option who elected Option II, or who was employed after the effective date of this act July 1, 1976, after payment of excise-tax the contribution, as set forth in section 72-1411, Idaho Code, and after completion of "years active service," as defined in section 72-1402(H), Idaho Code, may at his or her option retire, and in the event of such retirement he or she shall be paid from the fireman's retirement fund public employee retirement account a monthly sum during the remainder of his or her life equal to the percentage of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, that said fireman is entitled to under the provisions as set forth in this act chapter, based on his or her "average final compensation," as defined in section 72-1432A, Idaho Code, which said monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 36. That Section 72-1432B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1432B. COST OF LIVING ADJUSTMENT. In addition to the monthly sums provided for under this act chapter, any retired fireman or his or her surviving spouse, child, or children drawing benefits shall be entitled to receive adjustments to such benefits, calculated on the percentage of increase or decrease in the average paid firefighter's salary or wage, in this state, as computed under the terms of section 72-1411, Idaho Code. In Commencing July 1, 1978, in any one (1) year the cost of living adjustment in monthly sums provided in this chapter shall not exceed a three percent (3%) per annum increase or decrease. In Commencing July 1, 1978, in any one (1) year the retirement or disability benefits received by a fireman or his or her survivors shall not increase or decrease by more than three percent (3%) per annum, notwithstanding any other provision of law.

SECTION 37. That Section 72-1432C, Idaho Code, be, and the same is hereby amended to read as follows:

72-1432C. DISABILITY -- REEXAMINATION -- RETURN TO SERVICE. At Irrespective of the date of retirement, at least once each year during the first five (5) years following the retirement of a firefighter with a disability retirement pension and in any three (3) year period thereafter, the director-of-the-state-insurance-fund public employee retirement system board may, or upon the disabled firefighter's application shall, require the disabled firefighter to undergo a medical examination, to be made by or under the direction of a physician designated by the director board, at the place of residence of said
disabled firefighter or other place mutually agreed upon. Should any disabled firefighter refuse to submit to such medical examination in any period, his or her disability retirement may be discontinued by the director board and should such refusal continue for one (1) year all his or her rights in and to his or her disability retirement pension shall be revoked by the director board. If upon such medical examination of said disabled firefighter, the said physician reports to the director board that said disabled firefighter is physically able and capable of resuming employment in the classification held by him or her at the time of his or her retirement, he or she shall be restored to active service in the employment of the city-town or fire district and payment of his or her disability retirement shall cease, provided the report of the physician is concurred in by the director board. A disabled firefighter so restored to active service shall from the date of his or her return to service become a member of the retirement system, thereafter in the same manner as prior to his or her disability retirement. Any service credited to him or her at the time of his or her disability retirement shall be restored to full force and effect. He or she shall be given credit for the period he or she was receiving service disability pension, provided under section 72-1429E 72-1429H, Idaho Code; he or she shall not be given service credit for the period he or she was receiving a nonservice disability pension, provided under section 72-1429F, Idaho Code. When a disabled firefighter on a disability retirement engages in work activities commensurate with the physical demands that were required in his or her classification as a firefighter, the work performed may demonstrate that said firefighter has the ability to be restored as a firefighter in the employ of the city-town or fire district. However, the circumstances under which the work was performed generally must be considered. Where said disabled firefighter has to discontinue his or her work after a short time because of his or her impairment, his or her work activities would not demonstrate ability to resume his or her employment as a firefighter. The findings of the adequacy of the said firefighter's performance of work activities must be concurred in by the director board. If said firefighter has a disability which is amenable to corrective treatment that could be expected to restore his or her efficient performance of duties of a paid firefighter, as defined in section 72-1402 72-1402(G), Idaho Code, he or she would be considered disabled, provided he or she is undergoing the treatment prescribed by the medical committee, as set forth in sections 72-1429F(5) and 72-1429(2) 72-1430H, Idaho Code.

However, nothing in this section shall be construed to require a firefighter who in good faith relies on or is treated by prayer through spiritual means alone by a duly accredited practitioner of a well-recognized church to undergo any medical or surgical treatment, nor shall he or his dependents be deprived of any benefits hereunder to which he would have been entitled if medical or surgical treatment were employed.

SECTION 38. That Section 72-1434, Idaho Code, be, and the same is hereby amended to read as follows:
72-1434. REVIEW OF DISABILITY. Upon application of a fireman receiving a disability benefit, irrespective of the date of retirement, whether service or nonservice connected, or upon the director of his board's own motion, the disability shall be reviewed by the director board to determine whether a change of condition has occurred which would justify increasing or decreasing the disability benefit. The director board 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 39. That Section 59-1351, Idaho Code, be, and the same is hereby amended to read as follows:

59-1351. DEFINITIONS. As used in this act sections 59-1351 through and including 59-1359, Idaho Code, 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 who, prior to October 1, 1980, was 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 40. That Section 59-1353, Idaho Code, be, and the same is hereby amended to read as follows:

59-1353. CONTRIBUTIONS. (1) Employers shall deduct, withhold and remit contributions from the salaries of paid firemen who were employed as paid firemen prior to October 1, 1980, as provided by section 72-1411, Idaho Code.
(2) Employers shall make payments required by the provisions of section 72-1412, Idaho Code, for all paid firemen employed prior to October 1, 1980.
(3) Employers shall deduct, withhold and remit contributions from the salaries of paid firemen, whose employment begins on or after October 1, 1980, and make employer contributions for such paid firemen, as provided in chapter 13, title 59, Idaho Code, on and after October 1, 1980.
SECTION 41. That Section 59-1354, Idaho Code, be, and the same is hereby amended 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 whose employment begins on or after October 1, 1980, with respect to membership and participation in the employee system shall be governed by the provisions of chapter 13, title 59, Idaho Code.

SECTION 42. That Section 59-1355, Idaho Code, be, and the same is hereby amended to read as follows:

59-1355. LIMIT ON SEPARATION BENEFIT. (1) When a fireman member who was employed prior to October 1, 1980, terminates employment and seeks return of his or her accumulated contributions, such contributions shall be returned as provided under the provisions of section 72-1429Q, Idaho Code.

(2) When a paid fireman member whose employment began on or after October 1, 1980, 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 such contributions shall be returned as provided by section 59-1323, Idaho Code.

SECTION 43. That Section 59-1356, Idaho Code, be, and the same is hereby amended to read as follows:

59-1356. BENEFITS PAYABLE. The combined rights and benefits of paid firemen members as of who were employed prior to 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 benefits accrued at time of retirement and payable at age sixty-five (65) which accrued 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 other than as 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 44. That Section 59-1357, Idaho Code, be, and the same is hereby amended to read as follows:
59-1357. EXCESS COSTS -- ADDITIONAL CONTRIBUTIONS. (1) In addition to the 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 account for the purpose of partially funding the benefit payment requirements imposed by the provisions of chapter 14, title 72, Idaho Code.

(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 chapter 14, title 72, Idaho Code, above and beyond the initial contribution from the fire insurance premium tax required by subsection (1)(a) of this section. 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 commencing July 1, 1980 to the public employee retirement fund account for the purpose of this act subsection (1)(b) of this section. 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 from the employers commencing October 1, 1980 shall be ten percent (10%) of the pay period salary of each paid fireman until next determined by the board. If the additional contribution rate is to be satisfied by an ad valorem tax levy, such levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

(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 45. That Section 59-1358, Idaho Code, be, and the same is
hereby amended 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 46. The provisions of this act shall be in full force and effect according to the schedule established by this section.

(1) An emergency existing therefor, which emergency is hereby declared to exist, section 72-1429R, Idaho Code, as amended by section 30 of this act, and section 72-1432, as amended by section 35 of this act, shall be in full force and effect on and after its passage and approval, and retroactively to October 1, 1979.

(2) So much of section 72-1428, Idaho Code, as amended by section 23 of this act, as relates to the requirement that the public employee retirement system board adopt rules and regulations shall be in full force and effect on and after July 1, 1980, but the rules adopted by the board shall have no effect until October 1, 1980, and the balance of section 72-1428, Idaho Code, shall be in full force and effect on and after October 1, 1980.

(3) So much of section 59-1357(1)(b), Idaho Code, as amended by section 44 of this act, as relates to the appropriation of the tax on fire insurance premiums to the public employee retirement account commencing July 1, 1980, shall be in full force and effect on and after July 1, 1980, and the balance of section 59-1357, Idaho Code, shall be in full force and effect on and after October 1, 1980.

(4) All other sections of this act shall be in full force and effect on and after October 1, 1980.

Approved March 10, 1980.

CHAPTER 51
(H.B. No. 496)
AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1330, IDAHO CODE, BY ELIMINATING THE ADMINISTRATIVE CONTRIBUTION AS A DIRECT COST OF THE EMPLOYER; AMENDING SECTION 59-1331, IDAHO CODE, BY PROVIDING THAT ON OR BEFORE THE FIFTEENTH OF EACH MONTH NOT MORE THAN ONE-TWELFTH OF LEGISLATIVE APPROPRIATIONS TO THE BOARD SHALL BE TRANSFERRED FROM THE CLEARING ACCOUNT TO THE ADMINISTRATION ACCOUNT, CLARIFYING THE METHOD OF PAYMENT OF INVESTMENT EXPENSES AND BENEFITS SHALL BE PAYABLE FROM THE CLEARING ACCOUNT OR BY THE FUNDING AGENT; AND PROVIDING AN EFFECTIVE
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. 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\(_2\)" and a percentage of such salaries to be known as the "unfunded supplemental actuarial value contribution\(_2\)\" and a percentage of such salaries to be known as the "administrative contribution\(_2\)." 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 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 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 for the next forty (40) years which is equivalent to the excess of the then 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 actuarial value of the future normal contributions payable in respect of all then active members; and
(c) the 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 2. That Section 59-1331, Idaho Code, be, and the same is hereby amended to read as follows:

59-1331. PUBLIC EMPLOYEE RETIREMENT FUND CREATED -- ADMINISTRATION -- SEPARATION-AND-BEATH PAYMENT OF BENEFITS -- PERPETUAL APPROPRIATION. (1) There is hereby established in the state treasury a special fund, the "Public Employee Retirement Fund," which shall be separate and apart from all public moneys or funds of this state, and shall be administered under the direction of the board exclusively for the purposes of this act. The state treasurer shall maintain within the fund a clearing account and an administration account. All moneys
received from employers by the board on their account and on account of members shall be initially deposited in the clearing account. On or before the fifteenth of each month all administrative contributions deposited since the previous transfer not more than one-twelfth (1/12) of the amount appropriated by the legislature to the board for that fiscal year shall be transferred to the administration account. Immediately after each transfer from the clearing account to the administration account, the remaining balance in the clearing account shall be forwarded to the funding agent to hold and invest for investment and payment of investment expenses under its contract with the system board.

(2) All separation-benefits-and-death benefits for active and inactive members shall be payable directly from the clearing account or by the funding agent as they come due. If the amount of such benefits payable at any time exceeds the amount in the clearing account, the payment of all or part of such benefits may be postponed until the clearing account becomes adequate to meet all such payments, or the board may require a refund from the funding agent sufficient to meet all such payments.

(3) All moneys payable to the funding agent are hereby perpetually appropriated to the board, and shall not be considered expenses of the board nor included in its departmental budget. All moneys transferred to the administration account shall be available to the board for the payment of administrative expenses only to the extent so appropriated by the legislature.

SECTION 3. This act shall be in full force and effect on and after July 1, 1980.

Approved March 10, 1980.

CHAPTER 52
(H.B. No. 539)

AN ACT
RELATING TO COVERAGE OF THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1315, IDAHO CODE, TO BRING COVERAGE OF CERTAIN AGRICULTURAL LABOR INTO CONFORMITY WITH FEDERAL STATUTES; AND DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 72-1315, Idaho Code, be, and the same is hereby amended to read as follows:

72-1315. COVERED EMPLOYER. The term "covered employer" means:
(a) Any person who, in any calendar quarter in either the current or preceding calendar year paid for services in covered employment
wages of three hundred dollars ($300) or more, or for some portion of a day in each of twenty (20) different calendar weeks, whether or not consecutive, in either the current or preceding calendar year employed at least one (1) individual (irrespective of whether the same individual was in employment in each such day). For purposes of this subsection there shall not be taken into account any wages paid to, or in employment of, an employee performing domestic services referred to in subsection (h) of this section.

(b) All individuals performing services within this state for an employer who maintains two (2) or more separate establishments within this state shall be deemed to be performing services for a single employer for all the purposes of this act.

(c) Each individual engaged to perform or assist in performing the work of any person in the service of an employer shall be deemed to be engaged by such employer for all the purposes of this act, whether such individual was engaged or paid directly by such employer or by such person, provided the employer had actual or constructive knowledge of the work.

(d) Any employer (whether or not an employer at the time of acquisition) who acquires the organization, trade, or business or substantially all the assets thereof, of another who at the time of such acquisition was a covered employer.

(e) In the case of agricultural labor, any person who:
(1) During any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of twenty thousand dollars ($20,000) or more for agricultural labor, or
(2) On each of some twenty (20) days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) individuals in employment in agricultural labor for some portion of the day.
(3) Such labor is not agricultural labor performed before January 1, 1988, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the immigration and nationality act, except that after January 1, 1980, such labor must be included in calculating agricultural wages and agricultural labor as used in subsections (e)(1) and (2) of this section.

(f) A crew leader who furnishes members of a crew to perform agricultural labor for another person if:
(1) Such crew leader holds a valid certificate of registration under the farm labor contractor registration act of 1963; or
(2) Substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and
(3) If such individual is not an employee of such other person within the meaning of section 72-1316(d), Idaho Code.

(g) In the case of any individual who is furnished by a crew leader to perform agricultural labor for another person, such other person and not the crew leader shall be treated as the employer of such individual if such crew leader is not, under the provisions of
subsection (f) of this section, considered to be the employer and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his behalf or on behalf of such other person) for the agricultural labor performed for such other person.

(h) In the case of domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, with respect to any calendar year, any person who during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of one thousand dollars ($1,000) or more for such service.

(1) A person treated as a covered employer under this subsection (h) shall not be treated as a covered employer with respect to wages paid for any service other than domestic service referred to in this subsection (h) unless such person is treated as a covered employer under subsection (a) or (e) of this section, with respect to such other service.

(i) Any governmental entity as defined in section 72-1322C, Idaho Code.

(j) A nonprofit organization as defined in subsection (a) of section 72-1349A, Idaho Code.

(k) An employer who has elected coverage pursuant to the provisions of subsection (c) of section 72-1352, Idaho Code.

SECTION 2. An emergency existing 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, 1980.

Approved March 10, 1980.

CHAPTER 53
(H.B. No. 553)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3031, IDAHO CODE, TO ALLOW A SPOUSE MARRIED TO A NONRESIDENT ALIEN TO FILE JOINTLY WITH THE NONRESIDENT ALIEN SPOUSE IN CONFORMITY WITH FEDERAL TAXATION REQUIREMENTS.

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

SECTION 1. That Section 63-3031, Idaho Code, be, and the same is hereby amended to read as follows:

63-3031. JOINT RETURNS. (a) A husband and wife may make a single return jointly even though one of the spouses has neither gross income nor deductions, except as provided below:
(1) No joint return shall be made if, during the current taxable year, either the husband or the wife is a nonresident alien of the United States, unless they elect to file a joint return for federal purposes pursuant to sections 6013(g) and (h) of the Internal Revenue Code.

(2) No joint return shall be made if husband and wife have different taxable years, unless the difference in taxable years is the result of the death of either or both of them; except that if either spouse changes his annual accounting period during the taxable year, or if the surviving spouse remarries within the taxable year no such return shall be filed.

(3) For the purpose of subsection (2) of this section, the joint return, if permitted, shall be treated as if the taxable years of both spouses ended on the date of the closing of the surviving spouse's taxable year.

(4) In the case of death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if no return for the taxable year has been made by the decedent, no executor or administrator has been appointed, and no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one (1) year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(b) Definitions. For purposes of this section--

(1) The status as husband and wife of two (2) individuals having taxable years beginning on the same day shall be determined

(A) if both have the same taxable year--as of the close of such year; and

(B) if one dies before the close of the taxable year of the other--as of the time of such death; and

(2) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married; and

(3) If a joint return is made, the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

(c) Husbands and wives shall, if they elect to file a joint return for federal purposes, be required to file a joint return for state purposes except that, if husband and wife are living separate and apart and only one of them is a resident of this state, separate returns may be filed.

Approved March 10, 1980.
CHAPTER 54
(H.B. No. 419)

AN ACT
RELATING TO CITY COUPON BONDS; AMENDING SECTION 50-1019, IDAHO CODE, TO ALLOW CITIES TO ISSUE COUPON BONDS FOR THE FINANCING OF TRANSIT SYSTEMS.

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

SECTION 1. That Section 50-1019, Idaho Code, be, and the same is hereby amended to read as follows:

50-1019. PURPOSES FOR WHICH BONDS MAY BE ISSUED -- LIMITATION ON AMOUNT. Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds not to exceed in aggregate at any time, ten per cent (10%) of the assessed full cash valuation of the real and personal property in said city, according to the assessment of the preceding year, for any or all of the purposes specified in subdivisions one through eight inclusive, as follows:

1. To provide for constructing, laying out, grading, curbing, draining, sidewalkng or otherwise improving streets, alleys, intersections, crossings and crosswalks; and to construct, or aid in the construction of bridges across streams within or contiguous to, or within one (1) mile of the exterior limits of, such city.

2. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness, bonds may be issued under this section for such purposes, without submission of the question of issuance of such bonds to the electors of the city, when the same can be done to the profit and benefit of such city without incurring any additional liability.

3. To provide for the establishment of hospitals and cemeteries, either within or without the corporate limits of such city.

4. To provide for the purchase, improvement and equipment of lands and buildings thereon, for public parks, monuments, recreation facilities and zoos, either within or without the corporate limits of such city.

5. To provide for the purchase, erection, construction and furnishing of city public libraries.

6. To provide for the establishment of a fire department by the purchase of building sites, buildings, and suitable equipment and apparatus necessary to provide fire protection.

7. To provide for the purchase, acquisition, improvement and equipment of aviation facilities either wholly or partly within or without the corporate limits of such city, or wholly or partly within or without the state of Idaho.

8. To provide for flood control by acquisition and purchase of right-of-way and to establish, alter, enlarge, improve, reconstruct and change the channels of watercourses or any stream, river or body
of water within or without the corporate limits of the city.

9. To provide for the acquisition, construction, remodeling, improvement or otherwise, of buildings for public use, together with all necessary appurtenant facilities and equipment, including all necessary land for building sites, either within or without the corporate limits of such city.

10. To provide for the purchase, acquisition, erection and construction of off-street parking sites, structures, buildings, facilities, equipment and appurtenances.

11. To provide for the purchase, acquisition, improvement and equipment of transit systems.

All bonds of any municipality which were issued, sold and delivered to the purchasers thereof prior to April 12, 1967, for the purpose of providing for the building, laying, construction, equipment, extension, enlargement, alteration, improvement or maintenance of storm sewers or sanitary sewerage systems, shall be excluded when determining the aggregate amount of bonds of any city issued hereunder which are outstanding for the purpose of computing the debt limitation provided for in the first paragraph of this section.

Approved March 10, 1980.
CHAPTER 55
(H.B. No. 621)

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, 1980, THROUGH JUNE 30, 1981; 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, 1980, through June 30, 1981:

<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>General Interaccount Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

$1,889,700
$303,200
13,100
$2,206,000

SECTION 2. There is hereby appropriated to the Attorney General the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR PROGRAM PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM</td>
<td>PERSONNEL</td>
<td>OPERATING</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>A. STATE LEGAL 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>$931,400</td>
<td>$203,200</td>
<td>$13,100</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>958,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,889,700</td>
<td>$203,200</td>
<td>$13,100</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 2, may be used at the discretion of the Attorney General to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Attorney General and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 10, 1980.
AN ACT
RELATING TO CONTRACTS FOR STATE PRINTING AND BINDING; AMENDING SECTIONS 60-101 AND 60-103, IDAHO CODE, TO PROVIDE AN EXCLUSION TO THE REQUIREMENT THAT BINDING WORK FOR STATE SUPPORTED LIBRARIES MUST BE EXECUTED WITHIN THE STATE OF IDAHO.

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

SECTION 1. That Section 60-101, Idaho Code, be, and the same is hereby amended to read as follows:

60-101. CONTRACTS FOR STATE PRINTING -- EXECUTION WITHIN STATE -- EXCEPTION. All printing, binding (excluding binding for state supported libraries), engraving and stationery work executed for or on behalf of the state, and for which the state contracts, or becomes in any way responsible, shall be executed within the state of Idaho, except as provided in section 60-103, Idaho Code. Provided, however, that this section shall not apply to any compilation, publication or codification of the laws of the state of Idaho.

SECTION 2. That Section 60-103, Idaho Code, be, and the same is hereby amended to read as follows:

60-103. EXCEPTION IN CASE OF EXCESSIVE CHARGE -- EXCEPTIONS FOR LACK OF PRODUCTION FACILITIES ON BIDS ON STATE WORK. (a) Whenever it shall be established that any charge for printing, engraving, binding (excluding binding for state supported libraries) or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the state or county officer or officers having such work in charge shall have power to have such work done outside of said county or state, but nothing in this chapter shall be construed to oblige any of said officers to accept any unsatisfactory work.

(b) Any work referred to in section 60-101, Idaho Code, and which is to be executed for or on behalf of the state may be executed outside of this state in any case (1) where the execution of such work shall require the use of a technique or process which cannot be performed through the use of physical production facilities located within this state and the use of such technique or process is essential to a necessary function to be served by the printing, binding, engraving or stationery work required; (2) where, after requests for proposals or bids have been made or notice thereof has been given as required by section 67-5718, Idaho Code, as amended, no bid or proposal is made thereon by any person, firm or corporation proposing to execute such work within this state, or (3) where, after requests for proposals or bids have been made or notice thereof given as required by section 67-5718, Idaho Code, the lowest bid from a person, firm or
corporation proposing to execute such work within this state is more than ten percent (10%) more than the lowest bid from a person, firm or corporation proposing to execute such work outside this state.

Approved March 10, 1980.

CHAPTER 57
(H.B. No. 446)

AN ACT
RELATING TO THE LEASE OF HOSPITALS; AMENDING SECTION 31-3515, IDAHO CODE, BY PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY LEASE HOSPITALS SITUATE WITHIN A HOSPITAL DISTRICT TO THE HOSPITAL DISTRICT WITHOUT THE APPROVAL BY A MAJORITY OF THE QUALIFIED ELECTORS OF THE COUNTY OR HOSPITAL DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3515, Idaho Code, be, and the same is hereby amended to read as follows:

31-3515. LEASE OR SALE. Such counties acting through their boards of county commissioners shall have the right to lease such hospitals upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such lease or sale, except those leases entered into between such counties and the Idaho health facilities authority as provided in section 31-836, Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of said county voting on such question at a general or special election; except if a hospital district has been created under the provisions of chapter 13, title 39, Idaho Code, a board of county commissioners shall have the right to lease, as provided in section 31-836, Idaho Code, such hospitals within a created hospital district to the hospital district without submitting the question of lease or sale to the qualified electors of the county or the respective hospital district.

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

Approved March 10, 1980.
CHAPTER 58
(H.B. No. 489)

AN ACT
RELATING TO HORSE RACING COMMISSION POWERS; AMENDING SECTION 54-2509, IDAHO CODE, TO PROVIDE FOR A MAXIMUM LEVY OF FINE IMPOSITION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2509, Idaho Code, be, and the same is hereby amended to read as follows:

54-2509. PENALTY FOR VIOLATIONS OF LAW -- POWER OF COMMISSION.
Any person holding a race meet, and any other person required by this act or the rules and regulations of the commission to be licensed, participating, directly or indirectly, in a race meet, without first being licensed by the commission, and any person violating any of the terms or provisions of this act is guilty of a misdemeanor.

The commission shall have the power to exclude from any and all race courses in this state any person who the commission deems detrimental to the best interests of racing, or any person who violates any of the provisions of this act or any rule, regulation, or order of the commission.

It shall be lawful to conduct race meets on or at a race track, or otherwise, at any time during the week.

Any person maintaining a license issued by the commission, who violates the provisions of this act or the rules and regulations of the commission, may have such license suspended or revoked. In addition to such suspension or revocation the commission may levy a monetary penalty commensurate with the gravity of the offense, not to exceed two thousand five hundred dollars ($2,500). The commission, by rule and regulation shall provide a summary procedure for such determination at the track, the maximum-and-minimum-amounts—for—penalties penalty amount for specified violations, and shall provide for an appeal of any summary decision to the commission. All hearings before the commission as allowed by this act or the rules and regulations of the commission shall be subject to chapter 52, title 67, Idaho Code.

All law enforcement officers in this state shall assist in the enforcement of this act and the rules and regulations of the commission.

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

Approved March 10, 1980.
CHAPTER 59  
(S.B. No. 1424)  

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, 1980, THROUGH JUNE 30, 1981; 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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>$39,100</td>
<td>$51,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>12,200</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>$51,300</td>
<td></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 11, 1980.

CHAPTER 60  
(S.B. No. 1298)  

AN ACT  
RELATING TO FRATERNAL BENEFIT SOCIETIES' ANNUAL STATEMENT FILING FEES; AMENDING SECTION 41-3244, IDAHO CODE, BY STRIKING THE WORDS "WHICHEVER AMOUNT IS GREATER" TO PROVIDE CLARITY IN INTERPRETATION.

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

SECTION 1. 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), 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 .................................................. 50.00

(d) Filing certified copy of amendment of articles of incorporation ............................................. 10.00

(e) Filing society's power of attorney for service of process .................................................... 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 ............................................. 10.00

(g) Director's certificate under seal, other than on licenses ..................................................... 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 .................................................... 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).

Approved March 11, 1980.

CHAPTER 61
(S.B. No. 1326)

AN ACT
RELATING TO INTEREST RATES ON REGISTERED WARRANTS, WARRANTS, AND TAX ANTICIPATION NOTES AND BONDS; AMENDING SECTION 31-2106, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE TO BE FIXED BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTIONS 31-2124 AND 31-2125, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST; AMENDING SECTION 33-702, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING THE RATE BE FIXED BY SCHOOL BOARD TRUSTEES; AMENDING SECTION 38-1019, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE TO BE FIXED BY THE BOARD OF COMMISSIONERS; AMENDING SECTION 39-1348, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE
TO BE FIXED BY THE HOSPITAL DISTRICT BOARD; AMENDING SECTION 40-1620, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE TO BE FIXED BY THE HIGHWAY DISTRICT; AMENDING SECTION 40-1649, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE TO BE FIXED BY THE DISTRICT HIGHWAY BOARD; AMENDING SECTION 43-322, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATE TO BE FIXED BY THE BOARD OF DIRECTORS; AMENDING SECTIONS 50-1763 AND 63-3102, IDAHO CODE, TO STRIKE REFERENCE TO A FIXED RATE OF INTEREST AND PROVIDING FOR THE RATES TO BE FIXED BY THE STATE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2106, Idaho Code, be, and the same is hereby amended to read as follows:

31-2106. WARRANT NOT PAID FOR WANT OF FUNDS -- INTEREST PAID. When any warrant is presented to the treasurer for payment and the same is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," annexing the date of presentation and sign his name thereto; and from that time until paid the warrant bears seven-per-cent-(7%)-per-annum interest, unless the board of county commissioners shall have theretofore, by resolution, fixed a lesser rate of interest; in which event said warrant shall draw such lesser rate, to be indorsed thereon at a rate to be fixed by the board of county commissioners.

SECTION 2. That Section 31-2124, Idaho Code, be, and the same is hereby amended to read as follows:

31-2124. WARRANTS OF MUNICIPAL OR QUASI-MUNICIPAL CORPORATIONS -- INTEREST RATE AFTER PRESENTMENT FOR PAYMENT. The supervising board of every municipal or quasi-municipal corporation of any kind or class, specially chartered cities, school districts, of any kind or class, specially chartered school district, irrigation district, drainage district, stumpage district, highway district or other quasi-municipal district, now or hereafter created or organized and authorized by law to issue warrants for the payment of its indebtedness, and the board of county commissioners for any common or joint common school district within its county are hereby authorized by resolution, and the board of county commissioners for any common or joint common school district within its county are hereby authorized by resolution, duly passed and approved at any regular or special meeting thereof, to fix the rate of interest, not more than six-per-cent-(6%); that warrants drawn by authority of such supervising board, or the county auditor for such common or joint common school district, shall draw after the same have been presented to the treasurer thereof for payment and not paid for want of funds.

SECTION 3. That Section 31-2125, Idaho Code, be, and the same is
hereby amended to read as follows:

31-2125. INDORESEMENT OF WARRANTS WHEN NOT PAID UPON PRESENTATION. When any warrant of any municipal or quasi-municipal corporation, specially chartered city, school district of any kind or class, specially chartered school district, drainage district, stumpage district, highway district, or other quasi-municipal district, now or hereafter created or organized, is presented for payment to the treasurer thereof or to the county treasurer, and is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," annexing the date of presentation, specifying the rate of interest that such warrant shall draw, after presentation, which rate shall be the rate fixed in such resolution, sign his name thereto, and thereafter the said warrant shall draw interest at the rate specified in such indorsement. In case the supervising board or board of county commissioners shall not have fixed the rate of interest that such warrants shall draw after presentation for payment, then the treasurer shall indorse thereon the rate of six per cent. (6%) per annum.

SECTION 4. That Section 33-702, Idaho Code, be, and the same is hereby amended to read as follows:

33-702. SCHOOL WARRANTS -- HOW DRAWN. Whenever the board of trustees has approved and ordered payment of salaries, wages, or other 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 a rate not to exceed seven percent (7%) per annum from date of the endorsement until ten (10) days after said warrant is called for payment to be specified by the board of trustees of the school district.

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 5. That Section 38-1019, Idaho Code, be, and the same is hereby amended to read as follows:

38-1019. WARRANTS. The board of commissioners may issue warrants of such district in payment of claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw interest at seven-per-cent-(7%)-per-annum from the date of issue at a rate established by the board of commissioners. They must be signed by the chairman and attested by the secretary of said board: provided, that no warrant shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

SECTION 6. That Section 39-1348, Idaho Code, be, and the same is hereby amended to read as follows:

39-1348. WARRANTS INABILITY TO PAY--ENDORSEMENT. When any warrant is presented to the district treasurer for payment, and the same is not paid for want of funds, the treasurer must endorse on the back of said warrant, "not paid for want of funds," and shall write thereon the day of presentation and sign his name thereto, and warrants so endorsed by the treasurer shall draw interest at the rate of five-per-cent-(5%)-per-annum established by the board of the hospital district from the date of endorsement until paid.

SECTION 7. That Section 40-1620, Idaho Code, be, and the same is hereby amended to read as follows:

40-1620. INDEBTEDNESS IN EXCESS OF EXPRESS PROVISIONS PROHIBITED--EXCEPTIONS. The highway board, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds, or otherwise, in excess of the express provisions of this chapter; and any debt, or liability incurred in excess of such express provisions shall be and remain absolutely void: provided, that for the purpose of organization or for any of the purposes of this chapter, the highway board may, before making the tax levy in any year, incur an indebtedness not exceeding in the aggregate a sum equal to one-half of one per cent (.5%) of the assessed valuation of all the property in the district subject to taxation; and after making such levy, may incur an indebtedness within the limit, on the entire indebtedness, of the amount of such levy when augmented by the district's share in the county levy, as defined in section 40-1633, Idaho Code; but at no time shall the total indebtedness exceed such amount; and may cause warrants of the district to issue therefor, bearing interest not-exceeding-seven-per-cent-(7%)--per--annum to be fixed by the highway district. The power granted in this section is in
addition to, and independent of, the power hereinafter granted to issue bonds.

SECTION 8. That Section 40-1649, Idaho Code, be, and the same is hereby amended to read as follows:

40-1649. WARRANTS -- NONPAYMENT -- CALL. When any warrant is presented to the district treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse on the back of said warrant, "not paid for want of funds," and shall write thereon the date of presentation and sign his name thereto; and warrants so indorsed by the treasurer shall draw interest at the rate of seven percent (7%) per annum established by the highway board from the date of indorsement until paid.

SECTION 9. That Section 43-322, Idaho Code, be, and the same is hereby amended to read as follows:

43-322. POWER TO INCUR DEBTS -- WARRANTS. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this section; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void: provided, that for the purpose of organization, or for any of the purposes of this title, the board of directors may, before the collection of the first assessment, incur indebtedness and cause warrants of the district to issue therefor according to the following limitations: Districts embracing fifty thousand (50,000) acres, or more, of irrigable land, not in excess of fifteen thousand dollars ($15,000) of warrants; districts embracing forty thousand (40,000) acres, or more, and less than fifty thousand (50,000) acres of irrigable land, up to twelve thousand dollars ($12,000) of warrants; districts embracing thirty thousand (30,000) acres, or more, and less than forty thousand (40,000) acres of irrigable land, up to nine thousand dollars ($9,000) of warrants; districts embracing twenty thousand (20,000), or more, and less than thirty thousand (30,000) acres of irrigable land, up to six thousand dollars ($6,000) of warrants; districts embracing ten thousand (10,000) acres, or more, and less than twenty thousand (20,000) acres of irrigable land, up to four thousand dollars ($4,000) of warrants; districts embracing more than two thousand (2,000) acres, or more, and less than ten thousand (10,000) acres of irrigable land up to three thousand dollars ($3,000) of warrants, and districts embracing less than two thousand (2,000) acres of irrigable land up to two thousand dollars ($2,000) of warrants.

Provided, further, that for the purpose of defraying the expenses in the care, operation, repair and improvement of such portion of the irrigation works of the district as are completed and in use, including salaries of officers and employees, the board of directors of an irrigation district may at any time issue warrants of such district in payment of claims of indebtedness against the district, not to exceed
the district's anticipated revenue.

The warrants herein authorized shall be in form and substance the same as county warrants or as near the same as may be practicable and shall be signed by the chairman and attested by the secretary of said board. All such warrants shall be presented by the holder thereof to the transfer treasurer of the district for payment who shall indorse thereon the day of presentation for payment with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds, and such warrants shall draw interest at seven-per-cent (7%) per annum a rate to be established by the board of directors from the date of their presentation to the treasurer for payment as aforementioned until such warrants are paid. No warrants shall be issued in payment of any indebtedness of such district for less than face or par value. It shall be the duty of the treasurer from time to time when he has sufficient funds in his hands for that purpose to advertise in some newspaper in the county in which the district is situated requiring the presentation to him for payment of as many of the outstanding warrants as he may be able to pay. Ten (10) days after the first publication of said notice by the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two (2) weeks consecutively and said warrants shall be called in and paid in the order of their indorsement.

Provided, further, after an irrigation district has organized and has no warrants outstanding, the district may maintain its operation on a cash basis and pay by check the expenses of operation and maintenance, repair, improvement, obligations on contractual or bonded indebtedness, and all other general necessary expenses incurred by the district.

The board of directors, or other officers of the district, may incur debt by contracting indebtedness with a money-lending institution, subject to the election requirements contained in section 43-401, Idaho Code, but the term of such indebtedness shall not exceed twenty (20) years.

SECTION 10. That Section 50-1763, Idaho Code, be, and the same is hereby amended to read as follows:

50-1763. BONDS, WARRANTS AND COUPONS, WHEN PAID OUT OF FUND -- NONPAYMENT FOR WANT OF FUNDS -- INTEREST. Whenever any municipality has established such "Local Improvement Guarantee Fund," any bond, warrant or coupon drawn against any local improvement fund is presented to the municipality for payment and there is not sufficient amount in said local improvement fund against which to draw to pay the same, unless otherwise requested by the holder, payment therefor shall be made by warrant drawn against the "Local Improvement Guarantee Fund." Such warrants when presented to the city treasurer for payment, if not paid, shall be registered and draw interest at a rate not to exceed six-per-cent (6%) per annum; as may be fixed by the council.

Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor, except for
payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the "Local Improvement Guarantee Fund" herein provided, and the municipality shall not be liable to any holder or owner of such bond or warrant for any loss to the guarantee fund occurring in the lawful operation thereof by the municipality.

SECTION 11. That Section 63-3102, Idaho Code, be, and the same is hereby amended to read as follows:

63-3102. AUTHORITY TO BORROW MONEY IN ANTICIPATION OF TAX LEVY OR COLLECTION AND ISSUE NOTES OR BONDS THEREFOR. Any taxing district shall have power from time to time by resolution to borrow money and issue tax anticipation bonds or notes, bearing interest at such rate not exceeding six per cent (6%) per annum as may be determined by the governing board, and maturing not more than one (1) year from the date thereof, for the purpose of providing funds in anticipation of the collection of taxes of the current fiscal year in which said tax anticipation bonds or notes are issued, exclusive of taxes required to be raised to pay the principal of outstanding bonded indebtedness of the taxing district, the proceeds of such bonds or notes to be used for the purpose for which said taxes are levied. The amount authorized to be borrowed by means of such tax anticipation bonds or notes shall not exceed seventy-five per cent (75%) of the taxes levied for the current fiscal year and not yet collected by said taxing district. If the tax levy for any fiscal year has not been completed, then the amount of tax anticipation bonds or notes issued in anticipation of taxes to be levied for such fiscal year shall not exceed seventy-five per cent (75%) of the taxes levied by said taxing district in the previous fiscal year. In determining the amount of tax anticipation bonds or notes which may be issued, the governing body shall declare in the resolution providing for the issuance of such bonds or notes the amount of taxes levied for the current fiscal year and the amount of such taxes not yet collected by said taxing district, or in the event that the tax levy for the fiscal year has not been completed, the governing authority shall declare in the resolution providing for the issuance of such tax anticipation bonds or notes the amount of taxes levied by said taxing district in the previous fiscal year. In each instance, taxes raised or to be raised to pay the principal of outstanding bonded indebtedness of the taxing district shall not be included in the amount of taxes against which such tax anticipation bonds or notes are authorized to be issued. Such tax anticipation bonds or notes shall be negotiable instruments, and the full faith, credit and resources of the taxing district shall be pledged for the payment of the same. Such bonds or notes shall be issued in such form and detail as shall be determined by the governing authority of the taxing district by resolution duly adopted.

SECTION 12. That Section 63-3201, Idaho Code, be, and the same is hereby amended to read as follows:
63-3201. BORROWING OF MONEY IN ANTICIPATION OF INCOME OR REVENUE -- LIMIT OF BORROWING -- ISSUANCE AND FORM OF NOTES. Money may be borrowed on tax anticipation notes whenever there are no funds available in the general fund of the state treasury with which to pay state warrants drawn on such fund. The state treasurer, on approval of the state board of examiners, is hereby authorized and directed to borrow money for the state of Idaho, in anticipation of income or revenue from taxes, whether such taxes are specific, ad valorem, excise, franchise or license, for the current fiscal year or that portion of such taxes not collected at the time of borrowing, in a principal sum not greater than seventy-five per cent (75%) of income or revenue from such taxes. Said loan shall be negotiated by the issuance and sale of tax anticipation notes of the state of Idaho, for fixed periods, not greater than twelve (12) months, and bear a rate of interest to be fixed by the state treasurer, payable at maturity, of not more than six-per-cent {6%}; all of which, except as to number and denomination, shall be substantially in the form following, to wit:

No. ....

UNITED STATES OF AMERICA
State of Idaho
Tax Anticipation Note

For value received, the state of Idaho acknowledges itself to owe, and promises to pay, to bearer, at the office of the state treasurer of the state of Idaho at Boise, Ada County, Idaho, on the .... day of ...., 19 ...., the sum of .... dollars, in lawful money of the United States of America, together with interest thereon in like money, at the rate of .... per cent per annum from the date hereof, interest payable on maturity.

This note is one of a series aggregating the principal sum and total par value of .... dollars, all of which notes are identical in all terms, conditions and respect, save and except as to numbers and denominations. All notes of said series are entitled to payment on maturity in order of their presentation at the office of the state treasurer, or at the office of the fiscal agent of the state of Idaho in the city of New York, but are otherwise entitled to no priority or preference the one over the other, and all are issued on pursuance of and subject to the terms and provisions of chapter 32, of title 63, of Idaho Code.

It is hereby certified, recited and declared that all matters, acts, conditions and things, required by law to make this tax anticipation note a valid, outstanding and binding obligation of the state of Idaho, have happened, have been done and have been performed, and the faith and credit of the state of Idaho is solemnly pledged for the payment of the same.

In witness whereof, and pursuant to the authority in them, and each of them, vested, and under and by direction of the aforesaid act of the legislature, the governor and treasurer of the said state of Idaho have hereunto affixed their, and each of their, official signatures and the secretary of state of the said state of Idaho has attested the same by his official signature and the great seal of the state of Idaho, at Boise, the capital of the said state, this .... day.
of ...., 19...
Attest:
Governor of the state of Idaho.

Secretary of State of the
State of Idaho.

Treasurer of the state of Idaho.

On the back of each of said notes shall be printed the following:
"This note registered in my office this .... day of ...., 19...
Auditor of the state of Idaho"

SECTION 13. That Section 63-3202, Idaho Code, be, and the same is hereby amended to read as follows:

63-3202. PROCEDURE FOR ISSUANCE OF NOTES. Whenever the state treasurer shall deem it to the best interests of the state of Idaho to issue state of Idaho tax anticipation notes, as provided in section 63-3201, Idaho Code, he shall make written application to the state board of examiners, stating the amount of state of Idaho tax anticipation notes he deems advisable to issue. Upon approval of the state board of examiners by order or resolution duly entered on the minutes of such state board of examiners, the state treasurer shall publish for ten (10) days in two (2) daily newspapers of general circulation, published in the state of Idaho, and in such other publications as he may deem advisable, a notice to be signed by him, specifying the amount of state of Idaho tax anticipation notes to be offered for sale, the exact time such notes shall run, the denominations, or stating that the denominations will be made to suit purchasers, that the interest rate cannot exceed six-per-cent-(6%-per-annum the amount fixed by the state treasurer, payable at maturity, and asking that sealed bids therefor, specifying, in addition to the price offered, the rate of interest at which bidder will purchase said notes and likewise the denominations desired, to be submitted to the said treasurer at or prior to a day and hour to be specified in such notice, which time shall not be less than ten (10) days from the first publication of such notice. The notice shall also require that each bid be accompanied by a cashier's check or a certified check made payable to the treasurer of the state of Idaho, in an amount to be fixed by such treasurer as guaranty that the bidder will accept the notes in accordance with the terms of his bid, if it be accepted, and further, that all bids shall be subject to rejection.

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 its passage and approval.

Approved March 11, 1980.
CHAPTER 62
(H.B. No. 371)

AN ACT
RELATING TO GENERAL PENAL PROVISIONS AND PROHIBITIONS FOR KILLING, POSSESSING OR WASTING OF WILD ANIMALS, BIRDS OR FISH; AMENDING SECTION 36-1404, IDAHO CODE, BY PROVIDING NEW LANGUAGE PROHIBITING THE KILLING, POSSESSION OR WASTING OF CERTAIN WILD ANIMALS, BIRDS AND FISH, AND PROVIDING FOR CERTAIN REIMBURSABLE DAMAGES.

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

SECTION 1. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

36-1404. UNLAWFUL KILLING, OR POSSESSION OR WASTE OF WILD ANIMALS, BIRDS AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES -- INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person convicted of the illegal killing or the illegal possession or illegal waste of game animals or birds or fish shall reimburse the state for the value of each animal so killed or possessed or wasted as follows:
1. Elk, caribou, bighorn sheep, mountain goat and moose, five hundred dollars ($500) per animal killed, or possessed or wasted.
2. Caribou, bighorn sheep, mountain goat and moose, one thousand dollars ($1,000) per animal killed, possessed or wasted.
3. Deer, and pronghorn antelope, two hundred dollars ($200) per animal killed, or possessed or wasted.
4. Wild turkey and whistling swan, two hundred dollars ($200) per bird killed, possessed or wasted.
5. Sturgeon, two hundred dollars ($200) per fish killed, possessed or wasted.

(b) In every case of conviction, the court before whom such conviction is obtained shall order the defendant to reimburse the state in a sum or sums as hereinbefore set forth. If two (2) or more defendants are convicted of the illegal taking, killing or the illegal possession or wasting of the game animal, bird or fish, the reimbursement above prescribed shall be declared against them jointly and severally.

(c) If a defendant fails to pay the prescribed reimbursement sum(s) for such animal(s), bird(s) or fish illegally taken, killed, or possessed or wasted, upon conviction the court shall either impose a sentence of probation and, as a condition of sentence, require the defendant to satisfy the reimbursement in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the reimbursement sum(s) in installments at such times and in such amounts as, in the opinion of the court, the defendant is able to pay.

(d) A defaulted reimbursement or any installment payment thereof
may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

(e) All courts receiving ordering such reimbursement damages shall forthwith remit such payments to be made to the department which shall deposit them with the state treasurer, and the treasurer shall place them in the state fish and game fund account.

Approved March 11, 1980.

CHAPTER 63
(H.B. No. 416)

AN ACT
RELATING TO ALLOWABLE REIMBURSEMENT FOR DRIVER TRAINING PROGRAMS;
AMENDING SECTION 33-1707, IDAHO CODE, BY INCREASING THE MAXIMUM ALLOWABLE REIMBURSEMENT PER PUPIL FROM SIXTY DOLLARS TO SEVENTY DOLLARS.

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

SECTION 1. That Section 33-1707, Idaho Code, be, and the same is hereby amended to read as follows:

33-1707. REIMBURSEMENT -- DETERMINATION -- CERTIFICATION. a. From the data provided by the school district, as required by section 33-1706, Idaho Code, the state board of education shall compute the average of the number of pupils enrolling in the course and those completing the same, and determine for such average number, the per-pupil cost thereof.

The amount due the district from the driver training fund in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by sixty seventy dollars ($670.00), whichever is the lesser.

b. On or before the fifteenth day of March, and the fifteenth day of July, and the fifteenth day of October in each year, the state board of education shall certify to the state auditor a list of school districts having submitted the reports required in section 33-1706, Idaho Code, and the amount of money due to each as computed under the provisions of subsection a of this section. The state auditor shall draw his warrants against the driver training fund account in the state treasury, in favor of the several districts entitled thereto, in the amount so certified. Annually, not later than the first day of September in each year, the state board of education shall cause the supervisor of driver training to prepare a report listing the names of the school districts having submitted the reports as required in section 33-1706, Idaho Code, and the amounts of money paid each as
computed under the provisions of subsection a of this section.

Approved March 11, 1980.

CHAPTER 64
(H.B. No. 428)

AN ACT
RELATING TO THE FOREST PRACTICES ACT; AMENDING SECTION 38-1303, IDAHO CODE, TO PROVIDE A DEFINITION FOR CONTRACT AREA; AMENDING CHAPTER 13, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-1306A, IDAHO CODE, TO PROVIDE FOR A BOND FOR NONRESIDENT OPERATORS; REPEALING SECTIONS 38-1307 AND 38-1308, IDAHO CODE, RELATING TO NOTICE OF VIOLATIONS, AND RELATING TO REPAIR OF DAMAGE; AMENDING CHAPTER 13, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-1307, IDAHO CODE, TO PROVIDE FOR A NOTICE OF VIOLATION, A CEASE AND REPAIR ORDER, STOP WORK ORDERS, ENFORCEMENT PROCEDURES AND REMEDIES OF THE OPERATOR.

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

SECTION 1. That Section 38-1303, Idaho Code, be, and the same is hereby amended to read as follows:

38-1303. DEFINITIONS. Unless the context requires otherwise, in this chapter:

(1) "Forest practice" means (a) the harvesting of forest tree species; (b) road construction associated with harvesting of forest tree species; (c) reforestation; (d) use of chemicals or fertilizers for the purpose of growing or managing forest tree species; or (e) the management of slashings resulting from harvest, management or improvement of forest tree species.

(2) "Forest land" means state and private land growing forest tree species which are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products. The term includes state and private land from which forest tree species have been removed but have not yet been restocked, but it does not include land affirmatively converted to uses other than the growing of forest tree species.

(3) "Operator" means a person who conducts or is required to conduct a forest practice.

(4) "Harvesting" means a commercial activity related to the cutting or removal of forest tree species to be used as a forest product. A commercial activity does not include the cutting or removal of forest tree species by a person for his own personal use.

(5) "Rules" mean rules adopted by the board pursuant to section 38-1304, Idaho Code.

(6) "Landowner" means a person, partnership, corporation, or
association of whatever nature that holds an ownership interest in
forest land, including the state.

(7) "Timber owner" means a person, partnership, corporation, or
association of whatever nature, other than the landowner, that holds
an ownership interest in forest tree species on forest land.

(8) "Forest regions" means two (2) regions of forest land, one
region being north of the Salmon River and one (1) being south of
the Salmon River.

(9) "Director" means the director of the Idaho department of
lands.

(10) "Department" means the Idaho department of lands.

(11) "Board" means the Idaho board of land commissioners.

(12) "State" means the state of Idaho or any political subdivi-
sion thereof.

(13) "Forest practices advisory committee to the board" means
that committee appointed by the director as provided in subsection
(2)(a) of section 38-1305, Idaho Code.

(14) "Contract area" means the entire acreage which is subject to
a single contract as specified in the notification of forest prac-
tices, pursuant to section 38-1306, Idaho Code.

SECTION 2. That Chapter 13, 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 38-1306A, Idaho Code, and to read as
follows:

38-1306A. NONRESIDENT OPERATORS -- BOND. Prior to commencing any
forest practices, nonresident operators who do not own real property
in Idaho shall submit to the department a bond in a form acceptable to
the board to insure the performance of the duties of the operator
under this chapter and any rules and regulations promulgated here-
under, in the amount of two hundred dollars ($200) per acre for each
acre in the contract area, with a minimum bond of five thousand
dollars ($5,000) and a maximum bond of fifteen thousand dollars
($15,000).

SECTION 3. That Sections 38-1307 and 38-1308, Idaho Code, be, and the
same are hereby repealed.

SECTION 4. That Chapter 13, 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 38-1307, Idaho Code, and to read as
follows:

38-1307. NOTICE OF VIOLATION -- CEASE AND REPAIR ORDER -- STOP
WORK ORDER -- ENFORCEMENT PROCEDURES -- REMEDIES OF THE OPERATOR. (1)
When the department determines that an operator violated any provision
of this chapter or rule, it shall issue a notice of violation. The
notice shall specify the nature of the violation charged and any
damage or unsatisfactory condition resulting from the violation.

(2) When a notice of violation is issued under this section, the
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department:

(a) May issue an order directing the operator immediately to cease further violation and to commence and continue repairing the damage or correcting the unsatisfactory condition, hereinafter referred to as a "cease and repair order".  
(b) If after two (2) working days from the delivery of a cease and repair order, the operator fails to cease further violation and to commence and continue repairing the damage or to enter into an agreement to repair pursuant to subsection (2)(d) of this section, in compliance with the order, the department may issue and serve an order directing the operator to cease all forest practices within the contract area, hereinafter referred to as a "stop work order".  
(c) The department may initiate the remedies set forth in subsection (2)(e) of this section:
   1. At any time after delivery of the stop work order, if the operator fails to immediately stop work in the contract area;  
   2. After five (5) days from the delivery of the stop work order, if the operator fails to comply fully with the cease and repair order; or  
   3. At any time after delivery of a notice of violation, if serious or irreparable damage will occur to land as a result of said violation, notwithstanding any other provisions of this chapter.  
(d) An operator who has been served with a cease and repair order and who has completed his work in and removed all of his equipment from the contract area, or who cannot enter upon the land to repair the damage because of heavy snow, flooding, or similar serious condition upon the land, may comply with the order by entering into an agreement with the department to commence and thereafter continue to repair the damage within sixty (60) days after repair is practicable following heavy snow, flooding or similar serious condition upon the land.  
(e) The department shall initiate the following remedies in accordance with subsection (2)(c) of this section:  
   1. The department shall estimate the costs of repair of the damage and reasonable administrative and legal fees to be expended in obtaining a judgment against the operator, and shall notify the operator, timber owner and landowner in writing of the amount of the estimate.  
   2. The county attorney for the county where the contract area is situated shall file an action to enjoin the operator's violations and to recover the costs of repair and estimated administrative and legal fees and/or to foreclose a lien against the operator as set forth in subsection (2)(e)3 of this section. Legal fees recovered in such an action shall accrue to the county attorney and the attorney general according to the proportionate time which each has expended in obtaining the judgment.  
   3. A priority lien shall attach to the real and personal property of the operator upon delivery to the operator of a
stop work order for the amount not to exceed the estimated costs of repair and reasonable administrative and legal fees to be expended in foreclosing the lien. A written notice of the lien, containing a statement of the demand and itemization of expenditures incurred, the date incurred and where incurred, and the names of the parties against whom the lien attached, shall be certified under oath by the department and filed in the office of the county clerk and recorder of the county or counties where the real and personal property of the operator is located and where considered necessary to recover the estimated expenditures. This lien shall be perfected upon filing. This lien shall cease unless legal action is instituted within one (1) year from the date of filing of the notice of the lien.

4. If the operator is a nonresident who does not own real property in Idaho, the department after hearing, may declare the operator's bond forfeited or commence legal action against the bond to recover the costs of repair and reasonable administrative and legal fees.

(3) An operator dissatisfied with a stop work order may:
(a) At any time after delivery thereof challenge the order, without administrative review thereof, in a court of proper jurisdiction in the county where the alleged damaged land is situated. In such an action the operator shall bear the burden of proving that the cease and repair order and the stop work order are without merit or basis; or
(b) Request a hearing before the board at its next regularly scheduled meeting, to challenge the merit or basis of either or both orders. If the board affirms the order(s), the operator may within thirty (30) days after the board's decision, appeal the decision to the district court for the county where the alleged damaged land is situated. Said action in the district court shall be limited to appellate review.

(4) If a nonresident operator who does not own real property in the state of Idaho performs forest practices without first submitting a bond in compliance with section 38-1306A, Idaho Code, or if an operator performs forest practices without first submitting notice to the department in compliance with section 38-1306, Idaho Code, the department may immediately commence legal action to enjoin the operator by temporary restraining order or preliminary injunction, and evoke through the county attorney the misdemeanor penalties of section 38-1310, Idaho Code. The testimony under oath of a department employee or forester that a nonresident operator who does not own property in Idaho is performing forest practices without a bond or that an operator is performing forest practices without having first given notice to the department shall constitute prima facie evidence upon which, if unrebutted, a district court shall issue a temporary restraining order or a preliminary injunction against the operator, to cease all forest practices in the contract area until this act has been fully complied with.

(5) Service of a notice or order under this section shall be made
upon the operator or his agent, representative or contractor, by personal delivery or certified mail.

Approved March 11, 1980.

CHAPTER 65
(H.B. No. 458)

AN ACT
RELATING TO THE REGISTRATION AND TRANSFER OF AIRCRAFT AND THE ENFORCEMENT OF AERONAUTICS LAWS; AMENDING SECTION 21-114, IDAHO CODE, BY PROVIDING THAT FOR THOSE AIRCRAFT FOUND IN VIOLATION OF THE PROVISIONS OF SECTION 21-114, IDAHO CODE, AFTER THE FIRST SIX MONTHS, SHALL PAY THE FULL YEAR'S FEE, PROVIDING THAT REGISTRATION CERTIFICATES FOR PRIVATE AIRCRAFT SHALL BE KEPT IN THE AIRCRAFT AT ALL TIMES, PROVIDING THAT AN IDENTIFYING DECAL SHALL BE ISSUED AND PLACED ON THE LEFT SIDE OF THE AIRCRAFT, PROVIDING THAT ONE REGISTRATION CERTIFICATE BEARING A DISTINCTIVE REGISTRATION NUMBER, AND ANY NUMBER OF IDENTIFYING DECALS BE ISSUED TO A DEALER IN AIRCRAFT, PROVIDING THAT THE REGISTRATION CERTIFICATE MAY BE TRANSFERRED TO ANOTHER AIRCRAFT WHICH IS OWNED, IS IN THE POSSESSION OF, OR IN WHICH THE MANUFACTURER OR DEALER MAY HAVE AN INTEREST, PROVIDING THAT A NEW OWNER IS REQUIRED TO REGISTER WHEN AN AIRCRAFT IS TRANSFERRED, AND PROVIDING FOR PAYMENT OF FEES.

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

SECTION 1. That Section 21-114, Idaho Code, be, and the same is hereby amended to read as follows:

21-114. REGISTRATION OF PILOTS AND AIRCRAFT -- REQUISITES. (a) Pilot Registration--Fees. Subject to the limitation of subsections (c) and (d) of this section, the department is authorized to require that every individual who pilots an aircraft within this state is to register with the department and to renew such registration each year thereafter in which he pilots an aircraft within this state. The department may charge for each such registration, and for each annual renewal thereof, a fee of two dollars ($2.00). Such income shall be used for search and rescue of lost aircraft and airmen, which said search and rescue shall be under the direction and supervision of the director of aeronautics.

(b) Aircraft Registration--Fees.
(1) Private Aircraft. Subject to the limitations of subsections (c) and (d) of this section, every aircraft operating within this state and/or holding a currently valid airworthiness certificate and a currently valid annual inspection or progressive inspection system issued by the appropriate federal agency, shall be registered with the department for each annual registration year in
which the aircraft is operated within this state. The annual registration year shall commence on the date provided by regulation and the holding of a currently valid airworthiness certificate and a currently valid annual inspection or progressive inspection system issued by the appropriate federal agency shall be considered prima facie evidence that the aircraft is operating within this state. The department may charge for each such registration, and for each annual renewal thereof, the fees at the rate of two and one-half cents (2 1/2¢) per pound of useful load, being the difference between the weight of an aircraft empty and the gross weight authorized in the license of said aircraft issued by the federal aviation agency, and in no case to exceed one hundred dollars ($100) upon any one (1) aircraft, provided that such fee shall be in lieu of all personal property taxes on such aircraft.

Registration certificates shall be kept in the aircraft at all times. In addition to the registration certificate, an identifying decal shall be issued and placed on the left side of the aircraft either upon the vertical stabilizer thereof or upon a window nearest to the rear of the aircraft, fully visible from the outside of the aircraft.

Registration certificates issued after expiration of the first six (6) months of the annual registration year, as prescribed by the department, shall be issued at the rate of fifty per cent (50%) of the annual fee. Those aircraft that have been found in violation of the provisions of this section after the first six (6) months will pay the full year's fee.

(2) Manufacturers and Dealers License. It shall be unlawful for any person to carry on or conduct the business of buying, selling, or dealing in aircraft unless registered with the department, as such manufacturer or dealer. Any manufacturer or dealer in aircraft owning, having an interest in, or having in his possession an aircraft for the purpose of sale, in lieu of registering each such aircraft, may shall upon the registration and payment of fees as in this act required, acquire one (1) or more registration certificates, which certificates shall each bear the distinctive registration number issued to such manufacturer or dealer, and any such registration certificates so issued, may, during the calendar year for which issued, be transferred from one (1) aircraft to another which is owned, in the possession of, or in which such manufacturer or dealer may have an interest in and which is held for the purpose of sale or demonstration; registration certificate which shall bear the distinctive registration number issued to such manufacturer or dealer, and any number of identifying decals. The registration certificate shall be kept at the main office of the manufacturer or dealer and an identifying decal shall be placed upon the left side of every aircraft that the manufacturer or dealer may have an interest in which is held for sale, on the left side thereof either upon the vertical stabilizer or upon a window nearest to the rear of the aircraft.

An identifying decal issued to a manufacturer or dealer during the calendar year for which issued can be transferred from
an aircraft no longer in the possession of the dealer or manufacturer for sale or demonstration to one acquired for the purpose of sale or demonstration during the calendar year.

No registration--certificate identifying decal issued to a manufacturer or dealer as herein provided may be transferred to an aircraft owned or in the possession of such manufacturer or dealer when such aircraft is used solely for commercial purposes.

The fee to be paid by a manufacturer or dealer in aircraft shall be forty dollars ($40.00) for the registration certificate and one dollar ($1.00) on for each additional registration certificate identifying decal issued to such manufacturer or dealer.

(c) Requirements for Registration, Issuance of Certificate. Possession of the appropriate effective federal certificate, permit, rating or license relating to competency of the pilot or ownership and airworthiness of the aircraft, as the case may be, and payment of the fee duly required pursuant to the provisions of this section shall be the only requisites for registration of a pilot or an aircraft under this section. Registration shall be effected by filing with the department a written statement containing the information reasonably required by the department for such purpose. It shall not be necessary for the registrant to provide the department with originals or copies of federal certificates, permits, ratings or licenses. The department may issue certificates of registration, or such other evidences of registration or payment of fees as it may deem proper, and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences similar to the requirements of section 21-113(b), Idaho Code, for the possession and exhibition of federal airman and aircraft certificates, permits, ratings or licenses. Failure to register, if required, shall be unlawful.

(d) Exemptions. The provisions of this section shall not apply to:

(1) An aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;
(2) An aircraft which is owned by a bona fide nonresident of this state; provided, however, that this exemption shall not apply to such aircraft operated in the transportation of persons or property for hire, in dusting, seeding, or spraying for hire, or in any other activity for hire in this state, whether such aircraft so operated be engaged casually or continuously;
(3) An aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce while operating under a certificate, permit or license issued by the civil aeronautics board or other appropriate agency of the United States government;
(4) An individual piloting an aircraft owned by, and used exclusively in the service of, any government or any political subdivi-
sion thereof, including the government of the United States, any state, territory, or possession of the United States; or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;
(5) An individual piloting any aircraft registered under the laws of a foreign country;
(6) A bona fide nonresident of this state piloting aircraft in this state; provided, however, that this exemption shall not apply to any nonresident piloting an aircraft in this state for hire whether such nonresident is so engaged casually or continuously;
(7) An individual piloting an aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce, while such aircraft is being operated under a certificate, permit or license issued by the civil aeronautics board or other appropriate agency of the United States government;
(8) An individual operating model aircraft;
(9) An individual piloting an aircraft which is equipped with fully functioning dual controls when a properly certified pilot is in full charge of one (1) set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.
(e) Transfer of Aircraft. When the ownership of an aircraft registered under the provisions of this section is transferred, the new owner will be required to register the aircraft under the provisions of this section. If the transferor wishes to register another aircraft he shall pay the registration fee required by this section less the amount of registration fee already paid on the aircraft which was sold, or if the transferor shall have an aircraft to be registered with a useful load less than the aircraft that was sold, he shall pay a transfer fee of one dollar ($1.00).

Approved March 11, 1980.

CHAPTER 66
(H.B. No. 427)

AN ACT
RELATING TO THE ASSESSMENT ON SCALING OF FOREST PRODUCTS; AMENDING SECTION 38-1209, IDAHO CODE, BY INCREASING THE MAXIMUM AMOUNT OF THE ASSESSMENT FROM THREE CENTS TO TEN CENTS.

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

SECTION 1. 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-ten cents (310¢) 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 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 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 account to be known as the "state scaling fund account," which is hereby created in the state treasury. Such fund account 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 account" 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 account." 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 account 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 account" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

Approved March 11, 1980.

CHAPTER 67
(H.B. No. 396, As Amended in the Senate)

AN ACT
RELATING TO EXEMPTIONS FROM SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, TO EXCLUDE FROM THE EXEMPTION ALL LICENSED MOTOR VEHICLES RATHER THAN ONLY THOSE REQUIRED TO BE LICENSED, AND TO EXEMPT LOG JAMMERS, LOG LOADERS, FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY WHICH ARE NOT REQUIRED TO BE LICENSED.

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 licensed or 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, 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, exer-
cise 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 titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be titled under the laws of this state; the sale of motor vehicles and motor equipment not required to be licensed and used as log jammers, log loaders, farm tractors and implements of husbandry; 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 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.

(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 11, 1980.

CHAPTER 68
(H.B. No. 414)

AN ACT
RELATING TO LIQUOR STORES; AMENDING SECTION 23-301, IDAHO CODE, TO
ALLOW FOR THE LOCATION OF ONE OR MORE LIQUOR STORES IN A CITY.

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

SECTION 1. That Section 23-301, Idaho Code, be, and the same is
hereby amended to read as follows:

23-301. LIQUOR STORES -- NOTICE OF INTENT TO LOCATE. (a) The dis­
pensary may establish and maintain a liquor stores under the manage­
ment of a vendor in any city organized under general or special law.
Before any store site may be established, the dispensary shall have
printed in the city's official newspaper, as defined in section
50-213, Idaho Code, a legal notice of the dispensary's intent to
establish a liquor store in the city and that a public hearing will be
held regarding the proposed liquor store. The legal notice shall con­
tain the time, date and place of the hearing and the address where the
liquor store is proposed to be located and shall be a twenty (20)
days' notice as described in section 60-109, Idaho Code. Within one
(1) week after the last legal notice has been published, the dispen­
sary shall hold a public hearing to give eligible voters who live in
precincts located within a one thousand (1000) feet radius of the pro­
posed site a chance to register a protest.

(b) If fifty percent (50%) or more of the eligible voters living
in precincts, any part of which is located within a one thousand
(1000) foot radius surrounding the proposed site of the liquor store,
sign a petition which protests the proposed site of the liquor store
and present it to the superintendent or his designated representative
within five (5) business days after the public hearing, the dispensary
shall not place a liquor store at the proposed site.

(c) The dispensary may classify liquor stores according to the
volume of their sales.

Approved March 11, 1980.
CHAPTER 69
(S.B. No. 1259)

AN ACT
RELATING TO CREDIT UNION MEMBERSHIP; AMENDING SECTION 26-2110, IDAHO CODE, TO CLARIFY THE REQUIREMENTS OF SOCIETIES AND ASSOCIATIONS OF INDIVIDUALS WHO MAY BECOME MEMBERS OF CREDIT UNIONS, AND TO EXPAND THE RIGHTS OF AN EMPLOYER-MEMBER OF A CREDIT UNION.

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

SECTION 1. That Section 26-2110, Idaho Code, be, and the same is hereby amended to read as follows:

26-2110. MEMBERSHIP. (a) The membership of a credit union shall be limited to and consist of the subscribers to the articles of incorporation and such other persons having the common bond set forth in the articles of incorporation as have been duly admitted members, have paid the entrance fee, if any, as provided in the bylaws, have subscribed and paid for one (1) or more shares, and have complied with such other requirements as the articles of incorporation or bylaws may specify.

(b) Credit union organizations shall be limited to groups having a common bond of occupation or association, or to residents within a well-defined neighborhood, community, or rural district, employees of a common employer, or members of a bona fide fraternal, religious, cooperative, labor, rural, educational, or similar organization and members of the immediate family of such persons.

(c) Societies and associations composed entirely of individuals who are members within the field of membership of the credit union may be admitted to membership in the same manner and under the same conditions as individuals.

(d) An individual who leaves the field of membership may be permitted to retain his membership in the credit union at the discretion of the board, and as provided in the bylaws.

(e) An employer, including the state and its political subdivisions, may become a member of a credit union, of which its employee is a member, only for the purpose of placing shares or deposits in the credit union pursuant to an employee deferred compensation plan qualified under chapter 400 of the internal revenue code of 1954, as amended, or other retirement plans set out in section 26-2151, Idaho Code.

(f) Credit unions may become members of other Idaho credit unions for the purposes provided in section 26-2120, Idaho Code.

Approved March 14, 1980.
CHAPTER 70
(S.B. No. 1272)

AN ACT RELATING TO DEFINITIONS UNDER THE IDAHO SECURITIES ACT; AMENDING SECTION 30-1402, IDAHO CODE, BY PROVIDING THAT A PERSON EFFECTING TRANSACTIONS IN CREDIT UNION SECURITIES IS NOT A SALESMAN AND THAT A PERSON EFFECTING TRANSACTIONS IN CREDIT UNION SECURITIES IS NOT A BROKER-DEALER.

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

SECTION 1. That Section 30-1402, Idaho Code, be, and the same is hereby amended to read as follows:

30-1402. DEFINITIONS. When used in this act, unless the context otherwise requires:

(1) "Director" means the director of the department of finance.

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities, but "salesman" does not include an individual who represents an issuer in:

(a) effecting a transaction in a security exempted by subsections (1), (2), (3), (6), (9), (10) or (11) of section 30-1434, Idaho Code,

(b) effecting transactions exempted by section 30-1435, Idaho Code, or

(c) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer or director of a broker-dealer or issuer is a "salesman" only if he otherwise comes within this definition.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include:

(a) a salesman, issuer, bank, savings institution, trust company, credit union or insurance company,

(b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts or other financial institutions or institutional buyers, whether acting for themselves or as trustee, or

(c) a person who has no place of business in this state if during any period of twelve (12) consecutive months he does not direct more than fifteen (15) offers to sell or to buy into this state in any manner to persons other than those specified in subsection
(3)(b) of this section.

(4) "Guaranteed" means guaranteed as to payment of principal, interest or dividends.

(5) "Full business day" means all calendar days except Saturdays, Sundays and all legal holidays as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in, purchasing or selling securities or, who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include:

(a) a bank, savings institution, trust company or insurance company.

(b) a lawyer, accountant, engineer or teacher whose performance of these services is solely incidental to the practice of his profession.

(c) a broker-dealer.

(d) a publisher of any bona fide newspaper, news magazine or business or financial publication of general, regular and paid circulation.

(e) a person whose advice, analyses or reports relate only to securities exempted by section 30-1434, Idaho Code.

(f) a person who has no place of business in this state if

(1) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trust or other financial institutions or institutional buyers whether acting for themselves or as trustees, or

(2) during any period of twelve (12) consecutive months he does not direct business communications into this state in any manner to more than five (5) resident clients other than those specified in subsection (6)(f)(1) of this section, or

(g) such other persons not within the intent of this subsection as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates or collateral-trust certificates or with respect to certificates of interest or shares in any unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person," for the purpose of this act, means an individual, a corporation, a partnership, an association, a joint-stock company, a
trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale or contract to sell or dispose of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, and every solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of or the levying of an assessment on assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.


(12) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, or, in general, any interest or instrument commonly known as a "security" or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money, either in a lump sum, or periodically for life or some other specified period.

(13) "State" means any state, territory or possession of the United States, the District of Columbia and Puerto Rico.

Approved March 14, 1980.
CHAPTER 71
(S.B. No. 1293)

AN ACT
RELATING TO TAX DEEDS FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES;
AMENDING SECTION 63-1126, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS;
AMENDING CHAPTER 11, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-1126A, 63-1126B, 63-1126C AND 63-1126D, IDAHO CODE, TO PROVIDE GENERAL PROVISIONS FOR THE ISSUANCE OF TAX DEEDS, TO PROVIDE FOR THE ISSUANCE OF A NOTICE OF PENDING ISSUE OF A TAX DEED, TO PROVIDE FOR AN AFFIDAVIT OF COMPLIANCE, AND TO PROVIDE FOR A HEARING AND ISSUANCE OF A TAX DEED; REPEALING SECTIONS 63-1127, 63-1133, 63-1134, 63-1135 AND 63-1136, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-1126, Idaho Code, be, and the same is hereby amended to read as follows:

63-1126. DELINQUENT-TAXES-DEFINED DEFINITIONS. Words and terms used in this act, unless the context otherwise requires, are defined as follows:

(1) "Board" means the board of county commissioners.
(2) "County treasurer" means that duly elected officer and his or her deputies or employees. Such county treasurer acts as ex officio tax collector for the purposes of this act.
(3) The term "delinquent taxes" as herein used shall be deemed and construed to include all general taxes and special assessments and charges entered in county tax rolls and collectible in the same manner as general property taxes, levied, assessed or charged against real property, including taxes on personal property secured by lien on real property.
(4) "Party in interest" means a person or persons, partnership, corporation, business venture, or other entity which holds a valid and legally binding mortgage or security interest, properly recorded, in and for the property for which a delinquency entry has been made.
(5) "Record owner or owners" means the person or entity in whose name or names the property stands upon the records in the county recorder's office. Where the record owners are husband and wife at the time the notice described in section 63-1126B, Idaho Code, shall issue, notice to one (1) spouse shall be deemed and imputed as notice to the other spouse.
(6) "This act" means sections 63-1126 and 63-1126A through and including 63-1126D, Idaho Code.

SECTION 2. That Chapter 11, 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 63-1126A, Idaho Code, and to read as follows:
63-1126A. ISSUANCE OF TAX DEED -- GENERAL PROVISIONS. If the property for which a delinquency entry is made is not redeemed within three (3) years from the date of delinquency entry, the county treasurer of the county wherein such property is situated must make in favor of said county, a tax deed for such property. However, the county shall not be entitled to a tax deed for such property until (1) a notice of pending issue of tax deed be given, as required by section 63-1126B, Idaho Code, and (2) an affidavit of compliance be filed, as required by section 63-1126C, Idaho Code.

SECTION 3. That Chapter 11, 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 63-1126B, Idaho Code, and to read as follows:

63-1126B. ISSUANCE OF NOTICE OF PENDING ISSUE OF TAX DEED. (1) The county treasurer of the county wherein the property for which a tax deed may issue shall serve or cause to be served written notice of pending issue of tax deed upon the record owner or owners in the following exclusive manner:

(a) By serving or causing to be served a copy of such notice by registered or certified mail with return receipt demanded upon the record owner or owners at their last known address, such service of notice to be made no more than five (5) months nor less than two (2) months before the time set for the tax deed to issue;
(b) In the event that such notice is served as above described and returned undelivered and after reasonable and diligent search and inquiry in attempting to locate and serve the record owner or owners, by publishing a copy of such notice in a newspaper being most likely to give notice to the record owner or owners and having general circulation in the county wherein the property for which the delinquency entry has been made is situated. Such publication must be made at least once a week for four (4) consecutive weeks, the last publication of which is to be no more than two (2) months nor less than fourteen (14) days before the time set for the tax deed to issue.
(2) The record owner or owners shall be liable and pay to the county treasurer all reasonable costs and fees in the preparation, service and publication of such notice and such reasonable costs shall become a lien upon the property in favor of the county treasurer.
(3) Such notice must contain the following items:
(a) The name and last known address of the record owner or owners;
(b) An accurate description of the property for which the delinquency entry has been made, or, in lieu thereof, the registered tax number of parcel number used in assessing the same;
(c) The year for which the tax was assessed and for which the tax is delinquent;
(d) An itemized statement showing tax, penalty, interest and all costs and fees incident to the delinquency entry and such notice.
up to and including the date of the making of such notice;
(e) The date the delinquency entry was made;
(f) The time, date, place at which, and by whom the tax deed will
issue; and
(g) A statement that the record owner or owners or any party in
interest shall have adequate opportunity to be heard, to confront
and cross-examine any evidence or witness against the record owner
or owners, and obtain and present evidence on behalf of the record
owner or owners or any party in interest. Such statement shall
also contain notice of to whom inquiries and objections shall be
directed concerning the notice and information contained therein
and by what date such inquiries and objections must be received.
(4) (a) Any party in interest may file a written request for
such notice in the office of the county treasurer of the county
wherein the property for which the delinquency entry has been made
is situated. Such request shall contain the following items:
1. The name and address of the record owner or owners;
2. An accurate description of the property covered by the
interest, or, in lieu thereof, the registered tax number or
parcel number used in assessing the same;
3. The name and address of the party in interest;
4. An accurate description of the interest held; and
5. The date of expiration of the interest held.
(b) If a party in interest shall furnish a duplicate form of the
written request together with a self-addressed envelope, postage
prepaid, for the purpose, the county treasurer shall certify
thereon to the filing of the written request and deliver or mail
the same to the party in interest requesting a copy of the notice.
(c) If a party in interest has previously filed such written
request for a copy of the notice, the county treasurer shall at
the time of sending notice to the record owner or owners also send
a copy of the notice by registered or certified mail with return
receipt demanded to each party in interest who has previously
filed such written request. In the event such notice is also
served upon a party in interest under this section, each party in
interest so served shall be liable for and shall pay to the county
treasurer all reasonable costs and fees in the preparation and
mailing of such notice to the requesting party in interest.
(5) If a record owner or owners or a party in interest shall have
actual notice of the notice of pending issue of tax deed or that issu­
ance of a tax deed is pending, it shall be deemed sufficient notice
under this section.
(6) Service shall be deemed completed upon depositing the regis­
tered or certified letter containing the original or a copy of the
notice of pending issue of tax deed with return receipt demanded in
any United States post office mail box, or upon physical delivery of
such notice or copy thereof by the county treasurer or his or her
appointed agent to the record owner or owners or party in interest, or
upon the date of last publication.

SECTION 4. That Chapter 11, 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 63-1126C, Idaho Code, and to read as follows:

63-1126C. AFFIDAVIT OF COMPLIANCE. (1) At least five (5) days before the tax deed shall issue, the county treasurer shall make an affidavit of compliance stating that he or she has complied with the conditions of issuance of notice of pending issue of tax deed described in section 63-1126B, Idaho Code, and stating particularly the facts relied on as constituting such compliance.

(2) Such affidavit shall be delivered to the county recorder to be by such officer entered on the records of his or her office and carefully preserved among the files of such office. Such record or affidavit shall be prima facie evidence that such notice has been given.

(3) Any person who knowingly and intentionally swears falsely to facts averred in such affidavit shall be guilty of perjury and be punished by fine of not more than three hundred dollars ($300).

SECTION 5. That Chapter 11, 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 63-1126D, Idaho Code, and to read as follows:

63-1126D. HEARING AND ISSUANCE OF TAX DEED. (1) When a record owner or owners or any party in interest upon whom a notice of pending issue of tax deed is served or who has actual knowledge of such notice or its contents fails to appear or otherwise defend and answer at the time set for hearing in such notice and it is made to appear to the board that the county treasurer has fulfilled the requirements of sections 63-1126B and 63-1126C, Idaho Code, the board shall without further notice to the record owner or owners or any party in interest upon whom such notice has been served or who has actual knowledge of such notice and its contents immediately direct that the county treasurer shall issue a tax deed in favor of the county.

(2) When a record owner or owners or any party in interest upon whom such notice is served or who has actual knowledge of such notice or its contents appears or answers at the date specified in such notice, the board shall hear evidence and witnesses and make a final decision in writing. Such final decision shall be mailed by registered or certified mail return receipt demanded upon all parties affected by its action. If the board shall find that the county treasurer has conformed to the requirements of sections 63-1126B and 63-1126C, Idaho Code, and that a delinquency was owing on the property described and that such delinquency has not been paid, the board shall immediately direct that the county treasurer, shall issue a tax deed in favor of the county. Such final decision shall include findings of fact and conclusion of law.

(3) A record of the proceedings shall be kept and entered into the county minutes book.

(4) Any person who is aggrieved by a final decision of the board
concerning the issuance of a tax deed is entitled to have that decision reviewed by the district court of the district wherein the county is located by filing a petition in the district court within thirty (30) days after receipt of the final decision of the board. Such filing does not itself stay enforcement of the board's decision; however, the board may grant, or the reviewing court may order, a stay upon appropriate terms. Review shall be conducted by the court without a jury and shall be confined to the record in the county minutes book. The court may reverse or modify the decision of the board if substantial rights of the appellant have been prejudiced because the board's findings, conclusions or decisions are:

(a) Made upon unlawful procedure;
(b) Clearly erroneous in view of reliable, probative, and substantial evidence on the whole record; or
(c) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(5) All costs and fees of any hearing or proceeding shall be awarded to the prevailing party or in the discretion of the reviewing court each party shall be responsible for their own costs and fees; provided however, the costs and fees shall not be ordered paid by any county or its officials in absence of a showing of gross negligence, gross nonfeasance, or gross malfeasance by the county or its officers and a showing of substantial and definite injury to the petitioning party.

(6) The form of the tax deed issued must contain the following items:

(a) The name and address of the former record owner or owners;
(b) The name of the county in whose favor the tax deed issues;
(c) An accurate description of the property using a township, range, section and division of section, together with a statement as to acreage, or in the appropriate case, using block and lot numbers or as described in a city plat; and if appropriate, include the registered tax number;
(d) A statement that the tax deed issues out of a delinquency entry and hearing; and
(e) The tax deed must be signed by the county treasurer and acknowledged before the county recorder and shall be recorded as provided by law.

SECTION 6. That Section 63-1127, 63-1133, 63-1134, 63-1135, and 63-1136, Idaho Code, be, and the same are hereby repealed.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1980.
CHAPTER 72
(S.B. No. 1354)

AN ACT
RELATING TO INTEREST RATES ON INSTALMENT SALES OF TIMBER; AMENDING
SECTION 58-411, IDAHO CODE, BY STRIKING THE LIMIT OF SIX PER CENT
AND PROVIDING AN ANNUAL INTEREST RATE TO BE SET BY THE STATE BOARD
OF LAND COMMISSIONERS.

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

SECTION 1. That Section 58-411, Idaho Code, be, and the same is
hereby amended to read as follows:

58-411. INSTALMENT SALES -- TERMS. Timber and timber lands
belonging to the state of Idaho may be sold by the state board of land
commissioners, at their option, upon payment of instalments of the
purchase price thereof as follows: ten per cent (10%) of the purchase
price thereof must be paid at the time of purchase, and the balance of
such purchase price in from one (1) to fifteen (15) equal annual
instalments, with annual interest thereon at the rate of six per cent
(6%) per annum set by the state board of land commissioners payable in
advance; the number of instalments to be fixed by the state board of
land commissioners at the time of purchase. The state board of land
commissioners is hereby authorized and directed to accept interest
payments as fixed by this section, as amended, on all outstanding
timber sales contracts as payments thereon become due.

Approved March 14, 1980.

CHAPTER 73
(S.B. No. 1440)

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, 1980, THROUGH JUNE 30, 1981.

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 designated expense classes
from the listed account for the period July 1, 1980, through June 30,
1981:
FOR:
Personnel Costs       $637,800
Operating Expenditures 282,500
Capital Outlay 3,500
TOTAL         $923,800

FROM:
Public Employees' Retirement System Account $923,800

Approved March 14, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Agency</th>
<th>For:</th>
<th>From:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STATE ATHLETIC DIRECTOR:</td>
<td>Supervision of Boxing and Wrestling</td>
<td>General Account</td>
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<tr>
<td></td>
<td></td>
<td>$6,500</td>
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<td>B. BOARD OF ACCOUNTANCY:</td>
<td>Licensing and Enforcing</td>
<td>State Board of Accountancy Account</td>
</tr>
<tr>
<td>C. BOARD OF DENTISTRY:</td>
<td>Enforcing the Dental Practice Act</td>
<td>State Board of Dentistry Account</td>
</tr>
<tr>
<td>D. BOARD OF ENGINEERING EXAMINERS:</td>
<td>Licensing and Enforcement</td>
<td>Professional Engineers Account</td>
</tr>
<tr>
<td>E. BOARD OF MEDICINE:</td>
<td>Licensing and Enforcement</td>
<td>State Board of Medicine Account</td>
</tr>
<tr>
<td>F. BOARD OF NURSING:</td>
<td>Education, Licensure and Discipline</td>
<td>State Board of Nursing Account</td>
</tr>
<tr>
<td>Board/Board of Optometry</td>
<td>For:</td>
<td>Personnel Costs</td>
</tr>
<tr>
<td>--------------------------</td>
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<tr>
<td><strong>G. BUREAU OF OCCUPATIONAL LICENSES:</strong></td>
<td>Licensing and Enforcing</td>
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<tr>
<td>Occupational License Account</td>
<td>$185,900</td>
<td>$105,300</td>
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<td><strong>H. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</strong></td>
<td>Licensing and Enforcing</td>
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<td>Public Works Contractors State License Board Account</td>
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<td><strong>I. IDAHO REAL ESTATE COMMISSION:</strong></td>
<td>Administration</td>
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<td>Idaho Real Estate Brokers Commission Account</td>
<td>$278,400</td>
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<td><strong>J. PROFESSIONAL GEOLOGISTS BOARD:</strong></td>
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<tr>
<td>Professional Geologists Account</td>
<td>$8,200</td>
<td>$6,800</td>
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<td><strong>K. BOARD OF OPTOMETRY:</strong></td>
<td>Administration</td>
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<td>State Board of Optometry Account</td>
<td>$2,300</td>
<td>$5,900</td>
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<td><strong>L. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:</strong></td>
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<td>State Certified Shorthand Reporters Account</td>
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<td>$8,000</td>
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<td><strong>M. OUTFITTERS AND GUIDES BOARD:</strong></td>
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<td>Outfitters and Guides Board Account</td>
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<td>$70,500</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
<td></td>
<td>$1,074,200</td>
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</table>

Approved March 14, 1980.
CHAPTER 75
(S.B. No. 1316)

AN ACT
RELATING TO THE LEVY OF ASSESSMENTS BY IRRIGATION DISTRICTS; AMENDING
SECTION 43-704, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT THE
BOARD OF DIRECTORS INCREASE ASSESSMENTS TEN YEARS AFTER ISSUING
BONDS TO RAISE THE SUM NECESSARY TO PAY THE PRINCIPAL OF OUTSTANDING
BONDS AS THEY MATURE, AND TO PROVIDE THAT THE BOARD OF DIRECTORS OF AN IRRIGATION DISTRICT BE REQUIRED TO LEVY ANNUALLY AN
ASSESSMENT SUFFICIENT TO PAY PRINCIPAL OF AND INTEREST ON OUTSTANDING BONDS OF THE DISTRICT WHEN DUE.

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

SECTION 1. That Section 43-704, Idaho Code, be, and the same is hereby amended to read as follows:

43-704. LEVY OF ASSESSMENTS. At a regular meeting between August 1 and November 8 of each year the board of directors shall levy an assessment upon the lands in said district upon the basis, and in the proportion, of the list and apportionment of benefits approved by the court as hereinbefore provided, which assessment shall be sufficient to raise the annual pay principal of and interest on the outstanding bonds of the district as the same fall due. At the expiration of ten (10) years after the issue of said bonds of any issue, the board must increase said assessment; as may be necessary from year to year; to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury and shall constitute a special fund to be called "Bond fund of .... irrigation district."

In case any assessment should be made for the purpose contemplated by a bond authorization, it shall be entered in a separate column of the assessment book in the same manner as the bond fund; and when collected shall constitute the "Construction fund of .... irrigation district."

Approved March 14, 1980.
AN ACT
RELATING TO AGRICULTURAL PRODUCTS COOPERATIVE MARKETING ASSOCIATIONS;
AMENDING SECTION 22-2608, IDAHO CODE, TO PROVIDE FOR THE CONTENT
OF ARTICLES OF INCORPORATION.

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

SECTION 1. That Section 22-2608, Idaho Code, be, and the same is
hereby amended to read as follows:

22-2608. ARTICLES OF INCORPORATION -- CONTENTS -- SUBSCRIBING AND
FILING. Each association formed under this chapter must prepare and
file articles of incorporation, setting forth:
   a. The name of the association.
   b. The purpose for which it is formed.
   c. The place where its principal business will be transacted
      The address of its initial registered office and the name of its initial
      registered agent at such address.
   d. The term for which it is to exist, not-exceeding-fifty-(50) years which may be perpetual.
   e. If organized without capital stock, whether the property
      rights and interest of each member shall be equal or unequal; and if
      unequal, the articles shall set forth the general rule or rules appli­
      cable to all members by which the property rights and interests,
      respectively, of each member may and shall be determined and fixed;
      and the association shall have the power to admit new members who
      shall be entitled to share in the property of the association with the
      old members, in accordance with such general rule or rules. This
      provision of the articles of incorporation shall not be altered,
      amended or repealed except by the written consent or the vote of a
      majority of the members.
   f. If organized with capital stock, the amount of such stock and
      the number of shares into which it is divided and the par value
      thereof. The capital stock may be divided into preferred and common
      stock. If so divided, the articles of incorporation must contain a
      statement of the number of shares of stock to which preference is
      granted and the number of shares of stock to which no preference is
      granted and the nature and extent of the preference and the privileges
      granted to each.
   g. The names and addresses of the persons who are to serve as
      directors until the first annual meeting of the members or stockhold­
      ers or until their successors be elected and qualify.

The articles must be subscribed by the incorporators and--acknowl­
edged--by-one--(i)--of-them-before-an-officer-authorized-by-the-law-of
this-state-to-take-and-certify-acknowledgments-of--deeds--and--convey­
ances; and shall be filed in accordance with the provisions of the
general corporation law of the state; and when so filed the said arti-
cles of incorporation, or certified copies thereof, shall be received in all the courts of this state, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association. A certified copy of the articles of incorporation shall, also, be filed with the department of agriculture.

Approved March 14, 1980.

CHAPTER 77
(S.B. No. 1254)

AN ACT
RELATING TO PENALTIES AND INTEREST ON DELINQUENT IRRIGATION ASSESSMENTS; AMENDING SECTION 43-708, 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 43-708, Idaho Code, be, and the same is hereby amended to read as follows:

43-708. DELINQUENT ASSESSMENTS -- ENTRY ON ROLL -- EFFECT -- PENALTIES FOR DELINQUENCIES. On or before the second Monday of January of each year succeeding the year in which the assessments are levied the treasurer shall carry out and enter all delinquent assessments, with the penalties thereon, on the assessment roll, which entry shall be considered to be dated as of the first day of January in such succeeding year, and shall have the force and effect of a sale to the treasurer of the district as grantee in trust for the district for all lands entered upon the assessment roll upon which one-half (1/2) or more of the original amount of such assessments have not been paid before delinquency.

On or before the second Monday of July of such succeeding year the treasurer shall make delinquency entries as hereinbefore described for all lands entered on the assessment roll on which the remaining one-half (1/2) of the original amount of such assessment has not been paid before delinquency, which entries shall also be considered to be dated as of January first of such year.

The penalties required to be added on delinquent assessments shall be two per cent (2%) of the amount remaining unpaid and the treasurer shall collect such delinquent assessments with such penalty added, together with interest on the amount of such delinquent assessments at the rate of eight one per cent (8%) (1%) per annum month from said first day of January until redemption, provided that where such penalties and interest do not aggregate the sum of one dollar ($1.00) on any one assessment number, the treasurer shall not be required to collect such penalty and interest.

Provided, that if the first half (1/2) of such taxes be not paid
prior to the said twentieth day of December, the amount of such one-half (1/2), plus a penalty of two per cent (2%) thereof with interest on the total at the rate of eight one per cent (8%) (1%) per annum month from the date of delinquency may be paid at any time between the third Monday of January in the year succeeding the year in which such taxes are levied and the twentieth day of June next thereafter, and, in the event of such payment, the second one-half (1/2) of such taxes may be paid thereafter, without penalty, at any time between the two (2) dates last above-mentioned.

SECTION 2. This act shall be in full force and effect on and after January 1, 1981.

Approved March 14, 1980.

CHAPTER 78
(S.B. No. 1252, As Amended in the House)

AN ACT
RELATING TO REQUIREMENTS FOR PUBLICATION OF RULES; AMENDING SECTION 67-5205, IDAHO CODE, TO STRIKE CERTAIN FILINGS OF RULES AND SPECIFY LIBRARIES WHERE RULES SHALL BE FILED FOR PUBLIC USE.

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

SECTION 1. That Section 67-5205, Idaho Code, be, and the same is hereby amended to read as follows:

67-5205. PUBLICATION OF RULES. (a) Each agency shall compile, index and publish all effective rules adopted by such agency. Compilations shall be supplemented or revised as often as necessary and at least once every two (2) years.

(b) Compilations shall be made available upon request to officials of this state and-to-the-state,-district,-and-county-law-librar-ies free of charge, and to other persons at prices fixed by each agency to cover mailing and publication cost.

(c) The-law-libraries-above-mentioned-shall-keep-and--maintain--a complete-and-current-set-of-compilations-for-use-and-inspection-by-the public:--The--person--in--charge--of-each-library-shall-discharge-this duty: Each agency shall provide a complete set of rules, and furnish materials to keep the rules current, to the following libraries: Boise public library, Boise State University library, Burley public library, College of Idaho library, College of Southern Idaho library, Idaho Falls public library, Idaho State law library, Idaho State University library, Lewis-Clark State College library, North Idaho College library, Northwest Nazarene College library, Pocatello public library, Ricks College library, Salmon public library, Sandpoint public library, University of Idaho law library, and the University of Idaho...
library. These compilations of rules shall be maintained by the libraries for use by the public. The compilation maintained at the Idaho State law library shall, along with the rules filed as required in section 67-5204, Idaho Code, constitute the official rules of the agency.

(d) Judicial notice shall be taken of rules filed and proposed as provided in this section.

(e) The word "publish" as used herein shall mean to bring before the public, to print or cause to be printed, to issue, to disseminate, to put into circulation, but shall not be construed to require publication in a newspaper.

Approved March 14, 1980.

CHAPTER 79
(S.B. No. 1270)

AN ACT
RELATING TO BARBERS; AMENDING 54-501, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS TO LICENSE A BARBER SHOP; AMENDING SECTION 54-503, IDAHO CODE, TO STRIKE THE LIMITATION ON THE NUMBER OF APPRENTICES THAT A LICENSED BARBER MAY SUPERVISE; AMENDING SECTION 54-505, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS RELATING TO APPRENTICE BARBERS; AMENDING SECTION 54-506, IDAHO CODE, TO REQUIRE GRADUATION FROM A COURSE OF STUDY IN A SCHOOL OF BARBERING; AMENDING SECTION 54-507, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A BARBER SCHOOL OR COLLEGE; AMENDING SECTION 54-510, IDAHO CODE, TO STRIKE REQUIREMENTS FOR AN EXAMINATION TO PRACTICE AS A REGISTERED BARBER; AMENDING SECTION 54-512, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR RECIPROCAL LICENSING OF BARBERS; AMENDING CHAPTER 5, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-513, IDAHO CODE, TO PROVIDE EXCEPTIONS TO THE LIMITATION TO PRACTICE BARBERING ONLY IN LICENSED SHOPS, SCHOOLS OR COLLEGES; AMENDING SECTION 54-515, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES AND LICENSE RENEWAL REQUIREMENTS; AMENDING SECTION 54-518, IDAHO CODE, TO STRIKE REFERENCE TO THE REQUIREMENT FOR AN EXAMINATION TO RECEIVE A CERTIFICATE AS A REGISTERED BARBER; AMENDING SECTION 54-519, IDAHO CODE, TO ADD THE PRACTICE OF COSMETOLOGY IN A BARBER SHOP AS A PERMITTED ACTION; AND AMENDING SECTION 54-528, IDAHO CODE, TO REQUIRE A COSMETOLOGY OR BARBERING TEACHER'S CERTIFICATE TO TEACH IN A BARBER SCHOOL.

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

SECTION 1. That Section 54-501, Idaho Code, be, and the same is hereby amended to read as follows:

54-501. REQUIREMENTS OF REGISTRATION AND BARBERSHOP LICENSE.
After July 1, 1927, it shall be unlawful to practice, or attempt to practice, barbering without a certificate of registration as a registered barber issued pursuant to provisions of this act by the board of barber examiners.

After July 1, 1927, it shall be unlawful to serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice issued by the board.

After July 1, 1957, it shall be unlawful to own or operate a barbershop until it is at all times under the direct supervision and management of a registered barber and unless a barbershop license is first obtained from the board for each barbershop owned and operated. The applicant for such license must furnish proof that the shop is located and equipped to meet the sanitary requirements of the department of health and welfare and regulations of the board. The maintenance of a bona fide establishment with a permanent and definite location shall be prerequisite for the issuance of a barbershop license, the establishment of itinerant shops being prohibited. The holder of a barbershop license must notify the board in writing of any change of address and at the same time shall return said license, upon the fact of which such change shall be properly indorsed. A change of address by a licensee without such notice and indorsement shall operate to cancel the license.

SECTION 2. That Section 54-503, Idaho Code, be, and the same is hereby amended to read as follows:

54-503. PRACTICE OF APPRENTICE. No registered apprentice may independently practice barbering, but he may as an apprentice, do any or all the acts constituting the practice of barbering under the immediate personal supervision of a registered barber; and a registered barber may have only one (1) such apprentice under his supervision.

SECTION 3. That Section 54-505, Idaho Code, be, and the same is hereby amended to read as follows:

54-505. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER. A person is qualified to receive a certificate of registration to practice barbering:

1. Who is qualified under the provisions of section 54-506, Idaho Code.

2. Who is of good moral character and temperate habits.

3. Who has completed a nine (9) month course in an approved school of barbering and who has practiced as a registered apprentice barber for a period of eighteen (18) months under the immediate personal supervision of a registered barber, provided that the period of apprenticeship for those persons who possess a certificate of registration as a registered apprentice at the time this section becomes law shall be one (1) year; and they shall be required to submit to and successfully pass a barber's examination under the supervision of the board of barber examiners.
4. An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board must practice as a registered apprentice--barber for an additional three (3) months under the immediate personal supervision of a registered barber before he is again entitled to take the examination for a registered barber. It shall be unlawful to practice as a barber without a certificate as a registered barber.

SECTION 4. That Section 54-506, Idaho Code, be, and the same is hereby amended to read as follows:

54-506. QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE. A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who has two (2) years of high school or an equivalent education as determined by an examination conducted by the board.
2. Who is at least sixteen and one-half (16 1/2) years of age.
3. Who is of good moral character and temperate habits.
4. Who has completed and graduated from a course consisting of at least fifteen hundred (1500) hours within a period of nine (9) months in a school of barbering approved by the board.

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination must complete a further course of three (3) months of not less than five hundred (500) hours in an approved school of barbering before he is entitled to take an examination again.
6. It shall be unlawful to practice as an apprentice without a certificate of registered apprentice.

SECTION 5. That Section 54-507, Idaho Code, be, and the same is hereby amended to read as follows:

54-507. APPROVED BARBER COLLEGES -- REQUIREMENTS -- BOND. No school teaching the art or science of barbering shall be approved by the board nor shall it operate or be recognized as a school of barbering, unless the entrance requirements are equal to those which are required for apprentices under section 54-506, Idaho Code. An approved college may teach special courses, but as a prerequisite to graduation the college must give a course of instruction of not less than fifteen hundred (1500) hours over a period of not less than nine (9) months and include in its course of instruction the following subjects:

Scientific fundamentals for barbering: hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; hair cutting; shaving; and arranging, dressing, curling, waving, straightening, coloring, bleaching and tinting of the hair.

For the purpose of this chapter, a recognized approved barber
school or college (hereinafter referred to as a college) shall be understood to be a college that has met with the provisions of this chapter, and has a valid unrevoked certificate issued by the board, to the effect that said college is approved by the state of Idaho.

No college in the state shall advertise or use any signs or terms to indicate that the college is approved, recognized, accredited, or certified, unless said college is approved by the board. Every college shall advertise as a college and make known to the public and customers that the work is being done by students.

All instructors in an approved college must be licensed in the state of Idaho to practice-barbering as a barber instructor or a cosmetology instructor.

Every instructor in an approved college shall devote his or her entire time during class hours to that of instructing the students and shall not apply his time to that of private or public practice during the school or class hours.

School hours for the purpose of instruction in an approved college shall not begin before 8 a.m., or continue longer than 6 p.m., and shall be conducted for at least five (5) days during the week except Sunday and holidays.

The school day in an approved college shall not be divided into periods that may work to the detriment of the students. Each student shall be required to work or receive instruction in the college at least seven (7) hours each day. Credit will be allowed students for their actual time in attendance at the college, but not to exceed eight (8) hours per day.

A college furnishing satisfactory evidence that it is maintaining the requirements set forth in this chapter, whether located within or without the state, shall, upon the payment of the required fee, be issued a certificate to the effect that the college is approved by the board.

A certificate issued to a college must be renewed annually on July first of each year. Should a college fail or refuse to renew a certificate said college shall cease to operate if within the state of Idaho and be removed from the list of the approved colleges.

The board may cancel or refuse to renew a certificate issued to a college upon proof that said college has failed or refused to meet with the requirements for approved colleges set forth in this chapter.

One (1) instructor must be employed to each fifteen (15) students or fractional part thereof and one (1) barber instructor must be employed on a full-time basis in each school or college.

Every school or college approved by the board shall deliver to the board, a bond to the state of Idaho in a form approved by the board, and renew the same annually, in the sum of two thousand dollars ($2,000), executed by a corporate surety company duly authorized to do business in this state, conditioned that such school or college shall continue to give its courses of instruction, in accordance with the provision of this chapter, until it has completed all such courses for which students have enrolled, and conditioned that such school or college shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. Any
student so enrolled who may be damaged by reason of the failure of such school or college to comply with such conditions, shall have a right of action in his or her own name, on such bonds, for such damage.

SECTION 6. That Section 54-510, Idaho Code, be, and the same is hereby amended to read as follows:

54-510. EXAMINATIONS. The board of barber examiners shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of apprentices for certificates of registration to practice as registered apprentices at such times and places as said board may determine.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board.

SECTION 7. That Section 54-512, Idaho Code, be, and the same is hereby amended to read as follows:

54-512. PERSONS HAVING PRACTICED BARBERING IN ANOTHER STATE OR COUNTRY. A person who is at least eighteen (18) years of age and of good moral character and temperate habits and who has completed two (2) years of high school or its equivalent as determined by an examination conducted by the board, and either:

1-a. Has a license or certificate of registration as a practicing barber from another state or country, which has substantially the same requirements for licensing or registering barbers as required by this chapter, or

2-a. Who can prove by sworn affidavits that he has practiced as a licensed barber in another state or country for at least three (3) years immediately prior to making application in this state:

Shall, upon the payment of required fee; be entitled--to--take--an examination--as--a--registered-barber:--Upon-failing he may upon paying required fee be eligible--to--another--barbers'--examination: May be granted a license by the board to practice as a registered barber upon application and payment of the required fee. No such license may be issued except upon authorization by the board. It is unlawful for any person to practice as a registered barber without a certificate of registration.

1-b. A person who is at least sixteen and one-half (16 1/2) years of age.

2-b. Who is of good moral character and temperate habits.

3-b. Who has completed two (2) years of high school or an equivalent education as determined by an examination conducted by the board.

4-b. Who has a certificate of registration as an apprentice in another state or country, which has substantially the same requirements for licensing or registering apprentices as required by this
chapter, provided, however, that such person shall not have failed the Idaho apprentice barber examination.

Shall upon the payment of the required fee, be entitled to take the examination as an apprentice. Upon failure to pass such examination, he shall be required to take a three (3) months' course of not less than five hundred (500) hours in an approved school of barbers before being permitted to take an examination again. The failure to appear for any examination provided for in this chapter shall cause an immediate forfeiture of the certificate of registration as an apprentice herein provided for. It is unlawful for any person to practice as an apprentice without a certificate of registration.

SECTION 8. That Chapter 5, 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 54-513, Idaho Code, and to read as follows:

54-513. PERFORMANCE OF SERVICES TO BE LIMITED TO LICENSED SHOPS AND SCHOOLS OR COLLEGES. It shall be unlawful to practice barbering in other than a properly licensed barbershop or barber school or college except the performing of barber services by licensed parties for persons unable by reason of ill health to go to a barbershop and except that a registered barber may work in a properly licensed cosmetology shop and except that a barber instructor may work in a properly licensed cosmetology school and except that barber services may be performed on individuals who are unable by reason of ill health to go to a licensed shop or school.

SECTION 9. That Section 54-515, Idaho Code, be, and the same is hereby amended to read as follows:

54-515. RENEWAL OF LICENSES. All persons required to procure licenses from the board of barber examiners as a prerequisite for engaging in a trade, occupation or profession, or for the operation of a barber shop, must annually renew the same on--July--first--of--each year--in--case--of--failure--to--so--renew--a--license--the--board--shall--cancel the--same--October--first;--following--date--of--delinquency;--provided;--how­ever;--that--the--board--may--reinstate--any--license--canceled--for--failure--to renew--the--same--on--payment--of--a--penalty--of--twenty-five--dollars ($25.00);--together--with--all--fees--delinquent--at--the--time--of--the cancellation--and--the--renewal--fee--for--each--year--thereafter--up--to--the time--of--reinstatement in accordance with the provisions of section 67-2614, Idaho Code.

SECTION 10. That Section 54-518, Idaho Code, be, and the same is hereby amended to read as follows:

54-518. FEES. The fee for a certificate to operate an approved barber college within the state, shall be one hundred dollars ($100) per annum. The fee for the issuance of a certificate to an approved barber college located outside the state, shall be twenty dollars
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($20.00) per annum, or for any part of a year. All certification issued to colleges shall expire on June thirtieth of each year following the date of issuance and may be renewed upon the payment of the proper fee. The fee for a certificate issued to a college located within the state shall not be prorated, except that a certificate may be issued for a period of not to exceed six (6) months for seventy dollars ($70.00), but in any event certificates shall expire on June thirtieth following date of issuance.

The fee to be paid by an applicant required to take an examination to determine his fitness to receive a certificate of registration to practice barbering as a registered barber, shall be established by a board regulation not to exceed eighty dollars ($80.00). Should the applicant fail in the examination the fee is not returnable. All applicants who pass the examination shall be issued a license upon the payment of a certificate fee of fifteen dollars ($15.00). The annual fee for renewal of a license shall be fifteen dollars ($15.00). The fee for reinstatement shall be as provided in section 67-2614, Idaho Code.

The fee to be paid by an applicant to determine his fitness to receive a certificate of registration as an apprentice shall be established by board regulation not to exceed eighty dollars ($80.00). Should the applicant fail in the examination the fee is not returnable. All applicants who pass shall be issued a license upon payment of fifteen dollars ($15.00), the certificate fee.

The fee to be paid by an applicant for an original barbershop license shall be thirty dollars ($30.00); the fee for renewal of a barbershop license which must be renewed annually shall be fifteen dollars ($15.00); the fee to be paid by an applicant required to take an examination to determine his fitness to receive a teacher's certificate shall be one hundred dollars ($100). Should the applicant for a teacher's certificate fail in the examination, the fee is not returnable. Teachers' certificates shall be renewable annually upon payment of a renewal fee of fifteen dollars ($15.00).

The board shall, when necessary, examine the applicant to determine his preliminary education, upon the payment of five dollars ($5.00). The fee for student registration shall be ten dollars ($10.00). The fee for a temporary permit issued by the board shall be ten dollars ($10.00). All fees shall be paid to the bureau of occupational licenses.

SECTION 11. That Section 54-519, Idaho Code, be, and the same is hereby amended to read as follows:

54-519. CERTAIN ACTS PROHIBITED. Each of the following constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200.00):

1. The violation of any of the provisions of this chapter;
2. Permitting any person in one's employ, supervision or control to practice as a journeyman barber or as an apprentice unless that person has a valid, unrevoked certificate of registration as a regis-
tered barber or apprentice or a temporary permit from the department or to practice cosmetology unless that person has a valid, unrevoked certificate of registration as a registered cosmetologist.

3. Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation;

4. Practicing or attempting to practice by fraudulent misrepresentations;

5. The wilful failure to display a certificate of registration as required by section 54-514, Idaho Code; or

6. The use of any room or place for cutting or trimming the hair which is also used for residential or business purposes (except the sale of such commodities as are used in barber shops) unless a substantial partition of ceiling height separates the portion used for residential or business purposes.

SECTION 12. That Section 54-528, Idaho Code, be, and the same is hereby amended to read as follows:

54-528. QUALIFICATIONS OF TEACHERS. No person shall teach or be employed to teach in any barber school within the state, who at the time of rendering such service is not a holder of a teacher's certificate for barbering or cosmetology.

No person shall be issued a certificate until he has had not less than three (3) years' experience in practical barbering. Any person who makes application to obtain a certificate to teach barbering must pass satisfactorily the barber teachers' examination to be conducted by the board of barber examiners.

The barber teachers' examination will determine fully the applicants' ability to teach all the branches of barbering, both practical and scientific.

Any barber school teacher who is not actively engaged in teaching in a barber school for a period of three (3) years shall have his certificate revoked by the board and must take another examination to be able to teach thereafter.

Approved March 14, 1980.

CHAPTER 80
(S.B. No. 1269)

AN ACT
RELATING TO COSMETOLOGISTS; AMENDING SECTION 54-802, IDAHO CODE, TO AMEND THE DEFINITION OF INSTRUCTOR; AMENDING SECTION 54-803, IDAHO CODE, TO PERMIT THE PRACTICE OF COSMETOLOGY IN A BARBER SHOP OR TO PERMIT INSTRUCTION IN COSMETOLOGY IN A BARBER SCHOOL OR COLLEGE; AMENDING SECTION 54-805, IDAHO CODE, TO PROVIDE REQUIREMENTS AS A CONDITION OF LICENSURE; AMENDING SECTION 54-806, IDAHO CODE, TO
Provide conditions for operation of a school of cosmetology; amending section 54-809, Idaho Code, to reduce the number of character references required on an application for a license; amending section 54-812, Idaho Code, to provide that reciprocal certification shall not apply to individuals licensed in the state of Idaho; and amending section 54-828, Idaho Code, to strike reference to a cosmetology school representative.

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

SECTION 1. That section 54-802, Idaho Code, be, and the same is hereby amended to read as follows:

54-802. Definitions. For the purpose of this chapter, the following definitions shall apply:

(a) "Cosmetology" shall constitute any one (1) or combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

1. Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring, or similar work upon the hair.
2. Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar applications or work upon the scalp, face, neck, arms, hands, busts, or upper part of the body.
3. Manicuring the nails.

(b) "Cosmetologist" shall mean any person licensed to practice cosmetology under the immediate personal supervision of a registered cosmetologist.

(c) "Registered Cosmetologist" shall mean a cosmetologist who has completed one or more years of experience under licensure as a cosmetologist.

(d) "Manicurist" shall mean any person whose practice of cosmetology is limited to manicuring the nails.

(e) "Apprentice" shall mean any person who is engaged in learning or acquiring of any or all of the practices of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(f) "Student" shall mean any person who is engaged in the learning or acquiring of any or all of the practices of cosmetology in a registered school of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(g) "Instructor" shall mean a cosmetologist who teaches cosmetology or any practices thereof in a school of cosmetology or school or college of barbering.

(h) "Student Instructor" shall mean a cosmetologist who is receiving training to teach cosmetology.

(i) "Cosmetological establishment" shall mean any place or part thereof other than a school of cosmetology wherein cosmetology is practiced.
(j) "School of Cosmetology" shall mean any place or part thereof wherein cosmetology is taught to students.
(k) "Board" refers to the Idaho board of cosmetology.
(l) "Department" refers to the Idaho department of self-governing agencies.
(m) "Chapter" as used in this act refers to title 54, chapter 8, Idaho Code.

SECTION 2. That Section 54-803, Idaho Code, be, and the same is hereby amended to read as follows:

54-803. REGULATION OF COSMETOLOGICAL ESTABLISHMENTS. Every cosmetological establishment shall meet the following requirements:
1. It shall be unlawful to practice cosmetology in any place not a cosmetological establishment, except in a school of cosmetology or in a barber shop by a registered cosmetologist or instructing in a barber school or college by a cosmetology instructor or manicuring in a licensed barber shop or to operate a cosmetological establishment without a certificate of registration therefor.
2. It shall be unlawful for any person to employ, or to allow to be employed, in or about a cosmetological establishment in any of the fields of cosmetology, any person not duly licensed under the provisions of this chapter except a registered barber holding a valid, unrevoked license practicing barbering.
3. Where a cosmetological establishment is located in or as a part of a home or other building containing living quarters, the portions thereof which are used for the practice of cosmetology shall not be used as living, dining, or sleeping quarters.

SECTION 3. That Section 54-805, Idaho Code, be, and the same is hereby amended to read as follows:

54-805. REQUIREMENTS FOR LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for license in the respective categories, and all applicants shall be of good moral character and temperate habits:
1. As Cosmetologist:
   (a) Completion of two years' high school education or its equivalent.
   (b) Graduation from and completion of two thousand (2000) hours' training in a school of cosmetology, or four thousand (4000) hours' training as an apprentice covering all phases of the practice of cosmetology.
   (c) Successful passage of the examination for cosmetologist given under the supervision of the board.
2. As a Registered Cosmetologist:
   (a) One (1) year's experience as a licensed cosmetologist in a registered cosmetological establishment.
3. As an Instructor: Twelve (12) semester college credit hours or equivalent as approved by the board and or successful completion of the examination as-may-be required by board rules and regulations, and
(a) One (1) year's experience as a licensed cosmetologist in a registered cosmetological establishment and six (6) months of teacher's training in a school of cosmetology, or
(b) Two (2) years' experience as a licensed cosmetologist in a registered cosmetological establishment and three (3) months of teacher's training in a school of cosmetology, or
(c) Five (5) years' experience as a licensed cosmetologist, immediately preceding the application for license, and
4. As a Student:
   (a) Be sixteen (16) and one-half (1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
5. As an Apprentice:
   (a) Be sixteen (16) and one-half (1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
6. As a Manicurist:
   (a) Be sixteen (16) and one-half (1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
   (c) Have completed and graduated from at least three hundred (300) hours of training and graduated from for such training in a school of cosmetology.
   (d) Successful passage of the examination for manicurist given under the supervision of the board.

SECTION 4. That Section 54-806, Idaho Code, be, and the same is hereby amended to read as follows:

54-806. SCHOOLS AND ESTABLISHMENTS -- WHO MAY OPERATE -- REGISTRATION -- MANAGEMENT. Any person, firm, association or corporation may own and operate a cosmetological establishment or school of cosmetology, provided that such establishment or school has been duly registered with the board and each establishment maintains at least one (1) registered cosmetologist in the establishment when open for business and instruction therein in an establishment or school is at all times under the direct personal supervision of a licensed cosmetology instructor.

SECTION 5. That Section 54-809, Idaho Code, be, and the same is hereby amended to read as follows:

54-809. APPLICATIONS. Each applicant for a license shall:
1. Make application to the board on blank forms authorized by the board and furnished thereby, such application to contain proof under oath by the applicant of the particular qualifications of the applicant and contain the names of five-(5) three (3) character references.
2. Furnish to said board a 3" x 3" photograph, bust only, of the applicant taken within the year preceding the filing of the application, together with a description of the applicant.
3. Pay to the board the required fee.
SECTION 6. That Section 54-812, Idaho Code, be, and the same is hereby amended to read as follows:

54-812. RECIPROCAL CERTIFICATION. The board, upon application and the payment of the fee required therefor, shall issue a license without examination to any person who holds a certificate of qualification or license issued to him by the proper authority of any state, territory, or possession of the United States, or of a foreign country, provided that the requirements for license under which the certificate was issued are of a standard not lower than those specified in this chapter, or upon proof that said person has practiced the pursuit for which license is requested for at least three (3) years prior to such application. The board shall evaluate the applications for license by reciprocity. No reciprocal license shall be issued except by the board. This section shall not apply to any individual who is or has been licensed in the state of Idaho.

SECTION 7. That Section 54-828, Idaho Code, be, and the same is hereby amended to read as follows:

54-828. IDAHO BOARD OF COSMETOLOGY -- APPOINTMENT -- TERM. There is hereby created in the department of self-governing agencies a board to be known as the "Idaho Board of Cosmetology." It shall consist of three (3) registered cosmetologists and one (1) currently active cosmetology school representative, appointed by the governor from among nominees recommended by any organized and generally recognized group of cosmetologists in this state. The members of the first board shall be appointed within thirty (30) days after the adoption of this act becomes effective without reference to recommendations, and one (1) member shall be appointed to serve a term for one (1) year, one (1) for two (2) years, one (1) for three (3) years and the cosmetology school representative for one (1) year from the date of appointment. Members of the board shall be appointed from and generally be representatives of the northern, south central, and southeastern sections of the state. On the expiration of the term of any member, his successor shall be appointed in like manner by the governor for a term of three (3) years except that the cosmetology school representative shall be appointed for a term of one (1) year. Vacancies shall be filled in like manner for the unexpired portion of the term. Members of the board shall hold office until their successors have been appointed and have qualified. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest. The cosmetology school representative member shall serve as a consultant without voting power.

The governor shall appoint two (2) active, licensed cosmeticians in each district who shall have authority to assist in conducting cosmetology examinations and they shall be paid the same as board members, when performing board duties.

The action and report in writing of a majority of the board with reference to the violation of any of the provisions of this act shall
be basis for the board to proceed according to the provisions of sections 54-816, 54-817, and 54-821, Idaho Code.

Approved March 14, 1980.

CHAPTER 81
(S.B. No. 1257, As Amended)

AN ACT
RELATING TO LICENSURE OF THE PRACTICE OF ELECTROLOGY; AMENDING SECTION 54-802, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-803, IDAHO CODE, TO AUTHORIZE REGULATION OF THE PRACTICE OF ELECTROLOGY; AMENDING SECTION 54-804, IDAHO CODE, TO PROVIDE EXEMPTIONS; AMENDING SECTION 54-805, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR APPLICANTS FOR THE PRACTICE OF ELECTROLOGY; AMENDING SECTION 54-806, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR THE OPERATION OF SCHOOLS AND ESTABLISHMENTS; AMENDING SECTION 54-808, IDAHO CODE, TO INCLUDE SUBJECTS TO BE TAUGHT WHEN A SCHOOL IS APPROVED TO TEACH ELECTROLOGY; AMENDING SECTION 54-813, IDAHO CODE, TO PROVIDE LIMITATIONS UPON VALIDITY OF LICENSES ISSUED PRIOR TO AMENDMENTS; AMENDING SECTION 54-818, IDAHO CODE, TO PROVIDE FEES FOR LICENSURE RELATED TO ELECTROLOGY; AMENDING SECTION 54-819, IDAHO CODE, TO SPECIFY CERTAIN ACTS WHICH ARE PROHIBITED; AMENDING SECTION 54-828, IDAHO CODE, TO PROVIDE AN ELECTROLOGIST SHALL BE A MEMBER OF THE IDAHO BOARD OF COSMETOLOGY AND PROVIDING THE TERM OF APPOINTMENTS; AND AMENDING SECTION 54-829, IDAHO CODE, TO PROVIDE THAT QUALIFICATIONS OF THE ELECTROLOGIST MEMBER OF THE BOARD SHALL BE ESTABLISHED BY THE BOARD.

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

SECTION 1. That Section 54-802, Idaho Code, be, and the same is hereby amended to read as follows:

54-802. DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:
(a) "Cosmetology" shall constitute any one (1) or combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:
1. Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring, or similar work upon the hair.
2. Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar applications or work upon the scalp, face, neck, arms, hands, busts, or upper part of the body.
3. Manicuring the nails.
(b) "Cosmetologist" shall mean any person licensed to practice cosmetology under the immediate personal supervision of a registered cosmetologist.

(c) "Registered Cosmetologist" shall mean a cosmetologist who has completed one or more years of experience under licensure as a cosmetologist.

(d) "Manicurist" shall mean any person whose practice of cosmetology is limited to manicuring the nails.

(e) "Apprentice" shall mean any person who is engaged in learning or acquiring of any or all of the practices of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(f) "Student" shall mean any person who is engaged in the learning or acquiring of any or all of the practices of cosmetology in a registered school of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(g) "Instructor" shall mean a cosmetologist who teaches cosmetology or any practices thereof in a school of cosmetology.

(h) "Student Instructor" shall mean a cosmetologist who is receiving training to teach cosmetology.

(i) "Cosmetological establishment" shall mean any place or part thereof other than a school of cosmetology wherein cosmetology is practiced.

(j) "School of Cosmetology" shall mean any place or part thereof wherein cosmetology is taught to students.

(k) "Board" refers to the Idaho board of cosmetology.

(l) "Department" refers to the Idaho department of self-governing agencies.

(m) "Chapter" as used in this act refers to title 54, chapter 8, Idaho Code.

(n) "Electrology" shall constitute any one (1) or combination of the following practices when done upon the human body:

1. The permanent removal of hair by any method except the use of X-rays, radium, radon, radioactive isotopes or any other radiation capable of producing ionization in human tissue.

2. Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar applications or work upon the human body.

(o) "Electrologist" means any person licensed to practice electrology and who is skilled in the permanent removal of unwanted hair and in the practice of skin care.

SECTION 2. That Section 54-803, Idaho Code, be, and the same is hereby amended to read as follows:

54-803. REGULATION OF COSMETOLOGICAL ESTABLISHMENTS. Every cosmetological establishment shall meet the following requirements:

1. It shall be unlawful to practice cosmetology or electrology in any place not a cosmetological establishment, except in a school of cosmetology or manicuring and electrology in a licensed barber shop or
to operate a cosmetological establishment without a certificate of registration therefor.

2. It shall be unlawful for any person to employ, or to allow to be employed, in or about a cosmetological establishment in any of the fields of cosmetology, any person not duly licensed under the provisions of this chapter.

3. Where a cosmetological establishment is located in or as a part of a home or other building containing living quarters, the portions thereof which are used for the practice of cosmetology shall not be used as living, dining, or sleeping quarters.

SECTION 3. That Section 54-804, Idaho Code, be, and the same is hereby amended to read as follows:

54-804. EXEMPTIONS. The provisions of this chapter shall not apply in the following instances:

1. Persons authorized by the laws of this state to practice as a registered or practical nurse, mortician, and/or any of the healing arts, while in the proper discharge of their professional duties.

2. Persons licensed to practice barbering or apprentice barbering in this state.

However, the provisions of this section shall not be construed to authorize the practice of cosmetology, except those acts that are permitted under the Idaho barber law.

3. Persons practicing in their own home without compensation, or the performing of cosmetology services by licensed parties for persons unable by reason of ill health to go to a cosmetological establishment and not practicing on the public in general.

4. The provisions of section 54-803(1), Idaho Code, shall not apply to licensed parties performing cosmetological services for persons unable by reason of ill health to go to a cosmetological establishment.

5. The provisions of section 54-803(1), Idaho Code, shall not apply to licensed electrologists practicing electrology under the supervision of a person licensed as a chiropractor, dentist, medical doctor or podiatrist at a facility utilized by the doctor.

SECTION 4. That Section 54-805, Idaho Code, be, and the same is hereby amended to read as follows:

54-805. REQUIREMENTS FOR LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for license in the respective categories, and all applicants shall be of good moral character and temperate habits:

1. As Cosmetologist:
   (a) Completion of two (2) years' high school education or its equivalent.
   (b) Completion of two thousand (2000) hours' training in a school of cosmetology, or four thousand (4000) hours' training as an apprentice covering all phases of the practice of cosmetology.
   (c) Successful passage of the examination for cosmetologist given
under the supervision of the board.
2. As a Registered Cosmetologist:
   (a) One (1) year's experience as a licensed cosmetologist in a registered cosmetological establishment.
3. As an Instructor: Twelve (12) semester college credit hours as approved by the board and successful completion of the examination as may be required by board rules and regulations, and
   (a) One (1) year's experience as a licensed cosmetologist in a registered cosmetological establishment and six (6) months of teacher's training in a school of cosmetology, or
   (b) Two (2) years' experience as a licensed cosmetologist in a registered cosmetological establishment and three (3) months of teacher's training in a school of cosmetology, or
   (c) Five (5) years' experience as a licensed cosmetologist, immediately preceding the application for license, and
4. As a Student:
   (a) Be sixteen and one-half (16 1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
5. As an Apprentice:
   (a) Be sixteen and one-half (16 1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
6. As a Manicurist:
   (a) Be sixteen and one-half (16 1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
   (c) Have completed at least three hundred (300) hours of training for such in a school of cosmetology.
   (d) Successful passage of the examination for manicurist given under the supervision of the board.
7. As an Electrologist:
   (a) Be sixteen and one-half (16 1/2) years of age.
   (b) Have completed at least two (2) years of high school education or its equivalent.
   (c) Have completed and graduated from at least eight hundred (800) hours of training for such in a school approved by the board to teach electrology or sixteen hundred (1600) hours as an apprentice under the direct personal supervision of a licensed electrologist qualified to teach electrology as established by board regulations.
   (d) Successfully passed the examination for electrologist given under supervision of the board.

SECTION 5. That Section 54-806, Idaho Code, be, and the same is hereby amended to read as follows:

54-806. SCHOOLS AND ESTABLISHMENTS -- WHO MAY OPERATE -- REGISTRATION -- MANAGEMENT. Any person, firm, association or corporation may own and operate a cosmetological establishment or school of cosmetology, provided that such establishment or school has been duly
registered with the board and each establishment maintains at least one (1) registered cosmetologist or electrologist with at least one (1) year experience under licensure in the establishment when open for business and instruction therein is at all times under the direct personal supervision of a licensed cosmetology instructor.

SECTION 6. That Section 54-808, Idaho Code, be, and the same is hereby amended to read as follows:

54-808. REGULATIONS FOR SCHOOLS. Every domestic school of cosmetology must be registered under the provisions of this chapter and shall meet the following standards and provisions:
1. Employ and maintain at least one (1) licensed instructor for every fifteen (15) students or fraction thereof;
2. Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
3. Keep a daily attendance record for each student;
4. Maintain regular class and instruction hours, establish grades, and hold monthly examinations;
5. Prescribe a school term for training in all phases of the practice of cosmetology;
6. Enforce minimum and maximum hour requirements;
7. Provide a curriculum embracing subjects covering the scientific fundamentals for cosmetology, hygiene, bacteriology, histology of the hair, skin, muscles, nails and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the body, permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair, removal of unwanted hair when approved by the board to teach electrology, and a study of electricity as applied to cosmetology, in addition to teaching the acts prescribed in section 54-802, Idaho Code.
8. Denote with clarity that the establishment is a school and that work is done by students. Such fact shall be made clear to the patron by signs conspicuously posted in the school and the adjoining shop, if any.
9. All instructors must be licensed to practice cosmetology in this state.
10. Each student instructor receiving instruction in such school shall be the equivalent of two (2) students for the purposes of subsection 1 above.
11. Such school shall not permit any student or apprentice to receive instruction unless licensed under the provisions of this chapter.
12. Every instructor shall devote his entire time during school or class hours to that of instructing the students and shall not apply his time to that of private or public practice.
13. School hours for the purpose of instruction shall be offered on not less than a five (5) day week.
14. Each student shall be required to receive at least six (6),
15. Training received in an establishment not meeting the requirements for schools as herein set forth shall receive credit for said training as an apprentice rather than as a student, provided said training meets the requirements for apprentice training.

16. All students, including those enrolled for instructor's training, shall be registered by the school with the board, listing the name, age, and qualifications of the student required for such training. Forms for such enrollment may be provided by the board and a register of such enrollments shall be maintained by the board. Hours of instruction shall be registered with the board as established by board regulations, and a student may be permitted to transfer the credits earned at one (1) school to another school with permission of the board.

17. Training received in electrology in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train electrologists as established by board regulations.

SECTION 7. That Section 54-813, Idaho Code, be, and the same is hereby amended to read as follows:

54-813. PRACTITIONERS PRIOR TO AMENDMENTS. Any person who has qualified for license under the provisions of this chapter prior to an amendment thereof shall be entitled to such license, and any person who has commenced a course of training under the provisions of this chapter prior to an amendment thereof changing the age, length of training, hours of training, or similar provisions, shall be entitled to complete his course of training under the provisions of the pre-existing law, and shall be entitled to such subsequent licenses at the termination of said training as he would have been entitled to had the provisions of this chapter not been amended. All licenses and registrations issued prior to amendments to this chapter shall be valid, providing that if registration or license was not required prior to such amendments, the parties affected shall be entitled to registration or license as herein provided by applying for registration or license in their particular category within ninety (90) days following the effective date of the amendment provided the applicant has pursued the activity for which registration or license is sought during the entire calendar year first prior to the effective date of the amendment.

SECTION 8. That Section 54-818, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Original registrations, licenses, and annual renewals thereof:
cosmetological establishment, original registration .......... $ 25.00
cosmetological establishment, annual renewals ................. 15.00
domestic school of cosmetology, original registration ........ 250.00
domestic school of cosmetology, annual renewals ............... 100.00
registered cosmetologist, original license .................... 12.00
registered cosmetologist, annual renewals ..................... 12.00
manicurists, original license .................................. 10.00
manicurists, annual renewals ................................... 10.00
apprentice, original license (no renewal fees required) ....... 10.00
student certificate (no renewal fees required) ................. 10.00
registered cosmetologist, original license ..................... 12.00
registered cosmetologist, annual renewals ..................... 12.00
instructor, original license ..................................... 18.00
instructor, annual renewals ..................................... 18.00
student instructor certificate ................................... 10.00
electrologist, original license ................................... 16.00
electrologist, annual renewals ................................... 16.00
reciprocity certificate .......................................... 50.00
interim certificate when reciprocity denied, also
  constitutes examination ......................................... 25.00
temporary license to practice, demonstrate and teach .......... 6.00
(b) Examination:
  as a cosmetologist ............................................. $25.00
  as a manicurist ................................................. 15.00
  as an instructor when required by board regulation ........... 25.00
  as an electrologist ............................................. 25.00

Fees shall not be prorated or returnable.
All certificates expire December 31.

SECTION 9. That Section 54-819, Idaho Code, be, and the same is hereby amended to read as follows:

54-819. CERTAIN ACTS PROHIBITED. The following acts shall be unlawful and punishable as a misdemeanor:
1. The violation of any of the provisions of this chapter;
2. Permitting any person in one's employ, supervision or control to practice cosmetology or electrology or as an apprentice or student unless that person has complied with the provisions of this act;
3. Obtaining or attempting to obtain a certificate of registration or license for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation;
4. Practicing or offering to practice any of the occupations defined in this chapter, unless licensed as herein provided;
5. Maintaining or operating a cosmetological establishment or a school of cosmetology unless registered as herein provided.

SECTION 10. That Section 54-828, Idaho Code, be, and the same is hereby amended to read as follows:

54-828. IDAHO BOARD OF COSMETOLOGY -- APPOINTMENT -- TERM. There is hereby created in the department of self-governing agencies a board
to be known as the "Idaho Board of Cosmetology." It shall consist of three (3) registered cosmetologists, one (1) electrologist and one (1) currently active cosmetology school representative, appointed by the governor from among nominees recommended by any organized and generally recognized group of cosmetologists in this state. The members of the first board shall be appointed within thirty (30) days after the adoption of this act becomes effective without reference to recommendations, and one (1) member shall be appointed to serve a term for one (1) year, one (1) for two (2) years, one (1) for three (3) years and the cosmetology school representative for one (1) year from the date of appointment. Members of the board shall be appointed from and generally be representatives of the northern, south central, and southeastern sections of the state. On the expiration of the term of any member, his successor shall be appointed in like manner by the governor for a term of three (3) years except that the cosmetology school representative shall be appointed for a term of one (1) year. The original appointment of an electrologist shall be for a term of two (2) years and thereafter the term shall be three (3) years. Vacancies shall be filled in like manner for the unexpired portion of the term. Members of the board shall hold office until their successors have been appointed and have qualified. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest. The cosmetology school representative member shall serve as a consultant, without voting power.

The governor shall appoint two (2) active, licensed cosmeticians in each district who shall have authority to assist in conducting cosmetology examinations and they shall be paid the same as board members, when performing board duties.

The action and report in writing of a majority of the board with reference to the violation of any of the provisions of this act shall be basis for the board to proceed according to the provisions of sections 54-816, 54-817, and 54-821, Idaho Code.

SECTION 11. That Section 54-829, Idaho Code, be, and the same is hereby amended to read as follows:

54-829. BOARD -- QUALIFICATIONS OF MEMBERS. Members of the board shall be at least twenty-five (25) years of age, and residents of this state for at least five (5) years prior to their appointment, and they shall have been engaged in the practice of cosmetology for at least three (3) years immediately preceding their appointment, and shall be licensed cosmetologists under the provision of this act. No member of the board shall be affiliated with a school of cosmetology or company selling cosmetic supplies while in office, and no two (2) members of the board can be graduates of the same school of cosmetology except that the qualifications for the cosmetology school representative and the electrologists shall be established by board regulations.

Approved March 14, 1980.
CHAPTER 82
(S.B. No. 1253, As Amended, As Amended in the House)

AN ACT
RELATING TO CONTROL OF MATERIALS OFFENSIVE TO PUBLIC DECENCY; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6533, IDAHO CODE, TO PROHIBIT THE LOCATION OF STORES SELLING CERTAIN MATERIALS OFFENSIVE TO PUBLIC DECENCY, TO PROVIDE FOR PENALTIES FOR VIOLATION, TO PROVIDE FOR RESTRAINING ORDERS, TO PROVIDE FOR EXEMPTION FROM LIABILITY FOR ACTS TO ENFORCE THE PROVISIONS OF THE SECTION, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT PREEMPT CITY OR COUNTY REGULATION; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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 a NEW SECTION, to be known and designated as Section 67-6533, Idaho Code, and to read as follows:

67-6533. LOCATION OF STORES SELLING SEXUAL MATERIAL RESTRICTED IN CERTAIN AREAS. (a) From and after January 1, 1980, no person or entity shall own or operate any store, shop or business which sells or rents any materials defined as obscene materials in section 18-4101, Idaho Code, within twenty-five hundred (2500) feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the premises.

(b) From and after January 1, 1980, no person or entity shall own or operate any store, shop or business which sells or rents any materials defined in subsection 1 of section 18-1515, Idaho Code, where such materials constitute ten percent (10%) or more of the printed materials held for sale or rent of such store, shop or business, within twenty-five hundred (2500) feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the premises.

(c) From and after the effective date of this act, a violation of subsection (a) or subsection (b) of this section shall be a misdemeanor.

(d) A judge of a court of competent jurisdiction shall immediately issue a temporary restraining order for a violation of subsection (a) or subsection (b) of this section upon application therefore by any public or private entity or person and upon compliance with the Idaho rules of civil procedure, except that no bond or security for the issuance of such restraining order shall be required. Further, a violation of subsection (a) or subsection (b) of this section shall subject the person and entities therefore to a preliminary and permanent order of any court of this state enjoining them from such violation and no bond or security shall be required from the plaintiff or
applicant therefore.

(e) No entity, public or private, nor any person shall be liable for any damages, costs or attorney fees for any acts attempting to civilly or criminally enforce this section.

(f) Nothing contained in this section shall preempt or prohibit cities or counties from regulating or restricting the location of the business activity described in this section and cities and counties are hereby specifically authorized to so regulate or restrict the location of said business activity.

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, and retroactively to January 1, 1980.

Approved March 18, 1980.

CHAPTER 83
(H.B. No. 390)

AN ACT
RELATING TO THE INVESTMENT OF IDLE STATE MONEYS; AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE FOR ADDITIONAL INVESTMENT OPPORTUNITIES FOR IDLE STATE MONEYS.

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 certificates of deposits and savings accounts 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.

Approved March 19, 1980.

CHAPTER 84
(H.B. No. 392)

AN ACT RELATING TO THE DEPOSIT OF PUBLIC FUNDS; AMENDING SECTION 67-1001, IDAHO CODE, TO STRIKE LANGUAGE REQUIRING THE STATE AUDITOR TO KEEP A RECEIPT FOR A WARRANT FOR A PERIOD OF TIME FROM THE PERSON TO WHOM THE WARRANT WAS DELIVERED; AMENDING SECTION 67-1201, IDAHO CODE, TO PROVIDE THAT THE TREASURER SHALL INVEST CERTAIN IDLE MONEYS IN THE STATE TREASURY AND SHALL PAY INTEREST RECEIVED ON
SUCH INVESTMENTS INTO THE GENERAL ACCOUNT IN THE STATE OPERATING FUND; AMENDING SECTION 67-1204, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER MAY INVEST CERTAIN MONEYS; AMENDING SECTION 67-2726, IDAHO CODE, TO PROVIDE THAT THE CHIEF DEPUTIES OF THE STATE AUDITOR AND TREASURER MAY NOT BE SECRETLY INDEBTED TO A BANK IN ORDER FOR THAT BANK TO REMAIN ELIGIBLE AS A STATE DEPOSITORY; AMENDING SECTION 67-2744, IDAHO CODE, TO PROVIDE THAT THE STATE AUDITOR MAY RECEIVE A MONTHLY STATEMENT ABOUT PUBLIC DEPOSITS FROM STATE DEPOSITORIES; AMENDING SECTION 67-2747, IDAHO CODE, TO PROVIDE LANGUAGE THAT THE STATE TREASURER IS PERMITTED TO INVEST CERTAIN STATE MONEYS AND TO PROVIDE LIABILITY FOR LOSSES REALIZED FROM UNLAWFUL USE OF PUBLIC FUNDS BY THE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1001, Idaho Code, be, and the same is hereby amended to read as follows:

67-1001. DUTIES OF AUDITOR. It is the duty of the auditor:
1. To superintend the fiscal concerns of the state.
2. To deliver to the governor on or before the first day of December, a report of the funds of the state, its revenues, and of the public expenditures during the preceding fiscal year.
3. To accompany his annual report with tabular statements, showing:
   a. The amount of each appropriation for the preceding fiscal year, the amounts expended, and the balance, if any.
   b. The amount of revenue chargeable to each county for such years, the amount paid, and the amount unpaid or due therefrom.
4. When requested, to give information in writing to either house of the legislature relating to the fiscal affairs of the state or the duties of his office.
5. To suggest plans for the improvement and management of the public revenues.
6. To keep and state all accounts in which the state is interested.
7. To keep an account of all warrants drawn upon the treasurer, and a separate account under the head of each specified appropriation, showing at all times the unexpended balance of such appropriation.
8. To keep an account between the state and the treasurer, and therein charge the treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn on and paid by him.
9. To keep a register of warrants, showing the fund or funds upon which they are drawn, the number, in whose favor, the appropriation applicable to the payment thereof, and when the liability accrued; and, for the period of time required by the state auditor, a receipt from the person to whom the warrant is delivered.
10. To examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon the
presentation and filing of the treasurer's receipt therefor to give such person a discharge and charge the treasurer therewith.

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

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

13. To direct and superintend the collection of all moneys due the state, not the responsibility of any other agency and institute suits in its name for all official delinquencies in relation to assessment, collection and payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the state, of which suits the courts of Ada County have jurisdiction, without regard to the residence of the defendants.

14. To draw warrants on the treasurer for the payment of moneys directed by law to be paid out of the treasury; but no warrant must be drawn unless authorized by law.

15. To furnish the state treasurer with a daily total dollar amount, by fund, and/or account when requested by the state treasurer, of warrants drawn upon the treasury.

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

17. To charge the state treasurer with money and evidences of indebtedness received from and credit him for money drawn by the state board of land commissioners in the moneys or accounts over which said board has control.

18. To act ex officio as secretary of the state board of examiners in the performance of such duties as are prescribed by law for such officer.

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

SECTION 2. That Section 67-1201, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one (1) at the commencement of each fiscal year.
4. To pay warrants drawn by the auditor out of the accounting entity upon which they are drawn.

5. Upon payment of any warrant, to take upon the back thereof the receipt of the person to whom it is paid To invest idle moneys in the state treasury, other than moneys in public endowment funds, in permitted investments, and to pay the interest received on all such investments, unless otherwise specifically required by law, into the general account in the state operating fund.

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

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

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

9. At the request of either house of the legislature, or any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.

10. To report to the governor at the time prescribed in this code, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the preceding fiscal year.

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

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

SECTION 3. That Section 67-1204, Idaho Code, be, and the same is hereby amended to read as follows:

67-1204. MONEY TO BE KEPT IN VAULT -- PENALTY. All state moneys in the custody of the state treasurer not otherwise deposited or invested as is or may be by law provided, shall be kept in the vault and safe as provided for that purpose in the capitol building and in no other place. A violation of this section shall subject the state treasurer, upon conviction thereof, to pay a fine of not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10,000), or to imprisonment in the state prison for a period of not less than one (1) nor more than ten (10) years, or to both such fine and imprisonment.

SECTION 4. That Section 67-2726, Idaho Code, be, and the same is hereby amended to read as follows:

67-2726. BANKS TO WHICH OFFICIALS SECRETLY INDEBTED INELIGIBLE. No bank is eligible to become or remain a state depository, to which the state treasurer, state auditor, or any the chief deputy or of either of them is directly indebted, unless the fact of such indebted-
ness is made known to the department of finance, but the amount and character of such indebtedness shall not be open to public inspection, and said department of finance shall treat such information in strict confidence. Any member of the department violating this provision shall be guilty of a misdemeanor, and punished therefor as provided by law.

In case of a violation by a state depository of this provision, the department of finance shall immediately cause all funds therein to be withdrawn and such bank shall be ineligible again to become a state depository during the incumbency of the official so indebted to said bank.

SECTION 5. That Section 67-2744, Idaho Code, be, and the same is hereby amended to read as follows:

67-2744. DEPOSITORIES TO RENDER MONTHLY STATEMENTS. The treasurer shall require, and it is hereby made the duty of every such depository to keep accurate accounts of all such moneys deposited with it, showing the amount deposited and when deposited, and to render, at the beginning of each and every month, to the treasurer and to the auditor when requested, a statement, in duplicate, showing the daily balance of the treasurer's moneys held by it during the month next preceding.

SECTION 6. That Section 67-2747, Idaho Code, be, and the same is hereby amended to read as follows:

67-2747. TREASURER TO MAKE NO PROFIT -- PENALTY. The making of profit, directly or indirectly, by the state treasurer, out of any money in the state treasury, belonging to the state, the custody of which the state treasurer is charged with, by loaning or otherwise using it, or depositing the same in any manner contrary to law, or the removal by the state treasurer or by his consent, of such moneys, or a part thereof, out of the vault or safe of the treasurer's department, after the same shall have been provided by the state, or out of any legal depository of such moneys, except for the payment of warrants legally drawn, or for the purpose of investing the same, or for the purpose of depositing the same, under the provisions of this chapter, in banks which shall have qualified as depositaries, shall constitute a felony, and, on conviction thereof, shall subject the treasurer to imprisonment in the state penitentiary for a term not exceeding two (2) years or a fine not exceeding five thousand dollars ($5000), or to both such fine and imprisonment, and the treasurer shall be liable upon his official bond for all profits or losses realized from such unlawful use of such funds.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 19, 1980.
AN ACT


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

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Liquor Dispensary the following amounts, to be expended according to the designated expense classes from the listed account for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Liquor Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,260,900</td>
</tr>
</tbody>
</table>

Approved March 19, 1980.

CHAPTER 86
(H.B. No. 381, As Amended)

AN ACT

RELATING TO NOTICE OF AD VALOREM PROPERTY TAXES; AMENDING SECTIONS 63-212, 63-409, 63-1103 AND 63-1108, IDAHO CODE, TO PROVIDE FOR NOTICE OF VALUATION ASSESSMENT, OF NEW ASSESSMENTS AND CHANGES, OF TAX BILL AND OF PAYMENT OF TAXES, TO THE EQUITABLE TITLEHOLDER OF PROPERTY WHERE THE TAXPAYER IS ONE OTHER THAN THE EQUITABLE TITLEHOLDER.

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

SECTION 1. That Section 63-212, Idaho Code, be, and the same is hereby amended to read as follows:

63-212. COPY OF TAXPAYER'S VALUATION ASSESSMENT NOTICE TO BE FURNISHED TAXPAYER. A taxpayer's valuation assessment notice shall be made in duplicate, which duplicate must be delivered to such taxpayer, or to his agent or representative, or mailed to the taxpayer, or to his agent or representative, at his last known post office address as soon as possible after it is prepared. The original and duplicate
valuation assessment notices must contain announcements of all meetings of the board of county commissioners prescribed by this act for purposes of equalizing assessments and allowing exemptions and rebates and shall, in clear terms, inform the taxpayer of the full market value, the ratio of assessed valuation, and the assessed value of the property which is the subject of valuation by the assessor. The state tax commission may require that other data or information be shown on the form. If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a true copy of the taxpayer's valuation notice on or before the second Monday in June.

SECTION 2. That Section 63-409, Idaho Code, be, and the same is hereby amended to read as follows:

63-409. NOTICE TO TAXPAYER OF NEW ASSESSMENTS AND CHANGES. The board of county commissioners must before taking final action in arbitrarily assessing or in increasing the assessment of any property, notify the owner thereof, or his agent or representative, of its intention so to do, and require him to appear forthwith before the board and make objection, if any he has. The board may direct the notice to be served personally upon the owner, or his agent or representative; or, it may direct the clerk to serve the notice by letter deposited in the United States mail, postpaid and addressed to such owner, or his agent or representative, at his last known post-office address. In the case of service by mail, the board shall not take final action until five (5) days after the mailing of such notice, unless the owner, or his agent, or representative, shall sooner appear. If the owner is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the owner shall, within ten (10) days, deliver to the equitable titleholder a true copy of said notice from the board of county commissioners.

SECTION 3. 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 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 dis- trict or taxing jurisdiction as well as the total amount of the tax levies in each tax code area.

(c) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a true copy of the tax notice and levy sheet provided for herein on or before the second Monday of December.

(d) 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.

(e) 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.

SECTION 4. That Section 63-1108, Idaho Code, be, and the same is hereby amended to read as follows:

63-1108. DELIVERY OF RECEIPT UPON PAYMENT. Upon payment of taxes the tax collector shall date, sign and complete the tax receipt and deliver the original receipt to the taxpayer and retain the duplicate receipt and shall note the date of payment of such taxes in the columns provided therefor in the assessment roll. If the taxpayer is other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall, within ten (10) days of payment, deliver to the equitable titleholder a true copy of said tax receipt.

Approved March 19, 1980.

CHAPTER 87
(H.B. No. 642)

AN ACT
RELATING TO COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS; AMENDING SECTION 57-1303, IDAHO CODE, TO SPECIFY A TIME LIMIT FOR DISTRIBUTION OF FOREST RESERVE FUNDS, AND TO REMOVE SPECIAL PROVISIONS RELATING TO ELMORE COUNTY.

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

SECTION 1. That Section 57-1303, Idaho Code, be, and the same is hereby amended to read as follows:

57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS. The treas-
The auditor of each county except Elmore County receiving a portion of this fund shall immediately within ten (10) days of receipt of this money allot and distribute seventy per cent (70%) of this money to the county general road fund and to the treasurer of the highway districts and good road districts in the county in proportion to the mileage of each within the county, to be expended for the construction and repair of roads and bridges, and thirty per cent (30%) to the various school districts and joint county school districts within the county in proportion to the number of pupils in average daily attendance in each district in the year immediately prior to this distribution. The distribution of such moneys to the respective school districts entitled thereto shall be in addition to and without regard to any assistance to such school districts from any and all other sources in maintaining the minimum educational program and minimum transportation program. The treasurer of Elmore County shall, upon receiving a portion of this fund, immediately allot 70% of this money to the county roads and bridge fund to be expended for the construction of roads and bridges within the jurisdiction of the county and to the various school districts and joint county school districts within the county as above set forth.

Approved March 19, 1980.

CHAPTER 88
(H.B. No. 472)

AN ACT
RELATING TO FISH AND GAME MONEYS; AMENDING SECTION 36-107, IDAHO CODE, TO PROVIDE FOR A FISH AND GAME TRUST ACCOUNT IN THE AGENCY ASSET FUND, AND TO PROVIDE FOR THE USE OF MONEYS IN THE ACCOUNT.

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

SECTION 1. That Section 36-107, Idaho Code, be, and the same is hereby amended to read as follows:

36-107. FISH AND GAME FUND ACCOUNT. (a) Creation of Fund Account. The director shall promptly transmit to the state treasurer all moneys received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife and the state treasurer shall deposit all such moneys in a special fund account to be known as the "fish and game fund account," which is hereby established, reserved, set aside, appropriated, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for
no other purpose.

(b) Control of Expenditures. The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(c) Big Game Range and Upland Game Bird and Waterfowl Management Account Moneys. For the purpose of acquiring access and acquiring and rehabilitating big game ranges and upland game bird and waterfowl habitats, the director shall set aside moneys within the fish and game fund account in an amount equal to two dollars ($2.00) for each combination and/or each hunting license sold as provided in sections 36-406 and 36-407, Idaho Code, provided that class 4 licenses, as provided for in section 36-404, Idaho Code (senior resident licenses issued to persons sixty-five (65) years of age and older), shall be exempt from the provisions of this subsection.

Said moneys shall be placed-in-an-account—to-be used only for acquiring access and for the acquisition and rehabilitation of big game ranges and upland game bird and waterfowl habitat. Unless it is inconsistent with the goals of the commission and-the-account-provided herein, it is the intent of the legislature of the state of Idaho that the commission negotiate lease arrangements as compared to outright purchase of private property.

(d) Predatory Animal Fund Moneys. The director shall set aside from the state fish and game fund account the sum of not less than twelve thousand dollars ($12,000) per annum which amount shall be placed-in-a-fund-to-be-known-as-the-director's-predatory-animal-fund. Provided that the maximum sum and the dates on which this sum—or—any part—thereof—is—set—aside—shall—be—determined—by—the—director; and provided also that the total of any funds—placed-by—the—director—in the-predatory-animal-fund-pursuant—to—any—other—provision—of—law—shall be—included—in—the—minimum—sum—to-be—placed-in-the-predatory-animal fund-as—herein—provided. The amount of money so set—aside shall be used by the director in the control of predatory animals and predatory birds. Provided further that any moneys moneys which the director may derive from the sale of furs, taken under the provisions of this section, shall be deposited into the fish and game fund account.

(e) Fish and Game Trust Account. The director may receive on behalf of the department any money or real or personal property donated, bequeathed, devised, or conditionally granted to the department. Such moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in a special account in the agency asset fund to be known as the "fish and game trust account," which is hereby established, reserved, set aside, appropriated and made available until expended, used, and administered to carry out the terms or conditions of such donation, bequest, devise, or grant, or in the absence of such terms or conditions, the commission may expend, use, and administer such funds as it may deem advisable in the public interest and in accordance with the policies set forth in the Idaho fish and game code.

Pending such expenditure or use, surplus moneys in the fish and game trust account shall be invested by the state treasurer in the
manner provided for idle state moneys in the state treasury by section 67-1210, Idaho Code. Interest received on all such investments shall be paid into the fish and game trust account.

Approved March 19, 1980.

CHAPTER 89
(H.B. No. 499)

AN ACT
RELATING TO HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTION 40-1605, IDAHO CODE, TO PROVIDE THAT HIGHWAY COMMISSIONERS SHALL TAKE OFFICE ON JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THEIR ELECTION.

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

SECTION 1. That Section 40-1605, Idaho Code, be, and the same is hereby amended to read as follows:

40-1605. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OFFICE OF HIGHWAY COMMISSIONER. At the meeting of the board of county commissioners at which the highway district is declared organized, as provided by section 39-1508, Idaho Code--Annotated, said board of county commissioners shall divide the highway district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as highway commissioners subdistricts one (1), two (2) and three (3). Not more than one (1) of said commissioners shall be an elector of the same highway subdistricts. The first commissioners appointed by the governor shall serve until the next highway district election, at which their successors shall be elected. The highway commissioners shall take office on January 1 of the year immediately following their election. Any vacancy occurring in the office of highway commissioner, other than by expiration of the term of office, shall be filled by the highway board, and if the remaining members of the board shall be unable to agree on a person to fill the vacancy within ten (10) days after such vacancy occurs, the chairman of the board of county commissioners of the county in which the highway district is located shall forthwith become a member of such highway board for the purpose of filling such vacancy only, and if a majority of the board so constituted shall be unable to agree upon a person to fill the vacancy within five (5) days, or if two (2) or more vacancies shall occur in the board of highway commissioners at one (1) time, a special election to fill such vacancy or vacancies shall be called and held in the same manner provided by law for the holding of elections for highway commissioners, excepting that the date thereof shall be as soon as possible, and excepting also that all duties imposed by said law upon the highway board in connection with such
elected shall be performed by the board of county commissioners.

Approved March 19, 1980.

CHAPTER 90
(H.B. No. 551)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT NONRESIDENT OFFICERS OF CORPORATIONS EARNING MORE THAN HALF THEIR INCOME IN IDAHO NEED ONLY REPORT AN APPORTIONED SHARE OF THEIR SALARIES TO IDAHO RATHER THAN THE ENTIRE SALARY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

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

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

(a) Add interest and dividends received or accrued during the taxable year from foreign securities and from securities issued by states and other political subdivisions, other than those issued by the state of Idaho, its cities and political subdivisions, exempt from federal income tax under the Internal Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued during the taxable year adjusted for state tax refunds used in arriving at taxable income as defined in section 63 of the Internal Revenue Code.

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

(d) Subtract any net operating loss incurred in the five (5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable years shall not exceed the total of such net operating loss; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three (3) taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net oper-
ating 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. When the salary, fee or other compensation paid to such nonresident officer is reported to this state as income by such nonresident officer, it shall be apportioned by applying to the total of such income the apportionment factor of the corporation paying the salary, fee or other compensation, as such factor is reported on the corporation's income tax return computed pursuant to section 63-3027, Idaho Code, or as subsequently modified.

(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.

(1) 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, 1980.

Approved March 19, 1980.
CHAPTER 91
(H.B. No. 643)

AN ACT

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Insurance Fund the following amounts, to be expended according to the designated expense classes from the listed account for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
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<tr>
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Approved March 19, 1980.

CHAPTER 92
(S.B. No. 1362, As Amended)

AN ACT
RELATING TO NURSING HOME ADMINISTRATORS; AMENDING SECTION 54-1601, IDAHO CODE, TO PROVIDE A DEFINITION OF HEALTH CARE FACILITY; AMENDING SECTION 54-1603, IDAHO CODE, TO PROVIDE FOR APPOINTMENTS TO THE BOARD OF NURSING HOME ADMINISTRATORS, TO PROVIDE NOMENCLATURE, AND TO INCREASE THE PER DIEM ALLOWANCE OF BOARD MEMBERS; AMENDING SECTION 54-1605, IDAHO CODE, TO PROVIDE INTERNAL CROSS REFERENCES; AMENDING SECTION 54-1608, IDAHO CODE, TO PROVIDE FOR PAYMENT OF BACK FEES BEFORE REREGISTRATION AND TO PROVIDE FOR RELICENSING; AMENDING SECTION 54-1609, IDAHO CODE, TO STRIKE REFERENCE TO A REQUIREMENT FOR OTHER STATES' RECIPROCITY IN LICENSING; AMENDING SECTION 54-1610, IDAHO CODE, TO STRIKE REFERENCE TO PROVISIONAL LICENSING AND TO STRIKE OBSOLETE PROVISIONS.

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

SECTION 1. That Section 54-1601, Idaho Code, be, and the same is hereby amended to read as follows:
54-1601. DEFINITIONS. (1) As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

(2) "Board" means the board of examiners of nursing home administrators of the state of Idaho.

(3) "Examiner" means a member of the board of examiners of nursing home administrators of the state of Idaho.

(4) "Executive secretary" means the secretary of the board of examiners of nursing home administrators of the state of Idaho.

(5) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

(6) "Provisional license" means a temporary license issued to a provisional nursing home administrator under and pursuant to the provisions of this act.

(7) "Provisional nursing home administrator" means an individual who has been licensed as such under and pursuant to the provisions of this act.

(8) "Nursing home administrator-in-training" means an individual registered as such under and pursuant to the provisions of this act.

(9) "Practice of nursing home administration" means that planning, organizing, directing, and control of the operation of a nursing home.

(10) "Nursing-home Health care facility" means any institution or facility which supplies all of the functional needs of an individual in need of residence care and defined as such for licensing purposes under state law or pursuant to the rules for nursing homes, hospitals, shelter care homes, whether proprietary or nonprofit, and shall include, but not be limited to, nursing-homes health care facilities owned or administered by the state government or any agency or political subdivisions thereof.

SECTION 2. That Section 54-1603, Idaho Code, be, and the same is hereby amended to read as follows:

54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1) There is hereby created in the department of self-governing agencies a board of examiners of nursing home administrators, which board shall consist of five (5) members, and composed of three-(3) two (2) public or private nursing home administrators, duly licensed and registered under this act, and two-(2) three (3) other members as hereinafter described, except that such members of the initial board shall be required only to possess the qualifications and be eligible for license as required under this act, one (1) member shall be selected from any other profession, agencies agency, or institution concerned with the care of chronically ill and infirm patients; one (1) licensed nurse from the nursing profession; and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments, except that they may be administrators of publicly owned
nursing homes. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) One (1) member of the initial board shall be appointed for a one (1) year term of office, two (2) members of the initial board shall be appointed for a two (2) year term of office, and two (2) members of the initial board shall be appointed for a three (3) year term of office. Thereafter, the term of office for each member of the board shall be three (3) years.

(3) (a) Appointments to the board shall be made by the governor after consultation with the executive board of the Idaho Association of Licensed Nursing Homes any organized and generally recognized group concerned with nursing home administration. Each member of the board shall hold office until his successor is duly appointed and qualified. Dismissals shall be by the governor, for reasonable cause.

(b) The three (3) two (2) nursing home administrators who are members must be appointed from a list of at least ten (10) submitted by the Idaho Association of Licensed Nursing Homes any organized and generally recognized group concerned with nursing home administration.

(c) Members of the board shall be reimbursed for their actual and necessary traveling and subsistence expenses when absent from their place of residence in attendance at meetings or in other performance of their duties under this act. In addition they shall be paid twenty ($20) thirty-five dollars ($25.35) per day while on actual business of the board.

(4) The board shall elect annually from its membership a chairman and vice-chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this act.

(6) The board may appoint an executive secretary. He shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and the executive secretary in the keeping of the records and in the performance of their duties may be appointed by the board. All employees of the board shall be appointed, and serve in accordance with the provisions of law.

(7) The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

SECTION 3. That Section 54-1605, Idaho Code, be, and the same is hereby amended to read as follows:

54-1605. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee as determined by the board, and submits evidence of good moral character and suitability pre-
scribed by the board, is at least twenty-one (21) years old except:

(a) That on and after July 1, 1970, no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study and has been graduated from a high school approved and recognized by the educational authorities of the state in which such school is located, or a political division thereof or has submitted a certificate indicating that he has obtained high school or secondary school equivalency, such certificate being duly certified by a state educational authority or a political division thereof, and except that he shall have complied with the provisions of subsection (2) of this section.

(b) That on or after January 1, 1975, no applicant for license as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator, unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed two (2) years of college level study after high school study in an accredited institution of higher learning and except that he shall have complied with the provisions of subsection (2) of this section.

(c) That on or after January 1, 1980, no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution of higher learning or its equivalent as provided in subsection (3) of this section, and except that he shall have complied with the provisions of subsection (2) of this section.

(2) On and after July 1, 1970, each applicant who has not completed a regular course of study or program in an accredited institution of higher learning, which course of study or program shall have been approved by the board as being adequate academic preparation for nursing home administration, shall in addition to meeting the requirements of subsection (1)(a) of this section submit evidence satisfactory to the board that he has successfully completed specialized courses or a program of study in the area of nursing home administration as required and approved by the rules of the board.

(3) A candidate who applies for examination under and pursuant to subsection (1)(b) or (c) of this section, in lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two (2) years of satisfactory practical experience in nursing home administration or in a related health administration area for each year of required posthigh school education.
SECTION 4. That Section 54-1608, Idaho Code, be, and the same is hereby amended to read as follows:

54-1608. CERTIFICATE OF REGISTRATION -- ATTENDANCE AT CONTINUING EDUCATION PROGRAM -- REVOCATION OR SUSPENSION -- RENEWAL OF LAPSED REGISTRATIONS -- REGISTER OF APPLICATIONS. (1) Every individual who holds a valid license as a nursing home administrator issued by the board under section 54-1607 (1), Idaho Code, shall immediately upon issuance thereof be deemed registered with the board and be issued a certificate of registration. Thereafter, such individual shall annually be required to apply to the board for a recertification of registration and report any facts requested by the board on forms provided for such purpose.

(2) Upon making an application for a recertification of registration, such individual shall pay an annual registration fee, and at the same time shall submit evidence satisfactory to the board that during the twelve- (12) month period immediately preceding such application for recertification of registration he has successfully attended a continuing education program or course of study as may be provided in the rules of the board.

(3) Upon receipt of such application for recertification of registration, the registration fee, and the evidence required with respect to continuing education, the board shall issue a recertification of registration to such nursing home administrator.

(4) The license of a nursing home administrator who fails to comply with the provisions of this section, and who continues to act as a nursing home administrator, shall be suspended or revoked by the board, in accordance with the provisions of this act.

(5) A nursing home administrator who has been duly licensed and registered in this state and whose license shall not have been revoked or suspended, and whose registration has expired for a period of not longer than eighteen- (18) - months five (5) years, may reregister within the state upon complying with the provisions of this section for recertification of registration and also filing with the board an affidavit in accordance with the rules of the board, and payment of a twenty-five dollar ($25.00) reinstatement fee together with fees for back years.

(6) A nursing home administrator whose license has been expired for five (5) or more years, must reapply for licensure under the provisions of section 54-1605, Idaho Code.

(7) The board shall maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: The place of residence, name and address of each applicant, the name and address of employer or business connection of each applicant, the date of application, complete information of educational and experience qualifications, the action taken by the board, the serial number of the license and of registration certificates issued to the applicant, the date on which the board reviewed and acted upon the application, and such other pertinent information as the board may deem necessary.
SECTION 5. That Section 54-1609, Idaho Code, be, and the same is hereby amended to read as follows:

54-1609. INTERSTATE RECIPROCAL INDORSEMENT OF LICENSES. (a) The board, in its discretion, and otherwise subject to the provisions of this act, and the rules of the board promulgated thereunder prescribing the qualifications for a nursing home administrator license, may indorse a nursing home administrator license issued by the proper authorities of any other state upon payment of a fee and upon submission of evidence satisfactory to the board:

(a) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;

and

(b) That such other state gives similar recognition and indorsement to nursing-home-administrator-licenses-of-this-state.

SECTION 6. That Section 54-1610, Idaho Code, be, and the same is hereby amended to read as follows:

54-1610. ADMINISTRATORS-IN-TRAINING -- TEMPORARY PERMITS -- EXAMINATION AFTER ONE YEAR -- QUARTERLY REPORTS -- EXCEPTIONS -- EMERGENCY PERMITS. (1) After July 1, 1972, every applicant for a nursing home administrator license who shall have otherwise qualified under provisions of section 54-1606, Idaho Code, shall be granted a temporary permit upon application to the board and shall serve for a one-year period under the supervision of a duly licensed and registered nursing home administrator in accordance with the rules of the board. At the expiration of the one-year-in-training period said applicant shall be eligible to take the examination.

(2) The nursing home administrator-in-training shall submit quarterly reports on forms provided therefor by the board.

(3) This section shall not apply to any individual who has been licensed as a provisional nursing-home-administrator-under-the-provisions-of-section-54-1607-(2); or to any individual who has successfully completed a course of study for a masters degree in health administrator administration or in a related health care field and who has been awarded such degree from an accredited institution of higher learning; or to any other individual who has served as a nursing-home administrator during all of the calendar year immediately preceding 1970.

(4) Every nursing home administrator-in-training shall register the fact of such training with the board in accordance with the rules and on forms provided therefor by the board.

(5) Pending issuance of a license, the board may issue a temporary permit for a period not exceeding one (1) year, without examination to an applicant who files a written application for a temporary permit and who is otherwise qualified but does not meet the experience requirements or who is applying to fill a vacancy on an emergency basis.

Approved March 19, 1980.
CHAPTER 93
(S.B. No. 1273, As Amended)

AN ACT
RELATING TO EXEMPTIONS FROM LIABILITY FOR DONATIONS OF FOOD; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 6, IDAHO CODE, TO PROVIDE DEFINITIONS, AND TO PROVIDE EXEMPTION FROM LIABILITY UNDER CIRCUMSTANCES SPECIFIED FOR THE GOOD FAITH DONOR OR GLEANER OF ANY PERISHABLE OR NONPERISHABLE FOOD.

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 13, Title 6, Idaho Code, and to read as follows:

CHAPTER 13
RESPONSIBILITIES FOR DONORS AND GLEANERS OF FOOD

6-1301. DEFINITIONS. As used in this chapter:
(1) "Donor" includes, but is not limited to, any farmer, processor, distributor, wholesaler or retailer of perishable or nonperishable food.
(2) "Gleaner" means a person who harvests for free distribution perishable food that has been donated by the owner.
(3) "Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. "Perishable food" includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits or vegetables, and foods that have been packaged, refrigerated or frozen. "Perishable food" does not include foods that have been canned.

6-1302. DONORS AND GLEANERS EXEMPT FROM LIABILITY. Notwithstanding any other provision of law, the good faith donor of any perishable or nonperishable food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization for free distribution, or a gleaner of any perishable food apparently fit for human consumption, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness or intentional misconduct of the donor or gleaner.

Nothing in this section is intended to limit any liability on the part of a donee charitable or nonprofit organization accepting perishable food items.

This section includes the good faith donation of perishable or nonperishable food not readily marketable due to appearance, freshness, grade, surplus or other consideration, but does not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

Approved March 19, 1980.
AN ACT
RELATING TO BOARD OF OPTOMETRY EXAMINATION FEES; AMENDING SECTION
54-1523, IDAHO CODE, TO PROVIDE THAT EXAMINATION FEES BE ESTAB-
LISHED BY BOARD REGULATION NOT TO EXCEED TWO HUNDRED FIFTY
DOLLARS.

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

SECTION 1. That Section 54-1523, Idaho Code, be, and the same is
hereby amended to read as follows:

54-1523. FEES. Each applicant for examination or reexamination
after failure in a former examination shall remit a fee of twenty-five
dollars ($25.00) as established by board regulation not to exceed two
hundred fifty dollars ($250) with each application to the board.

Approved March 19, 1980.

AN ACT
RELATING TO THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6211, IDAHO
CODE, TO INCREASE THE AMOUNT OF AGENCY OBLIGATIONS WHICH MAY BE
OUTSTANDING AT THE TIME OF THE CHAIRMAN'S CERTIFICATION TO THE
SALES TAX COMMISSION TO $400,000,000 AND TO CLARIFY THE NATURE OF
SUCH OBLIGATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6211, Idaho Code, be, and the same is
hereby amended to read as follows:

67-6211. ADDITIONAL DEFINITIONS AND CAPITAL RESERVE FUND PROCE-
DURES. As used in this section, the following words and phrases shall
have the following meanings unless the context shall indicate another
or different meaning or intent:

(a) "Maximum capital reserve fund requirement" shall mean, as of
any particular date of computation, an amount of money equal to the
greatest of the respective amounts, for the then current or any future
fiscal year of the agency, of annual debt service of the agency, such
annual debt service for any fiscal year being the amount of money
equal to the aggregate of:

(1) All interest payable during such fiscal year on all bonds
secured by such capital reserve fund of the agency outstanding on said date of computation, plus

(2) The principal amount of all bonds of the agency secured by such capital reserve fund, outstanding on said date of computation which matures during such fiscal year, plus

(3) The amount of all annual sinking fund payments payable during such fiscal year with respect to any bonds of the agency secured by such capital reserve fund, outstanding on said date of computation.

(b) "Annual sinking fund payment" shall mean the amount of money specified in the resolution authorizing term bonds as payable into a sinking fund during a particular fiscal year for the retirement of term bonds which mature after such fiscal year, but shall not include any amount payable by reason only of the maturity of a bond.

(c) "Available operating revenues" shall mean all amounts received on account of rentals and fees and other charges imposed by the agency, if any, and income or interest earned or added to funds of the agency due to the investment thereof and not required under the terms or provisions of any covenant or agreement with holders of any bonds or notes of the agency to be applied to any purposes other than payment of expenses of the agency.

(d) "Amortized value," when used with respect to securities purchased at a premium above or a discount below par, shall mean the value as of any given date obtained by dividing the total premiums or discount at which such securities were purchased by the number of interest payments remaining to maturity on such securities after such purchase, and by multiplying the amount so calculated by the number of interest payment dates having passed since the date of such purchase; and

(1) In the case of securities purchased at a premium, by deducting the product thus obtained from the purchase price, and

(2) In the case of securities purchased at a discount, by adding the product thus obtained to the purchase price.

(e) The agency shall create and establish one or more special funds (herein referred to as "capital reserve funds"), and shall pay into each such capital reserve fund:

(1) Any proceeds of sale of notes or bonds, to the extent provided in the resolution or resolutions of the agency authorizing the issuance thereof,

(2) Any funds directed to be transferred by the agency to such fund, and

(3) Any other moneys which may be made available to the agency for the purpose of such fund from any other source or sources.

(f) All moneys held in or credited to each such capital reserve fund, except as hereinafter provided, shall be used, as required, solely for the payment of the principal of bonds or of the sinking fund payments hereinafter mentioned with respect to such bonds, the purchase or redemption of bonds, the payment of interest on bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however:

(1) That moneys in any such fund shall not be withdrawn therefrom
at any time in such amount as would reduce the amount of such fund to less than the maximum capital reserve fund requirement, except for the purposes of making payment, when due, with respect to such bonds, of principal or redemption price of, interest and the sinking fund payments, as the same become due, and for the payment of which other moneys of the agency are not available.

(2) Any income or interest earned by, or increment to, any capital reserve fund due to the investment thereof may be transferred by the agency to other funds or accounts of the agency to the extent it does not reduce the amount of such capital reserve fund below the maximum capital reserve fund requirement.

(g) Within sixty (60) days after the close of the agency's fiscal year, the chairman of the agency shall certify to the state tax commission the amount, if any, required to maintain the capital reserve funds established pursuant to this section at the maximum capital reserve fund requirement, but only for any capital reserve fund of the agency which is required by a resolution of the agency to be maintained by a continuing appropriation from the sales tax account. The chairman of the agency shall not be entitled to so certify to the state tax commission at any time that the total principal amount of the agency's outstanding bonds exceeds the sum of two hundred million dollars ($200,000,0000).

(h) The agency shall not issue bonds at any time if upon issuance there will be created a capital reserve fund and the amount in the capital reserve fund securing such bonds will be less than the maximum capital reserve fund requirement, unless the agency, at the time of issuance of such bonds, shall deposit in such fund, from the proceeds of the bonds so to be issued, or sources other than the state sales tax fund, an amount which, together with the amount then in such fund, will not be less than the maximum capital reserve fund requirement.

(i) Moneys in a capital reserve fund not required for immediate use or disbursement may be invested in obligations of the state or the United States of America or obligations the principal of an and interest on which are guaranteed by the state or the United States of America or obligations of agencies of the United States of America or obligations which may from time to time be legally purchased by savings banks of the state, as investment of funds belonging to them or in their control. In computing the amount of a capital reserve fund for the purposes of this section, securities in which all or a portion of such fund are invested shall be valued at par if purchased at par or, if purchased at other than par, at amortized value.

(j) The agency shall create and establish such other fund or funds as may be necessary or desirable for its corporate purposes.

(k) In the event of the dissolution of the agency, any funds or assets of the agency remaining after paying its bonds, notes or other obligations shall revert to the state.

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

Approved March 19, 1980.
AN ACT
RELATING TO THE REAL ESTATE COMMISSION; AMENDING SECTION 54-2029, IDAHO CODE, TO PROVIDE FOR ISSUANCE OF LICENSES FOR A TWO YEAR PERIOD; AMENDING SECTION 54-2035, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE NAME CHANGES; AMENDING SECTION 54-2035A, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF SPECIAL FEES; AMENDING SECTION 54-2035B, IDAHO CODE, TO PROVIDE NAME CHANGES; REPEALING SECTION 54-2035K, IDAHO CODE, RELATING TO CERTAIN MONEYS AVAILABLE TO THE COMMISSION; AMENDING SECTION 54-2036, IDAHO CODE, TO PROVIDE INCREASED LICENSE FEES FOR THE INCREASED LICENSING PERIOD; AMENDING SECTION 54-2037, IDAHO CODE, TO PROVIDE NAME CHANGES, AND TO PROVIDE ADDITIONAL USES FOR MONEYS IN THE SPECIAL REAL ESTATE ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2029, Idaho Code, be, and the same is hereby amended to read as follows:

54-2029. QUALIFICATIONS FOR THE ISSUANCE OF LICENSES -- APPLICATION FOR LICENSE -- CONTENTS OF APPLICATION -- FEES -- TERMS OF LICENSES ISSUED. A. Except as provided in section 54-2031, Idaho Code, any person desiring to carry on the business of a real estate broker or real estate salesman in this state shall have and meet the following qualifications:

(1) The applicant must be at least eighteen (18) years of age;
(2) The applicant must not have had revoked a license or been refused a renewal of a license issued by the state of Idaho or any other state, as a real estate broker or salesman, if such revocation or refusal occurred within two (2) years prior to the date the application is submitted to the commission;
(3) The applicant must not have been convicted, issued any fine, placed on probation, received a withheld judgment or completed any sentence of confinement for or on account of a felony or a misdemeanor involving moral turpitude in a state or federal court within five (5) years prior to the date the application is submitted to the commission;
(4) The applicant must be a resident of the state of Idaho, or shall have established his residency in the state of Idaho prior to the issuance of the license, except as provided in sections 54-2031 and 54-2032, Idaho Code;
(5) The applicant must have a satisfactory credit report, as provided for in subsection B(2) of section 54-2029, Idaho Code;
(6) The applicant must have complied with the educational requirements as provided for in subsection C of section 54-2029, Idaho Code; the real estate education course requirements set forth in subsection C of section 54-2029, Idaho Code, must have
been successfully completed within five (5) years prior to the date upon which the applicant makes application; provided, the commission may waive or modify the requirement that the real estate education courses must have been successfully completed within five (5) years prior to the date upon which the applicant makes application;

(7) If the application is for a real estate broker's license, the applicant must have been actively engaged as a licensed real estate salesman in this state as provided for in subsection B(3) of section 54-2029, Idaho Code.

If the commission determines that an applicant does not possess the aforementioned qualifications, it shall have the authority to deny the application. If the commission finds that the applicant employed any fraud, deception, misrepresentation, misstatement or any unlawful means in applying for a license or taking the examination, then the commission shall have the authority to deny the application.

B. Any person desiring to carry on the business of real estate broker or real estate salesman in this state shall make application for license therefor upon a form to be prescribed and furnished by the commission, giving his full name and address and the address of his principal place of business in the state of Idaho. Applications shall be made to and filed with the commission and be accompanied by:

(1) An examination fee of twenty-five dollars ($25.00) which shall not be refunded.

(2) A satisfactory credit report.

(3) In addition to subsections B(1) and (2) above, an applicant for a real estate broker's license shall submit satisfactory evidence of having been actively engaged for two (2) years as a licensed real estate salesman in this state within five (5) years prior to the date upon which the applicant makes application; provided, however, that said requirement may be modified or reduced, in whole or in part, at the discretion of the commission, based upon the educational background of the applicant, his experience as a licensed real estate broker or salesman in another state, or his experience in related or affiliated business activities. The commission in its discretion may make such additional investigation and inquiry relative to the applicant as it shall deem advisable.

C. An applicant for an original salesman's license or a broker's license shall furnish proof that he is a graduate from an accredited high school or the holder of a certificate of general education development issued by proper authorities of public schools of any state. An applicant for an original salesman's license shall furnish to the commission proof that he has successfully completed a course of study consisting of at least thirty (30) classroom hours, or equivalent correspondence hours, of real estate courses, which courses shall include but not be limited to: principles of real estate practice and canons of ethics pertaining thereto; the provisions of this act and rules and regulations of the commission; arithmetical calculations as used in real estate transactions; rudimentary principles of conveyancing; the general purposes and effects of deeds, deeds of trust, mortgages, land
contracts of sales, leases, liens and listing contracts; fundamentals of land economics and appraisals; and fundamentals of obligations between principal and agent; provided however, the commission may accept other courses in lieu of the above mentioned courses and may designate additional required courses.

An applicant for an original real estate broker's license shall furnish the commission satisfactory proof that he has successfully completed a total of ninety (90) hours of classroom instruction, or equivalent correspondence hours, in real estate courses above set forth.

Any applicant for a license as a real estate broker or real estate salesman may submit a certification from any university, college or junior college, or from any privately owned school approved by the commission other than an accredited institution of higher learning, that applicant has successfully completed the prescribed courses within five (5) years prior to the date upon which the applicant makes application; and such certificate is considered to be in full compliance with the requirements of this act for the completion of a course of study.

D. A For each year for which the license is issued or renewed, a license fee in an amount not to exceed fifty dollars ($50.00) shall be charged for the issuance of real estate broker's, associate broker's and salesman's licenses, the exact fee for the issuance of each to be determined by the commission at the conclusion of a hearing called for such purpose to be conducted, pursuant to notice, each year. The fee so established by the commission at such hearing to be in effect during the next ensuing year shall be that amount which, in the discretion of the commission, and when added to the other fees charged and collected as authorized by law, is sufficient to raise that revenue required to administer the provisions of this chapter which shall not be refunded. In the event the commission deems it necessary to increase such license fee when the same is so established each year, the increase in such fee shall not exceed five dollars ($5.00) for the next ensuing year; ten dollars ($10.00) for any license issued or renewed for two (2) years.

E. There is established a staggered renewal period for licenses to coincide with the last day of the month of the birthdate of each licensee. A license renewal issued after July 1, 1980, shall be for a two (2) year period and the license fee therefor shall be in an amount not to exceed one hundred dollars ($100) and may be increased in accordance with subsection D of this section.

Each license as a real estate broker or real estate salesman may be renewed by the commission upon the payment by the licensee of the renewal fee specified in section 54-2029, Idaho Code, if that fee is paid on or before the first day of the month following the month of the birthdate of the licensee.

If the licensee fails to pay the renewal fee on or before the first day of the month following the month of the birthdate of the licensee, the commission may accept a later payment, subject to such conditions as the commission may require, including but not limited to the assessment of a late fee not to exceed ten dollars ($10.00); pro-
vided that between the last day of the month of his birthdate and the date of renewal of the license, the rights of the licensee under such license shall be suspended, and during such period of suspension it shall be unlawful for any licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions of a real estate broker or real estate salesman in section 54-2022, Idaho Code, in consideration of compensation of any kind or expectation thereof.

A new license or renewal issued after January 1, 1975, shall be for the term of the months up to and including the month of the birthdate of the licensee. These licenses shall pay the annual fee for such license. A new license or renewal issued after July 1, 1980, shall be for a term of one (1) year plus the months up to and including the next birthdate of the licensee. A license fee in an amount not to exceed one hundred dollars ($100) shall be charged for the issuance of a new real estate broker's, associate broker's or salesman's license, the exact fee to be determined in accordance with subsection D of this section.

Corporations and partnerships shall have established as the equivalent of a birthdate, the birthdate of the designated broker of each.

Branch offices shall have established as the equivalent of a birthdate, the birthdate of the real estate broker establishing the branch office.

SECTION 2. That Section 54-2035, Idaho Code, be, and the same is hereby amended to read as follows:

54-2035. REAL ESTATE EDUCATION, RESEARCH, AND RECOVERY FUND ACCOUNT ESTABLISHED. There is hereby created in the state treasury the real estate education, research and recovery account in the dedicated fund. A balance of not more than ten thousand dollars ($10,000) for the calendar year immediately following the passage of this act, and twenty thousand dollars ($20,000) thereafter, shall be maintained in the fund account, to be used for satisfying claims against persons licensed under this chapter, as provided in sections 54-2035 through 54-2035K, Idaho Code, inclusive. Effective July 1, 1980, any balance over ten thousand dollars ($10,000) for the calendar year immediately following the passage of this act, and twenty thousand dollars ($20,000) thereafter, at the end of any calendar year shall be set aside deposited in the special real estate account and subject to appropriation by the legislature for the use of the commission for real-estate-education-and-research to carry out the provisions of this chapter.

SECTION 3. That Section 54-2035A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2035A. AUGMENTATION OF FUND ACCOUNT. Upon the original application or renewal of every real estate broker's, associate real estate broker's, and real estate salesman's license effective January 1,
1971, and every year thereafter, every licensed broker, associate broker, and salesman, when renewing any such license, shall pay, in addition to the renewal fee, a fee of ten dollars ($10.00) per year. Such additional fee and all education fees charged and collected for tuition or registration, and course materials shall be paid into the state treasury, notwithstanding the provisions of section 67-3516, Idaho Code, and credited to the real estate education research and recovery fund account, and shall be used solely for the purposes provided in sections 54-2035 through 54-2035KJ, Idaho Code, inclusive.

Effective July 1, 1980, upon the original application or renewal of every real estate broker's, associate broker's and salesman's license for a two (2) year period, the licensee shall pay in addition to the original or renewal license fee, a fee of twenty dollars ($20.00). Such additional fees and all education fees charged and collected for tuition or registration, course materials and such other fees involved with the commission education programs shall be paid into the state treasury and credited to the special real estate account as provided in section 54-2037, Idaho Code, except for such funds as are required to maintain a balance of twenty thousand dollars ($20,000) in the real estate recovery account as provided for in section 54-2035, Idaho Code.

SECTION 4. That Section 54-2035B, Idaho Code, be, and the same is hereby amended to read as follows:

54-2035B. RECOVERY FROM FUND ACCOUNT -- PROCEDURE -- GROUNDS -- AMOUNT -- HEARING -- BOND. 1. When any person obtains a final judgment in any court of competent jurisdiction against any licensee under this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this chapter and which cause of action arose on or after January 1, 1971, such person may, upon termination of all proceedings, including appeals in connection with any judgment, file a verified petition in the court in which the judgment was entered for an order directing payment out of the real estate education research and recovery fund account in the amount of actual damages included in the judgment and unpaid, but not more than one thousand dollars ($1,000) per licensee per calendar year until and after January 1, 1973, at which time recovery shall be in the amount of actual damages included in the judgment and unpaid, but not more than two thousand dollars ($2,000) per licensee per calendar year.

2. A copy of the petition shall be served upon the commission and an affidavit of such service shall be filed with the court.

3. The court shall act upon such petition within thirty (30) days after such service and, upon the hearing thereof, the petitioner shall be required to show that:

(a) He is not the spouse of the debtor, or the personal representative of such spouse.

(b) He has complied with all the requirements of sections 54-2035 through 54-2035KJ, Idaho Code, inclusive.

(c) He has obtained a judgment of the kind described in subsec-
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S. 1 of this section, stating the amount thereof and the amount owing thereon at the date of the petition.

(d) He has caused to be issued a writ of execution upon said judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized.

(e) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment.

(f) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(g) Whenever the aggrieved person satisfies the court that it is not practicable to comply with one or more of the requirements enumerated in paragraphs (d), (e) and (f) of subsection 3 of this section and that the aggrieved person has taken all reasonable steps to collect that amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may in its discretion dispense with the necessity for complying with such requirements.

4. In any action against any licensee under this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this chapter and which cause of action arose on or after January 1, 1971, such person may, in lieu of the proceedings for recovery outlined in subsections 1 through 3 of this section, join the real estate education--research and recovery fund account as a limited third party defendant and have judgment rendered directly against the fund account in the amount provided in 1 above, provided that:

(a) Service of summons and complaint shall be made on the executive secretary of the Idaho real estate commission.

(b) That said fund account may assert any and all defenses available to the defendant licensee.

(c) Plaintiff has posted a bond to guarantee costs in the amount of ten per cent (10%) of the actual damages he seeks from the fund account.

SECTION 5. That Section 54-2035K, Idaho Code, be, and the same is hereby repealed.
SECTION 6. That Section 54-2036, Idaho Code, be, and the same is hereby amended to read as follows:

54-2036. ADDITIONAL FEES. In addition to the license fee provided for in this act the commission shall be authorized to charge and collect the following fees for the following services:

a. A renewal fee for each salesman's license, associate broker's license and broker's license in an amount not to exceed fifty-dollars ($50.00) one hundred dollars ($100) for each two (2) year license period or portion thereof for which the license is renewed, the exact renewal fee to be determined by the commission in the manner and method and at the time as prescribed by section 54-2029, Idaho Code, for the establishment of the initial license fee.

b. An inactive license fee and the fee for the renewal of an inactive license each in an amount not to exceed fifty-dollars ($50.00) one hundred dollars ($100), for each two (2) year license period or portion thereof for which such license is issued, the exact fee to be determined by the commission in the manner and method and at the time as prescribed by section 54-2029, Idaho Code, for the establishment of the initial license fee.

c. A reexamination fee of ten dollars ($10.00) for each reexamination.

d. A change of address fee of five dollars ($5.00) for each license requiring the change of address.

e. A fee of five dollars ($5.00) for the establishment of each branch office.

f. A tuition or registration fee for real estate education courses. Such fee is to be established for each course conducted based upon the total costs involved in each course.

SECTION 7. That Section 54-2037, Idaho Code, be, and the same is hereby amended to read as follows:

54-2037. DISPOSITION OF FUNDS. All fees collected by the commission under the provisions of this act, except as designated in section 54-2035A, Idaho Code, shall be deposited at least monthly with the state treasurer and said funds so deposited shall be deposited to the credit of the special real estate fund account, which fund account is hereby created. All funds so deposited in said special real estate fund account are hereby appropriated for the purpose of carrying out the provisions of this act. All expenditures from said fund account by the commission under the provisions of this act shall be paid out on warrants drawn by the state auditor upon presentation of proper vouchers approved by the commission. Such claims and supporting vouchers shall be examined by the state board of examiners in the same manner as other claims against the state of Idaho. For the purposes of carrying out the objects of this act and in the exercise of the powers herein granted, the commission shall have power to make orders concerning the disbursement of the moneys in said special real estate fund account, including the payment of compensation and expenses of
its members, clerks and employees and for the payment of printing and for the training and education of all licensees under this act. Moneys in said fund account may be expended by the commission for the promotion and improvement of the real estate profession, the advancement of education and research in the field of real estate, including, but not limited to, courses sponsored by the commission or in conjunction with any university or college in the state and/or contracting for a particular research project in the field of real estate, and the promotion and advertising of the state of Idaho.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 19, 1980.

CHAPTER 97
(S.B. No. 1421)

AN ACT
RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5906, IDAHO CODE, TO STRIKE REFERENCE TO THE COMMISSION'S POWER TO APPLY TO A DISTRICT COURT FOR PROCESS TO ENFORCE ORDERS OF THE COMMISSION, TO AUTHORIZE THE COMMISSION TO APPEAR IN COURT AND BEFORE ADMINISTRATIVE BODIES, TO STRIKE REFERENCE TO THE COMMISSION'S AUTHORITY TO MAKE INVESTIGATIONS AND ISSUE ORDERS, AND TO AUTHORIZE THE COMMISSION TO ACT ON COMPLAINTS; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5907, IDAHO CODE, TO PROVIDE FOR FILING A COMPLAINT WITH THE COMMISSION, AND TO PROVIDE PROCEDURES FOR ACTING ON COMPLAINTS; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5908, IDAHO CODE, TO PROVIDE FOR FILING ACTIONS IN THE DISTRICT COURT; REPEALING SECTION 67-5911, IDAHO CODE, RELATING TO COURT ACTIONS BROUGHT TO ENFORCE AN ORDER OF THE COMMISSION; PROVIDING THAT THIS ACT SHALL NOT CUT OFF PREVIOUSLY EXISTING PRIVATE RIGHTS OF ACTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5906, Idaho Code, be, and the same is hereby amended to read as follows:

67-5906. POWERS AND DUTIES OF COMMISSION. The Idaho commission on human rights shall have the following powers and duties:

(1) To investigate complaints of alleged violation of this act and act upon its findings pursuant to the provisions contained in this act and chapter 52, title 67, Idaho Code;

(2) To make by-laws bylaws for its own government and procedure
not inconsistent with the laws of this state;

(3) To maintain an office in the city of Boise and other offices within the state as it may deem necessary;

(4) To meet and exercise its powers at any place within the state;

(5) To apply--to--the--district--courts--to--enforce;--prevent; restrain-or-enjoin-violations-of-any-orders-of-the-commission--made pursuant--to--the--jurisdiction--of-the-commission appear in court and before other administrative bodies;

(6) To cooperate or contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

(7) To accept public grants or private gifts, bequests, or other payments;

(8) To receive,-initiate,-investigate,-seek-to--conciliate;--hold hearings;--make-findings-and-recommendations;--and-issue-orders and act on complaints;

(9) To furnish technical assistance requested by persons subject to this act to further compliance with the act or an order issued thereunder;

(10) To make studies appropriate to effectuate the purposes and policies of this act and to make the results thereof available to the public;

(11) To render at least annually a comprehensive written report to the governor and to the legislature. The report may contain recom­mendations of the commission for legislative or other action to effec­tuate the purposes and policies of this act.

(12) In accordance with chapter 52, title 67, Idaho Code, to adopt, promulgate, amend and rescind rules and regulations to effec­tuate the purposes and policies of this act, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the commission.

SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5907, Idaho Code, and to read as follows:

67-5907. COMPLAINTS -- PROCEDURE ON COMPLAINT. (1) Any person who believes he or she has been subject to unlawful discrimination, or a member of the commission, may file a complaint under oath with the commission stating the facts concerning the alleged discrimination.

(2) Upon receipt of such a complaint, the commission or its dele­gated investigator shall endeavor to resolve the matter by informal means prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. The commission or its delegated investigator shall conduct such investigation as may be necessary to resolve the issues raised by the facts set forth in the complaint.

(3) If the commission does not find reasonable grounds to believe that unlawful discrimination has occurred, it shall enter an order so
(4) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, it shall endeavor to eliminate such discrimination by informal means such as conference, conciliation and persuasion. No offer or counter offer of conciliation nor the terms of any conciliation agreement may be made public without the written consent of all the parties to the proceeding, nor used as evidence in any subsequent proceeding, civil or criminal. If the case is disposed of by such informal means in a manner satisfactory to the commission, the commission shall dismiss the proceeding, and shall notify the complainant and the respondent.

(5) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination if relief is not immediately granted, or if conciliation efforts under subsection (4) have not succeeded, the commission may file a civil action seeking appropriate legal and equitable relief.

SECTION 3. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5908, Idaho Code, and to read as follows:

67-5908. PROCEDURE IN DISTRICT COURT. (1) Any action filed by the commission shall be heard by the district court unless either party shall move for a jury trial. Except as otherwise provided herein, the court shall hear the case and grant relief as in other civil actions. Any such action shall be brought in the name of the commission for the use of the person alleging discrimination or a described class, and the commission shall furnish counsel for the prosecution thereof. Any person aggrieved by the alleged discrimination may intervene in such an action.

(2) Nothing contained in this chapter shall prohibit a person who has been subject to alleged unlawful discrimination from filing an action in the district court on his or her own behalf, but such action shall be commenced not more than two (2) years after the act of alleged unlawful discrimination complained of.

(3) In a civil action filed by the commission or filed directly by the person alleging unlawful discrimination, if the court finds that unlawful discrimination has occurred, its judgment shall specify an appropriate remedy or remedies therefor. Such remedies may include, but are not limited to:

(a) An order to cease and desist from the unlawful practice specified in the order;
(b) An order to employ, reinstate, promote or grant other employment benefits to a victim of unlawful employment discrimination;
(c) An order for actual damages including lost wages and benefits, provided that such back pay liability shall not accrue from a date more than two (2) years prior to the filing of the com-
plaint with the commission or the district court, whichever occurs first;
(d) An order to accept or reinstate such a person in a union;
(e) An order for punitive damages, not to exceed one thousand dollars ($1,000) for each willful violation of this chapter.
(4) Any civil action filed by the commission under this section shall commence not more than one (1) year after a complaint of discrimination under oath is filed with the commission; provided, however, that the commission shall commence its actions not more than one (1) year after the effective date of this act for sworn complaints already pending before the commission upon passage and approval of this act.
(5) In any civil action under this chapter, the burden of proof shall be on the person seeking relief.

SECTION 4. That Section 67-3911, Idaho Code, be, and the same is hereby repealed.

SECTION 5. Nothing in this act is intended to cut off previously existing private rights of action.

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 19, 1980.

CHAPTER 98
(S.B. No. 1318)

AN ACT
RELATING TO MEAT INSPECTION; AMENDING SECTION 37-1903, IDAHO CODE, BY THE ADDITION OF A PROVISION REQUIRING HUMANE METHODS OF SLAUGHTER; AND AMENDING SECTION 37-1910, IDAHO CODE, BY THE ADDITION OF A PROVISION PROHIBITING THE SLAUGHTER OF ANIMALS BY INHUMANE METHODS.

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

SECTION 1. That Section 37-1903, Idaho Code, be, and the same is hereby amended to read as follows:

37-1903. INSPECTION OF ANIMALS TO BE SLAUGHTERED. (a) For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the director shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed
to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the director as herein provided for.

(b) For the purpose of preventing the inhumane slaughter of livestock, the director shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this act. The director may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the director finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with subsection (c) of this section until the establishment furnishes assurances satisfactory to the director that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

(c) Either of the following two (2) methods of slaughtering livestock and handling of livestock in connection with the slaughter are hereby found to be humane:

(1) In the case of cattle, sheep, swine, goats, horses, mules, or other equines, the animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(2) By slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

SECTION 2. That Section 37-1910, Idaho Code, be, and the same is hereby amended to read as follows:

37-1910. PROHIBITIONS. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

(a) Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the
requirements of this act;

(b) Slaughter or handle in connection with slaughter any such animals in any manner not in accordance with subsection (c) of section 37-1903, Idaho Code;

(c) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, (1) any such articles which (A) are capable of use as human food, and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this act unless they have been so inspected and passed;

(d) Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

Approved March 19, 1980.

CHAPTER 99
(S.B. No. 1341)

AN ACT
RELATING TO THE PEACE OFFICER STATUS OF EMPLOYEES OF THE BOARD OF CORRECTION; AMENDING SECTION 20-209C, IDAHO CODE, TO INCLUDE BOARD OF CORRECTION EMPLOYEES PREVIOUSLY OMITTED.

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

SECTION 1. That Section 20-209C, Idaho Code, be, and the same is hereby amended to read as follows:

20-209C. AUTHORITY TO DESIGNATE EMPLOYEES AS PEACE OFFICERS. The state board of correction shall have the authority to designate all employees of the state board of correction who receive certification from the Idaho peace officers standards and training advisory council shall have the authority given by statute to act as peace officers of the state of Idaho in accordance with the provisions of section 19-510A, Idaho Code. The state board of correction shall have the additional authority to designate other classified employees 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 escapers from the custody of the state board of correction or apprehension of prisoners or wards who have escaped, or apprehension and arrest of persons who are suspected of having violated the terms and conditions of their probation or parole.

Approved March 19, 1980.
CHAPTER 100
(S.B. No. 1340)

AN ACT
RELATING TO THE PEACE OFFICER STATUS OF EMPLOYEES OF THE BOARD OF CORRECTION; AMENDING SECTION 19-510A, IDAHO CODE, TO INCLUDE BOARD OF CORRECTION EMPLOYEES PREVIOUSLY OMITTED.

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

SECTION 1. That Section 19-510A, Idaho Code, be, and the same is hereby amended to read as follows:

19-510A. PEACE OFFICERS' POWERS TO DESIGNATED EMPLOYEES OF THE STATE BOARD OF CORRECTION. Employees All employees of the state board of correction who receive certification from the Idaho peace officers standards and training advisory council shall have all the authority given by statutes to peace officers of the state of Idaho. All other classified employees designated by the board of correction pursuant to section 20-209B 20-209C, Idaho Code, shall be empowered with the rights and duties of peace officers when engaged in transportation of prisoners or apprehension of prisoners or wards who have escaped, or apprehension and arrest of persons who are suspected of having violated the terms and conditions of their probation or parole.

Approved March 19, 1980.

CHAPTER 101
(S.B. No. 1342)

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

SECTION 1. That Section 20-403, Idaho Code, be, and the same is hereby amended to read as follows:

20-403. CORRECTIONAL-INDUSTRIES-COMMISSION GOVERNING BODY CREATED - MEMBERS. There is hereby created the correctional-industries-commission, governing body which shall consist of the director-of-correction-and members of the board of correction.

SECTION 2. That Section 20-404, Idaho Code, be, and the same is hereby amended to read as follows:

20-404. AUTHORITY AND DUTIES VESTED IN COMMISSION BOARD. The authority and duties herein are vested in the correctional-industries commission board of correction.

SECTION 3. That Section 20-405, Idaho Code, be, and the same is hereby amended to read as follows:

20-405. CHAIRMAN GOVERNING BODY -- MEETINGS -- QUORUM -- VOTE TO TRANSACT BUSINESS. The chairman of the board of correction shall be the chairman-of-the-correctional-industries-commission. The commission shall meet regularly at least two-(2)-times during each fiscal year; and shall hold such other meetings on call of-the-chairman-or any-two-(2)-members. Three-(3)-members of the commission; including the chairman; constitute a quorum; and a vote of the majority of the quorum is necessary for the transaction of business of the commission governing body of correctional industries. The board shall meet at such times and places as may be necessary for the conduct of its business. Meetings may be held at the call of the chairman or a majority of the board, but in no event shall they meet less than quarterly. A majority of the board shall constitute a quorum for the transaction of business and no order of the board shall be valid unless concurred in by at least two (2) of its members.

SECTION 4. That Section 20-406, Idaho Code, be, and the same is hereby amended to read as follows:

20-406. COMPENSATION AND EXPENSES. All members shall also receive their actual and necessary expenses of travel and accommodations incurred in attending meetings of the commission board attending other functions related to correctional industries, and in making investigations, either as a commission board or individually as members of the commission board at the request of the chairman.

SECTION 5. That Section 20-407, Idaho Code, be, and the same is hereby amended to read as follows:
20-407. JURISDICTION OF COMMISSION BOARD. The jurisdiction of the correctional-industries-commission board of correction may extend to all productive enterprises in the prison facilities under the jurisdiction-of-the-board-of-correction.

As used in this chapter, "an enterprise" means an operation, including services and labor, or group of closely related operations within the institution.

At each regular meeting of the commission board the chairman shall report on the condition of each enterprise.

SECTION 6. That Section 20-408, Idaho Code, be, and the same is hereby amended to read as follows:

20-408. DUTIES OF COMMISSION BOARD. The correctional-industries commission board of correction shall:

(a) Recommend productive enterprises in the penal institutions under the jurisdiction of the department of correction, in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as a means of vocational education and rehabilitation, as well as financial support;

(b) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any enterprise;

(c) Hold hearings and make rules for conducting such hearings. The commission board may, in its discretion, hold public hearings on any subject within its jurisdiction;

(d) Conduct programs of research, education and publicity for correctional industries products;

(e) Secure new markets for correctional industries products;

(f) Enter into such contracts and agreements as may be necessary or advisable pursuant to the provisions of this act;

(g) Appoint and employ all necessary officers, agents and other personnel, including any experts in any correctional industries enterprise pursuit, prescribe their duties and fix their compensation;

(h) Cooperate with any local, state or national organization or agency and to enter into contracts and agreements with such agencies for carrying on and promoting the purposes of this act;

(i) Adopt, rescind, modify and amend all necessary and proper orders, rules and regulations for the exercise of its powers and the performance of its duties herein;

(j) Keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all collections, receipts, deposits, withdrawals, disbursements, paid-outs, moneys, and other financial transactions made and done pursuant to this act. Such records, books and accounts shall be audited subject to lawful, sound procedures and methods of accounting at least annually and a copy of such audit shall be delivered within thirty (30) days after completion thereof to the board of correction. The books, records and accounts shall be open to inspection and audit by the legislative auditor and the public at all times.
SECTION 7. That Section 20-409, Idaho Code, be, and the same is hereby amended to read as follows:

20-409. PAYMENT OF EXPENSES OF COMMISSION BOARD. The expenses of the correctional industries commission board shall be paid from the correctional industries betterment fund.

SECTION 8. That Section 20-410, Idaho Code, be, and the same is hereby amended to read as follows:

20-410. WORK OF INMATES ASSIGNED TO DO CONSERVATION WORK. Inmates may be assigned to do conservation work on a permanent or temporary basis. The commission board or its designated agent may, at such times as it deems proper and on such terms as it deems wise, enter into contracts or cooperative agreements with any public agency, state or federal, for the performance of conservation projects which are appropriate and under conditions consistent with policies established by the commission board. Inmates may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation and forest watershed revegetation.

SECTION 9. That Section 20-411, Idaho Code, be, and the same is hereby amended to read as follows:

20-411. INSURANCE OF PRODUCTS, MATERIALS AND EQUIPMENT -- PAYMENT OF COST OF INSURANCE. The commission board may, in its discretion, insure any or all products produced at any institution under the jurisdiction of the board of correction, whether the products are finished or unfinished, the materials from which such products are made or to be made, and the equipment necessary for the production thereof, against any and all risks of loss, wherever such products, materials or equipment are located, while in the possession of the institution and while in transit thereto or therefrom, or in storage, in such amounts as the commission board deems proper. The cost of such insurance shall be paid from the correctional industries betterment fund.

SECTION 10. That Section 20-412, Idaho Code, be, and the same is hereby amended to read as follows:

20-412. COMPENSATION -- AMOUNT -- CREDITING ACCOUNT OF PRISONER -- CIVIL RIGHTS -- PRISONERS NOT EMPLOYEES. Each prisoner, who is engaged in productive work in the institution under the jurisdiction of the board of correction as a part of the correctional industries work program, may receive for his work such compensation as the commission board shall determine, to be paid out of any funds available in the correctional industries betterment fund. Such compensation, if any, shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its perfor-
mance. Compensation shall be credited to the account of the prisoner, and paid from the correctional industries betterment fund.

Nothing in this section or in this act is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated under this act shall be considered an employee of the state or the board of correction, nor shall any inmate come within any of the provisions of the workmen's compensation laws, or be entitled to any benefits thereunder whether on behalf of himself or any other person.

SECTION 11. That Section 20-413, Idaho Code, be, and the same is hereby amended to read as follows:

20-413. GOODS AND SERVICES FOR GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PUBLIC USE -- CONTRACTS WITH OTHER STATE AND FEDERAL PENAL INSTITUTIONS. The commission board is hereby authorized and empowered to cause the inmates in the state prison to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now or may hereafter be needed by any public institution or agency of the state or any political subdivision thereof, including but not limited to counties, districts, municipalities, schools, nonprofit organizations, and other public use. The commission board may cause the inmates to be employed in rendering such services or producing and manufacturing such articles, materials, and supplies as are now or may hereafter be needed for use by the federal government for any department, agency or corporation thereof. The commission board may contract to sell products manufactured by correctional industries to retail or wholesale establishments within the state. The commission board or its designated agent may enter into contracts for the purposes of this article.

The commission board may contract with other state and federal penal institutions for the production, manufacture, exchange, sale, or purchase of goods, wares and merchandise manufactured or produced wholly or in part by inmates of the Idaho state penitentiary or of any state or federal penal institution.

SECTION 12. That Section 20-414, Idaho Code, be, and the same is hereby amended to read as follows:

20-414. DISPOSITION OF PRODUCTS. All articles, materials, and supplies, produced or manufactured under the provisions of this act, shall be solely and exclusively for public or nonprofit organization use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, and exchanged, or given away for any private use or profit, except as allowed by the preceding section. However, by-products and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the correctional-industries-commission board of correction.

SECTION 13. That Section 20-415, Idaho Code, be, and the same is hereby amended to read as follows:
20-415. CORRECTIONAL INDUSTRIES BETTERMENT FUND -- TRANSFER OF FUNDS. Funds held by the treasurer of the state of Idaho on the effective date of this act in the "state penal betterment fund" shall be, and hereby are, transferred therefrom to the depository or depositories selected under this act by the correctional industries--commission board of correction, and the treasurer of the state of Idaho is hereby directed to transfer such funds, equipment, supplies and other personal property belonging to the state of Idaho presently being used by correctional industries and located at the Idaho state penitentiary on the effective date of this act (shall be, and hereby are, transferred) to the correctional industries--commission board of correction. All state departments, agencies and offices affected by such transfer are authorized and directed to enter such transfer on their books, records and accounts.

SECTION 14. That Section 20-415A, Idaho Code, be, and the same is hereby amended 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 correctional industries commission.

SECTION 15. That Section 20-416, Idaho Code, be, and the same is hereby amended to read as follows:

20-416. DEPOSIT AND DISPOSITION OF FUNDS AND RECEIPTS. (1) All funds transferred under the provisions of this act and funds received for sale of goods or services under the provisions of this act shall be deposited in a bank account in the name of the correctional--commission board. The commission board may adopt, rescind, modify and amend regulations not inconsistent with this act and the laws of the state of Idaho related to the deposit or disposition of funds in the correctional industries betterment fund. All moneys received under the provisions of this act shall be deposited in the name of the commission board and made available for defraying expenses or repaying indebtedness of the commission board in carrying out the provisions of this act.

(2) All salaries, costs and expenses incurred by the commission board in performing its duties and exercise of power under this act shall be paid out of such bank account known as the correctional industries betterment fund.

(3) All moneys received by the commission board, its members or agents, from any source, except an amount sufficient to sustain current financial needs, shall be deposited as soon as possible in one
(1) or more separate accounts in the name of the commission board in such banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission board shall designate such accounts and such banks or trust companies.

(4) No moneys shall be withdrawn from or paid out of such accounts except as authorized by the commission board, and upon checks or other orders upon such accounts, signed by a designated member of the commission board, officer, agent or employee of the commission board as the commission board designates. A receipt, voucher, or other written record, showing the nature and items covered by the check or other order, shall be kept.

(5) Subject to the provisions of this act pertaining to annual audit and established accounting procedures, the correctional industries betterment fund is exempted from powers and duties of the state purchasing agent, as enumerated in chapter 16, title 67, Idaho Code.

(6) Surplus moneys in the correctional industries betterment fund may be expended by the commission board for the use and benefit of vocational training and educational programs.

SECTION 16. That Section 20-418, Idaho Code, be, and the same is hereby amended to read as follows:

20-418. DETERMINATION OF PRICES. The commission board shall from time to time determine the price at which such services, articles, materials, and supplies shall be sold.

Approved March 19, 1980.

CHAPTER 102
(S.B. No. 1369)

AN ACT
RELATING TO DISMISSALS OF ACTIONS; AMENDING SECTION 19-3501, IDAHO CODE, TO PROVIDE FOR THE DISMISSAL OF A CRIMINAL CHARGE AGAINST A PERSON IF CHARGES HAVE NOT BEEN FILED WITHIN SIX MONTHS OF THE DATE OF HIS ARREST AND TO PROVIDE THAT A CRIMINAL CHARGE, AGAINST A DEFENDANT WHOSE TRIAL HAS NOT BEEN POSTPONED UPON HIS OWN APPLICATION, MUST BE BROUGHT WITHIN SIX MONTHS FROM THE DATE THE INDICTMENT OR INFORMATION IS FILED WITH THE COURT.

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

SECTION 1. That Section 19-3501, Idaho Code, be, and the same is hereby amended to read as follows:

19-3501. WHEN ACTION MAY BE DISMISSED. The court, unless good cause to the contrary is shown, must order the prosecution or indictment to be dismissed, in the following cases:
1. When a person has been held to answer for a public offense, if an indictment or information is not found against him at-the-next-term of-the-court-at-which-he-is-held-to-answer and filed with the court within six (6) months from the date of his arrest.

2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial at-the-next-term-of-the-court-in which-the-indictment-is-triable,-after-it--is--found within six (6) months from the date that the indictment or information is filed with the court.

Approved March 19, 1980.

CHAPTER 103
(S.B. No. 1372)

AN ACT
RELATING TO EXEMPTION FROM JURY SERVICE FOR DENTISTS; REPEALING SECTION 54-931, IDAHO CODE.

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

SECTION 1. That Section 54-931, Idaho Code, be, and the same is hereby repealed.

Approved March 19, 1980.
CHAPTER 104
(S.B. No. 1445)

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, 1980, THROUGH JUNE 30, 1981; 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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
<td>$1,217,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>State Historical Society Foundation Account</td>
<td>1,043,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Library Services and Construction Account</td>
<td>124,900</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>Historical Preservation Account</td>
<td>1,503,400</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$3,888,800</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 from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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>General Account</td>
<td>$245,000</td>
<td>$245,000</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></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>58,300</td>
<td>58,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$620,300</td>
<td>$620,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. STATE LIBRARY SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. NETWORK PROGRAMS:
FROM:
General Account $17,500
GRAND TOTAL $539,400 $215,500 $100,000 $914,900 $1,770,300

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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

A. HISTORICAL PRESERVATION AND EDUCATION:
FROM:
General Account $394,400 $110,300 $ 9,100 $ 2,500 $ 516,300
State Historical Society Foundation Account 18,700 81,000 9,500 3,000 112,200
Historical Preservation Account 183,500 496,400 483,000 1,162,900
TOTAL $596,600 $687,700 $18,600 $488,500 $1,791,400

B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:
FROM:
General Account $ 39,000 $ 24,700
State Historical Society Foundation Account 42,000 105,600 5,800 $100,000 253,400
Historical Preservation Account 10,000 10,000
TOTAL $ 81,000 $140,300 $ 5,800 $100,000 $ 327,100

GRAND TOTAL $677,600 $828,000 $24,400 $588,500 $2,118,500

Approved March 19, 1980.
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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM TO THE BLIND:</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>$146,700</td>
<td>$19,800</td>
<td>$3,200</td>
<td>$180,400</td>
<td>$350,100</td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td>445,100</td>
<td>139,200</td>
<td>116,900</td>
<td>701,200</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>9,000</td>
<td>35,300</td>
<td>35,300</td>
<td>44,300</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$591,800</td>
<td>$168,000</td>
<td>$3,200</td>
<td>$322,600</td>
<td>$1,095,600</td>
</tr>
</tbody>
</table>

Approved March 19, 1980.
CHAPTER 106
(H.B. No. 580)

AN ACT
RELATING TO THE MANAGEMENT OF INSURANCE FOR STATE PURPOSES; AMENDING
SECTIONS 6-919, 6-920 AND 6-921, IDAHO CODE, TO PROVIDE FOR
 NOMENCLATURE CHANGES, AND TO PROVIDE CODE REFERENCES; AMENDING
SECTIONS 41-3502 AND 41-3503, IDAHO CODE, TO PROVIDE NOMENCLATURE
CHANGES, AND TO PROVIDE CODE REFERENCES; AMENDING SECTIONS 59-802,
59-803 AND 59-804, IDAHO CODE, TO PROVIDE NOMENCLATURE CHANGES AND
TO PROVIDE CODE REFERENCES; AMENDING CHAPTER 57, TITLE 67, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 67-5760, IDAHO CODE, TO
CREATE THE DIVISION OF INSURANCE MANAGEMENT IN THE DEPARTMENT OF
ADMINISTRATION, TO PROVIDE FOR AN ADMINISTRATOR, AND TO PROVIDE
DUTIES FOR THE ADMINISTRATOR; AMENDING SECTION 59-1206, IDAHO
CODE, TO REDESIGNATE AS SECTION 67-5761, IDAHO CODE, AND TO PRO­
VIDE NOMENCLATURE; AMENDING SECTIONS 59-1209, 59-1201, 59-1202,
59-1203; 59-1204, 59-1207 AND 59-1208, IDAHO CODE, TO REDESIGNATE
AND TO TRANSFER SUCH SECTIONS INTACT TO CHAPTER 57, TITLE 67,
IDAHO CODE; AMENDING SECTION 59-1210, IDAHO CODE, TO REDESIGNATE
AS SECTION 67-5769, IDAHO CODE, AND TO PROVIDE NAME CHANGES;
AMENDING SECTION 59-1211, IDAHO CODE, TO REDESIGNATE AS SECTION
67-5770, IDAHO CODE; AMENDING SECTION 59-1213, IDAHO CODE, TO
REDESIGNATE AS SECTION 67-5771, IDAHO CODE, AND TO PROVIDE NAME
CHANGES; AMENDING SECTION 59-1214, IDAHO CODE, TO REDESIGNATE AS
SECTION 67-5772, IDAHO CODE; AMENDING SECTION 67-5755, IDAHO CODE,
TO REDESIGNATE AS 67-5773, IDAHO CODE, TO PROVIDE NAME CHANGES,
AND TO PROVIDE FOR A RISK MANAGEMENT ADVISORY COMMITTEE; AMENDING
CODE, TO REDESIGNATE, TO PROVIDE REFERENCES, AND TO PROVIDE
NOMENCLATURE CHANGES.

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

SECTION 1. That Section 6-919, Idaho Code, be, and the same is
hereby amended to read as follows:

6-919. LIABILITY INSURANCE FOR STATE -- COMPREHENSIVE PLAN BY
RISK--MANAGER-IN-THE DIVISION OF PURCHASING INSURANCE MANAGEMENT. The
risk--manager-in administrator of the division of purchasing insurance
management in the department of administration shall provide a compre­
hensive liability plan which will cover and protect the state and its
employees from claims and civil lawsuits. He shall be responsible for
the acquisition and administration of all liability insurance of the
state or for the use of the retained risk fund account provided in
section 67-57576, Idaho Code, to meet the obligations of the compre­
hensive liability plan.

The risk--manager administrator shall, after consultation with the
departments, agencies, commissions, and other instrumentalities of the
state, provide a comprehensive liability plan for the state providing
liability coverage to the state and its employees in amounts not less than the minimum specified in section 6-924, Idaho Code. He shall have the authority to use the retained risk fund account provided in section 67-575776, Idaho Code, or to purchase, renew, cancel and modify all policies according to the comprehensive liability plan.

SECTION 2. That Section 6-920, Idaho Code, be, and the same is hereby amended to read as follows:

6-920. LIABILITY INSURANCE FOR STATE PROCURED ONLY BY RISK-MANAGER-IN DIVISION OF PURCHASING INSURANCE MANAGEMENT. No state agency or institution other than the risk-manager-in administrator of the division of purchasing insurance management in the department of administration may procure liability insurance under this act. All state agencies and institutions shall comply with this act and the comprehensive liability plan developed by the risk-manager administrator of the division.

SECTION 3. That Section 6-921, Idaho Code, be, and the same is hereby amended to read as follows:

6-921. APPORTIONMENT OF COST OF STATE PLAN. The risk-manager-in administrator of the division of purchasing insurance management in the department of administration shall apportion the cost of the comprehensive liability plan under this act to the individual agencies and institutions and the costs shall be paid to the departments.

SECTION 4. That Section 41-3502, Idaho Code, be, and the same is hereby amended to read as follows:

41-3502. PROCUREMENT OF OFFICIAL BONDS. (1) Whenever any official surety bond is to be procured, placed, canceled or renewed with respect to any officer, agent or employee of the state of Idaho, or any of its departments, boards, agencies, or institutions, required by law or regulation to give surety bond and the premiums on which are payable from funds of the state, the same shall be so procured, placed, canceled or renewed by the risk-manager-in administrator of the division of purchasing insurance management in the department of administration.

(2) The officer, agent, or employee required by law or regulation to give such surety bond shall make application therefor to the risk manager administrator and the risk-manager administrator shall procure the same from authorized insurers, or as a surplus line under chapter 12, title 41, Idaho Code, on such basis as he may reasonably deem proper.

(3) If any such bond is thereafter to be canceled, modified, or renewed, the officer, agent, or employee involved, or the official having jurisdiction of such agent or employee, shall request the same in writing delivered to the risk-manager administrator, and the risk manager administrator shall promptly attend to such cancellation, modification, or renewal.
SECTION 5. That Section 41-3503, Idaho Code, be, and the same is hereby amended to read as follows:

41-3503. PAYMENT OF PREMIUMS. Premiums on surety bonds referred to in section 41-3502, Idaho Code, shall be paid from funds appropriated or available for the officer, department, board, agency, or institution for which the same is procured, on claims made by the risk manager-in administrator of the division of purchasing insurance management in the department of administration accompanied by the requisition of the officer or head of the department, board, agency, or institution, requiring any such insurance or bond.

SECTION 6. That Section 59-802, Idaho Code, be, and the same is hereby amended to read as follows:

59-802. DEFINITIONS. (1) "Risk-manager Administrator" means the risk-manager-in administrator of the division of purchasing insurance management in the department of administration, as provided by section 67-571160, Idaho Code.
(2) "Employee" means each elected or appointed officer of the state and each officer and employee of an agency; and
(3) "Agency" means each department, institution, board, bureau, commission or committee of the government of the state, including state educational institutions, the Supreme Court and district courts, but does not include any political subdivisions of the state.

SECTION 7. That Section 59-803, Idaho Code, be, and the same is hereby amended to read as follows:

59-803. SURETY BOND REQUIRED. (1) With the advice of the head of each agency, and taking into consideration employee duties and responsibilities, the risk-manager administrator shall designate individually or by class the employees required to give official bond to the state and the amount of the bond required for each individual or class.
(2) If some other law sets forth an amount in which an employee is to be bonded, the risk-manager administrator shall procure a bond in at least the amount set forth in such law, but may require a bond in a greater amount than as set forth in such law if he determines, in accordance with the procedures set forth in subsection (1) above, that it would be in the best interest of the state to require a bond in a greater amount.
(3) The premium on the official surety bonds procured by the risk manager administrator in accordance with sections subsections (1) and (2) above shall be paid from funds appropriated or available for the employer or agency in the manner prescribed in section 41-3503, Idaho Code.
(4) The risk-manager administrator shall procure all official bonds for employees, and shall, by negotiations or otherwise, endeavor to purchase the best coverage which can be obtained for the least
cost.

SECTION 8. That Section 59-804, Idaho Code, be, and the same is hereby amended to read as follows:

59-804. SURETY BONDS -- TERMS AND CONDITIONS. (1) Each official bond of an employee shall be payable to the state, and whenever possible, conditioned on honesty and the faithful performance of his duties during the employment or term of office and until his successor is elected or appointed and is qualified, and that he will properly account for all money and property received in his official capacity as an employee. The bond may contain other terms and conditions deemed appropriate by the risk-manager administrator to protect the state from loss. The bond shall be executed by a corporate surety company authorized to do business in this state in the amount fixed by the risk-manager administrator.

(2) In lieu of individual bonds, the risk-manager administrator may elect to provide a schedule or blanket corporate surety bond covering all or any group of employees whenever the premiums would be less than the aggregate of premiums chargeable under individual coverage. Any blanket or schedule bond provided shall contain all terms and conditions required in subsection (1) of this section.

(3) All official bonds of employees shall be approved by the governor and shall be approved as to form and legal sufficiency by the attorney general and shall be filed with the secretary of state without cost, except that the bond of the secretary of state or a certified copy of any master, blanket or schedule bond including the secretary of state shall be filed with the state auditor.

SECTION 9. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5760, Idaho Code, and to read as follows:

67-5760. DIVISION OF INSURANCE MANAGEMENT -- ADMINISTRATOR -- APPOINTMENT. There is hereby created within the department of administration a division of insurance management. The director of administration shall appoint an administrator for the division of insurance management subject to the approval of the governor. The administrator of the division shall be exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division may employ additional personnel as may be necessary and may contract for professional services or assistance when necessary and desirable.

The administrator of the division of insurance management shall be responsible for life, medical, disability, property, casualty, and other insurance as may be determined to be in the best interest of the state of Idaho by the department of administration.

SECTION 10. That Section 59-1206, Idaho Code, be, and the same is hereby amended to read as follows:
59-128667-5761. POWERS AND DUTIES -- GROUP INSURANCE. (1) The administrator of the division of insurance management shall have the authority to:

(a) Establish an advisory committee to be comprised of program participants. The advisory committee may include employee representatives. The administrator shall consult with the advisory committee in the performance of those duties as enumerated in section 2 of this act this section.

(b) Fix and promulgate rules for determining eligibility of personnel for participation in any group plans.

(c) Determine the nature and extent of needs for group life insurance, group annuities, group disability insurance, and group health care service coverages with respect to personnel, including elected or appointed officers and employees, of all offices, departments, divisions, boards, commissions, institutions, agencies and operations of the government of the state of Idaho, the premiums or prepayments for which are payable in whole or in part from funds of the state. "Disability" insurance includes all personal accident, health, hospital, surgical, and medical coverages, and "health care service" includes all services rendered for maintenance of good health, and diagnosis, relief, or treatment of any injury, ailment, or bodily condition.

(d) Determine the types, terms, conditions, and amounts of group insurance, group annuities, or group coverage by health care service organizations, as the case may be, required by such needs.

(e) Negotiate and contract for, and have placed or continued in effect all such insurance and coverages as may reasonably be obtainable from insurers and health care service organizations, as the case may be, duly authorized to transact such business in this state. In any event, such coverages shall be at a level comparable to those in existence as of the effective date of this act, 1974, of this act.

(f) Prepare or otherwise obtain and make available to all personnel affected thereby, printed information concerning all such group plans currently in effect, together with the rules governing eligibility, payment of premium or prepayment where applicable, claims procedures, and other matters designed to facilitate utilization and administration of such plans.

(g) Administer all such group plans on behalf of the policyholder or contract holder, including but not limited to:

(1) Enrollment and reporting to the insurer or health care service organization of individuals eligible for coverage and covered under particular policies or contracts, and termination of such enrollment upon termination of eligibility;

(2) Payment of premiums or prepayments for such policies and contracts and accounting for the same;

(3) Establishment of reasonable procedures for handling claims arising under such policies and contracts, and rendering assistance to claimants, as may be required in the presentation and consideration of claims;

(4) Effectuation of changes in such policies and contracts...
and renewal or termination thereof.

(2) Nothing herein shall be deemed to prohibit any such policy or contract providing coverage also for dependents of personnel, or continuation of coverage as to retired personnel, under terms and conditions formulated and negotiated by the administrator.

SECTION 11. That Section 59-1209, Idaho Code, be, and the same is hereby amended to read as follows:

59-120967-5762. OBJECTIVES AND CONSIDERATIONS. It shall be the administrator's objective to procure and maintain on behalf of officers and employees the most adequate group coverages reasonably obtainable for the money available for required premiums and prepayments. In the selection of insurers and health care service organizations to provide such coverages, the administrator shall give consideration to factors, other than lowest apparent premium or prepayment, such as risk retention, reserves, extent to which the insurer or organization will facilitate administration, and to its reputation and record for promptness and fairness in the treatment of claims, as well as to its financial dependability.

SECTION 12. That Section 59-1201, Idaho Code, be, and the same is hereby amended to read as follows:

59-120967-5763. GOVERNMENTAL BODY AUTHORIZED TO MAKE CONTRACTS FOR GROUP INSURANCE FOR OFFICERS AND EMPLOYEES. Any school district, municipality, county, or the state of Idaho, or other political subdivision of the state of Idaho, is hereby authorized to make contracts of group insurance and arrangements with prepayment plans, insuring and covering life, health, hospitalization, medical and surgical service and expense, accident insurance, contracts of annuities and pensions, or any one or more of such forms of insurance, annuities, pensions, or prepayment plans of coverage for the benefit of its elected or appointed officers and employees including life, hospitalization, medical and surgical expense insurance or prepayment plan coverage for dependents of such officers and employees.

SECTION 13. That Section 59-1202, Idaho Code, be, and the same is hereby amended to read as follows:

59-120967-5764. PART PAYMENT OF PREMIUM COST BY GOVERNMENTAL BODY. Notwithstanding any other provision of law, any governmental body, department, commission, board, school district, college, university, hospital, or other institution operated by the state of Idaho, municipality, county, or other political subdivision or the state of Idaho, and supported in whole or in part by public funds, is hereby authorized to pay part of the cost of any such plan of insurance, annuity, pension, and/or prepayment plan, and may deduct from the officer's or employee's pay, salary, or compensation such part of the premium or charge payable by the officer or employee.
SECTION 14. That Section 59-1203, Idaho Code, be, and the same is hereby amended to read as follows:

59-120967-5765. GOVERNMENT RETIREMENT PROGRAM OR GROUP INSURANCE PLANS IN EXISTENCE UNAFFECTED. The provisions of this act shall not affect the validity of any retirement program or contract of group insurance or arrangement for prepayment plan coverage previously entered into by any governmental body, or by any school, college, university, hospital or other institutions operated by any of the municipalities, counties, or other political subdivisions of the state and supported in whole or part by public funds.

SECTION 15. That Section 59-1204, Idaho Code, be, and the same is hereby amended to read as follows:

59-120467-5766. AUTHORITY CONFERRED ADDITIONAL ONLY. The authority hereby given shall be in addition to and not in derogation of any power existing in any governmental body, or in any school district, college, hospital, university or other institution operated by any of the municipalities or other political subdivisions of the state and supported in whole or in part by public funds, or in any municipality, school district, or political subdivision of the state under the provisions of any statute or any charter now in effect.

SECTION 16. That Section 59-1207, Idaho Code, be, and the same is hereby amended to read as follows:

59-120767-5767. ADMINISTRATOR MAY PROVIDE SERVICE TO SCHOOL DISTRICTS AND OTHER POLITICAL SUBDIVISIONS. (1) Under terms and procedures mutually agreed upon by contract, the administrator may render the same services with respect to personnel of any school district or other political subdivision of the state of Idaho. The cost of any group insurance, group annuity or health care service coverage so provided and of administration thereof shall be borne by the school district or political subdivision.

(2) Governmental entity for the purpose of this section means any organization composed of units of government of Idaho or organizations funded only by government or government employee contributions or organizations who discharge governmental responsibilities that would otherwise be performed by government. All government entities are deemed to be political subdivisions for the purpose of this act.

SECTION 17. That Section 59-1208, Idaho Code, be, and the same is hereby amended to read as follows:

59-120867-5768. NOMINAL POLICYHOLDER -- NO OBLIGATION TO STATE. (1) In policies and contracts procured by the administrator under this act and covering personnel of any state office, department, division, board, commission, institution, agency and operation, the director of administration shall be designated as the nominal policyholder or contract holder.
(2) No policy or contract shall create, or be deemed to constitute, any financial obligation on the part of the state of Idaho beyond the obligation, to contribute for or upon current premiums or prepayments thereof.

SECTION 18. That Section 59-1210, Idaho Code, be, and the same is hereby amended to read as follows:

59-123067-5769. INTER-DEPARTMENTAL TRANSACTIONS -- ADMINISTRATIVE CONTRIBUTION -- AMOUNTS -- LIMITS -- REFUNDS -- APPROPRIATION.

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

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

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

(4) Funds received by the administrator under this section shall be deposited to the credit of the group insurance account in the agency asset fund, and are hereby continually appropriated to the administrator for the uses for which charged and received, or as stated in subsection (3) above. Pending such use, surplus funds of the administrator shall be invested by the state treasurer in the same manner as provided for under section 67-1210, Idaho Code, with respect to other idle funds in the state treasury. All interest or other yield on such investments shall be credited to the respective funds accounts of the administrator from which derived.
SECTION 19. That Section 59-1211, Idaho Code, be, and the same is hereby amended to read as follows:

59-1211-5770. RETIREMENT SYSTEM NOT AFFECTED. Nothing in this act shall apply to or affect the public employee retirement system of Idaho as established under chapter 13, title 59, Idaho Code, the policemen's retirement fund as established under chapter 15, title 50, Idaho Code, the firemen's retirement fund as established under chapter 14, title 72, Idaho Code, the judges retirement fund as established under chapter 20, title 1, Idaho Code, or the retirement system of the department of employment as established under chapter 13, title 72, Idaho Code, as heretofore or hereafter amended or supplemented.

Provided, however, for the purpose of standardizing retirement benefits for all county employees, any county not participating in the public employee retirement system of Idaho on July 1, 1977 shall apply for membership in said system no later than July 1, 1978, in accordance with the provisions of section 59-1309, Idaho Code. Any existing retirement program, shall be terminated prior to the date of entry into the public employee retirement system of Idaho.

SECTION 20. That Section 59-1213, Idaho Code, be, and the same is hereby amended to read as follows:

59-1213-5771. GROUP INSURANCE FUND ACCOUNT CREATED -- ADMINISTRATION -- PERPETUAL APPROPRIATION. (1) There is hereby established in the agency asset fund in the state treasury a special fund account, the "Group Insurance Fund Account," which shall be administered by the administrator exclusively for the purposes of this act. This fund account shall consist of all contributions collected pursuant to this act, and all interest earned upon any moneys in the fund account.

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

(3) All premiums, prepayments, or claims, shall be payable directly from the clearing subaccount as they come due. If the amount of such premiums, prepayments, or claims payable at any time exceeds the amount in the clearing subaccount, the payment of all or part of such expenditures may be postponed until the clearing subaccount becomes adequate to meet all such payments, or the administrator may require a transfer from the rate stabilization subaccount sufficient to meet all such payments.
SECTION 21. That Section 59-1214, Idaho Code, be, and the same is hereby amended to read as follows:

59-121467-5772. REMITTANCE OF CONTRIBUTIONS -- COLLECTION OF DELINQUENCY. (1) Between the first and twentieth day of each month, each employer, or, where the employer's payroll is paid separately by departments, each department of each employer, shall remit to the administrator all contributions required of it and its employees on the basis of salaries paid by it during the previous month. These remittances shall be accompanied by such reports as required by rules of the administrator.

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

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

SECTION 22. That Section 67-5755, Idaho Code, be, and the same is hereby amended to read as follows:

67-575565-5773. POWERS AND DUTIES - RISK MANAGEMENT. (1) The risk-manager administrator of the division of insurance management shall:

(a) Determine the nature and extent of needs for insurance coverages of all kinds, other than life and disability insurances, as to risks and property of all offices, departments, divisions, boards, commissions, institutions, agencies and operations of the government of the state of Idaho, the premiums on which are payable in whole or in part from funds of the state.

(b) Determine the character, terms, and amounts of insurance coverages required by such needs.

(c) Within funds available therefor from each respective office, department, division, board, commission, institution, agency or operation with respect to coverage to be provided to it, negotiate for, procure, purchase, and have placed or continued in effect all such insurance coverages as may reasonably be obtainable, whether from insurers duly authorized to transact insurance in this state or under the surplus line law.

(d) Administer all such coverages on behalf of the insured, including making and settlement of loss claims arising thereunder. The risk-manager administrator, with the advice of the attorney general, may cause suit to be brought with respect to any such
coverage or loss.

(e) Within available funds and personnel, make periodic inspection or appraisal of premises, property and risks as to conditions affecting insurability, risk, and premium rate, and submit a written report of each such inspection or appraisal together with recommendations, if any, to the officer, department, or agency in direct charge of such premises, property or risks, and to the director of the department of administration.

(f) Perform such other duties and exercise such other powers as are provided by law.

(g) Establish a risk management advisory committee. The administrator shall consult with the advisory committee in the performance of those duties enumerated above.

(2) As to all such needs and coverages, the risk-manager administrator shall give due consideration to information furnished by and recommendations of any office, department, division, board, commission, institution or agency.

SECTION 23. That Section 67-5754, Idaho Code, be, and the same is hereby amended to read as follows:

67-5754 67-5774. POSITION OF RISK MANAGER CREATED -- APPOINTMENT -- EMPLOYMENT OF PERSONNEL. There is hereby created the position of risk manager in the division of purchasing insurance management in the department of administration. The risk manager shall be selected and retained subject to the provision of chapter 53, title 67, Idaho Code. The risk manager shall be directly responsible to the director administrator of the department division of administration insurance management. The risk manager may, with the agreement of the director administrator, employ and fix the compensation of such additional personnel, and contract for such professional or technical services or assistance, as the manager may deem necessary or desirable for the performance of the duties of the position.

SECTION 24. That Section 67-5756, Idaho Code, be, and the same is hereby amended to read as follows:

67-5756 67-5775. RISK MANAGEMENT GUIDELINES. In determining need for, form and amount of, procuring and administering insurance coverages, the risk-manager administrator shall give due consideration to:

(1) omission of insurance policy coverage as to property and risks as to which insurance and claim administration costs may be disproportionately great in reference to the amount of risk;

(2) ultimate economies possible through use of reasonable deductions;

(3) use of comprehensive coverages and blanket coverages insuring property and risks of two (2) or more offices, departments, divisions, boards, commissions, institutions and agencies;

(4) reliability of and service provided by insurers to be selected as insurance carriers, as well as financial condition and competitive premium rate;
SECTION 25. That Section 67-5757, Idaho Code, be, and the same is hereby amended to read as follows:

67-575767-5776. RETAINED RISKS FUND ACCOUNT -- PURPOSES -- AMOUNT -- LIMIT -- APPROPRIATION -- INVESTMENT. (1) There is hereby created an account in the agency asset fund within the state treasury to be designated the "retained risk fund account." The fund account shall be used solely for payment of premiums, costs of maintaining the operation of risk-manager a portion of the division of insurance management, or upon losses not otherwise insured and suffered by the state as to property and risks which at the time of the loss were eligible for such payment under regulations theretofore issued by the risk-manager administrator.

(2) In addition to funds moneys, if any, appropriated to the fund account by the legislature, the risk-manager administrator shall deposit with the state treasurer for credit to the retained risk fund account:
(a) the gross amount of all premiums and surcharges received under section 67-575877, Idaho Code;
(b) all refunds received on account of insurance policies canceled before expiration;
(c) all refunds or returns under experience rating arrangements with insurers;
(d) savings from amounts otherwise appropriated for the purchase of insurance or conduct of the operation of the risk-manager division;
(e) all net proceeds of the sale of salvage resulting from losses paid out of the retained risk fund account.

(3) The risk-manager administrator shall from time to time promulgate regulations as to properties, risks and amount limits eligible for payment out of the retained risk fund account, and as to making of claim and proof of loss. Before the effective date of any regulation, the risk-manager administrator shall furnish a copy of all regulations to each office, department, division, board, commission, institution and agency to be affected by the regulation.

(4) If at any time the net balance remaining to the credit of the loss reserve subaccount, after deduction of incurred losses payable therefrom as determined or reasonably estimated, is in excess of fifty percent (50%) of the aggregate amount of premiums paid through the risk-manager administrator to all insurers during the next preceding calendar year, the risk-manager administrator shall make such adjustments in retained risk fund account surcharges or coverages for the future as may be necessary to bring and maintain the fund account within the net balance amount limit standard, as currently computed.

(5) All moneys placed in the fund account are hereby perpetually appropriated to the risk-manager division of insurance management for the purposes of this section. All expenditures from the fund account shall be paid out in warrants drawn by the state auditor upon pre-
sentation of proper vouchers from the risk-manager director of the department of administration.

(6) Pending such use, surplus moneys in the fund account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle funds moneys in the state treasury. Interest earned on the investments shall be returned to the fund account.

(7) Within the retained risk fund account, the state auditor shall maintain three (3) separate subaccounts: (a) a clearing subaccount, (b) an administration subaccount, and (c) a loss reserve subaccount. All moneys payable to the fund account, upon receipt by the risk-manager department of administration, shall be forwarded to the state treasurer and initially deposited in the clearing subaccount. At the direction of the risk-manager administrator, all administrative surcharges deposited since the previous transfer shall be transferred to the administration subaccount. Immediately after each transfer from the clearing subaccount to the administration subaccount, the remaining balance in the clearing subaccount which is not required for payment of premiums, shall be transferred to the loss reserve account.

(8) All premiums shall be payable directly from the clearing subaccount as they come due.

SECTION 26. That Section 67-5758, Idaho Code, be, and the same is hereby amended to read as follows:

67-5758-5777. INTERDEPARTMENTAL TRANSACTIONS — PURPOSES — APPROPRIATION. (1) The risk-manager administrator shall charge each office, department, division, board, commission, institution, agency and operation for which the risk-manager administrator provides insurance coverage and receive payment in advance for the reasonably apportioned share of the cost incurred. To the amount otherwise so found due for payment of premium to the insurer, the risk-manager administrator shall add separately stated surcharges of such percentages, rates, or amounts as may reasonably be required:

(a) to pay the costs of maintaining the operation of the risk manager administrator, including salaries, wages, travel and other current expenses;
(b) to provide for initial funding and maintenance thereafter of the retained risk fund account, as reasonably apportioned from time to time among those offices, departments, divisions, boards, commissions, institutions, agencies and operations sharing risk coverage by such fund account. The amount of this surcharge is subject to adjustment as required by subsection (4) of the preceding section.

(2) All such charges and payments shall not exceed the current appropriation or funds available for the purpose of the affected office, department, division, board, commission, institution, agency or operation. On or before the first day of August of each year, the administrator shall furnish each department with an estimate of the cost of insurance or coverage for the upcoming fiscal year.
(3) Funds received by the risk-manager administrator under this section shall be deposited to the retained risk fund account and are hereby continually appropriated to the risk-manager administrator for payment of such salaries, wages, travel, premiums, losses, and other expenses.

SECTION 27. That Section 67-5759, Idaho Code, be, and the same is hereby amended to read as follows:

67-5759. COLLECTION OF DELINQUENT PAYMENTS. (1) If any office, department, division, board, commission, institution, agency, or operation of the government of the state of Idaho shall fail or refuse to remit any such payment as charged by the risk-manager administrator within thirty (30) days after the date due when funds have been appropriated, the risk-manager administrator may certify to the state treasurer the fact of such failure or refusal and the amount of the delinquent payment, together with the request that such amount be set over from funds of the delinquent department to the credit of the retained risk fund account. A copy of such certification and request shall be furnished the delinquent department.

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

Approved March 19, 1980.

CHAPTER 107
(H.B. No. 473, As Amended)

AN ACT RELATING TO GRAZING LEASES ON STATE LANDS; AMENDING SECTION 58-307, IDAHO CODE, TO PROVIDE THAT THE ANNUAL RENTAL FOR ALL GRAZING LEASES MUST BE PAID BY MAY 1.

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 for all leases except grazing leases thereafter must be paid from January first of the year in which the lease is issued. The annual rental for all grazing leases must be paid by not later than May 1 by the lessee under the terms of the lease. 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 November 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 19, 1980.

CHAPTER 108
(H.B. No. 544)

AN ACT
RELATING TO INSPECTION OF MOBILE HOME CONSTRUCTION; AMENDING SECTION 39-4003A, IDAHO CODE, BY SPECIFYING THE INSPECTIONS TO WHICH THE RIGHT OF ENTRY RELATES; AMENDING SECTION 39-4004, IDAHO CODE, BY PROVIDING FOR PARTICIPATION IN THE MONITORING FEE INSPECTION PROGRAM ESTABLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND AMENDING SECTION 39-4011, IDAHO CODE, BY SPECIFYING VIOLATIONS AND PENALTIES.

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

SECTION 1. That Section 39-4003A, Idaho Code, be, and the same is hereby amended to read as follows:

39-4003A. RIGHT OF ENTRY. In order to carry out the purposes of this act chapter, the director or his authorized representative shall, during regular working hours and at other reasonable times, have the right of entry to conduct the inspections required by this chapter; the right of entry to make inspections to carry out the duties and responsibilities as an in-plant inspection agency (IPIA) by the
authority granted by the U. S. department of housing and urban development pursuant to 24 CFR 3282.362(e)(2); and the right of entry to make inspections to carry out the duties and responsibilities as a state administrative agency (SAA) by the authority granted by the U. S. department of housing and urban development pursuant to 24 CFR 3282.305.

SECTION 2. That Section 39-4004, Idaho Code, be, and the same is hereby amended to read as follows:

39-4004. INSPECTION AND ENFORCEMENT FEES -- SCHEDULE AUTHORIZED. The director is authorized to establish a schedule of fees to pay the cost of inspection and enforcement of this act without recourse to tax subsidies. Such fee schedule shall be consistent with the actual cost of maintaining the program.

(1) The director shall be authorized to participate in the fee distribution system of the U. S. department of housing and urban development set out in 24 CFR Part 3282. The director shall establish a monitoring inspection fee in an amount established by the secretary of the U. S. department of housing and urban development. This monitoring inspection fee shall be an amount paid by each mobile home manufacturer in the state for each mobile home produced by the manufacturer in the state. This fee shall be in addition to any in-plant inspection agency (IPIA) fees assessed by the director, which shall be consistent with the actual cost of providing such inspections.

(2) The monitoring inspection fee shall be paid by the manufacturer to the secretary of the U. S. department of housing and urban development who shall distribute the fees collected from all mobile home manufacturers among the approved and conditionally-approved states based on the number of new mobile homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state.

SECTION 3. That Section 39-4011, Idaho Code, be, and the same is hereby amended to read as follows:

39-4011. VIOLATIONS. (1) Any person who violates any of the following provisions of 42 U.S.C. 5409; as it relates relating to mobile homes, or any regulation promulgated by the Idaho department of labor and industrial services to administer the provisions of this chapter shall be liable for a civil penalty of not to exceed one thousand dollars ($1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each mobile home, except that the maximum penalty shall not exceed one million dollars ($1,000,000) for any related series of violations occurring within one year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any mobile home which is manufactured on or after the effective date of any applicable federal mobile home construction and safety standard which does not comply with such standard;
(b) Failure or refusal to permit entry or inspection as required by section 39-4003A, Idaho Code;
(c) Failure of manufacturer to give notification of any defects in any mobile home, in the manner required by 42 USC 5414;
(d) Failure to furnish to distributor or dealer at the time of delivery of each mobile home produced by such manufacturer, certification that said mobile home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a mobile home conforms to all applicable federal mobile home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;
(e) Failure of any manufacturer, distributor or dealer of mobile homes to establish and maintain such records, make such reports, and provide such information as the director of the Idaho department of labor and industrial services may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal mobile home construction and safety standards; or failure to permit, upon request of a person duly designated by the director, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal mobile home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who wilfully or knowingly violates the provisions of 42 USC 5410; section 610 enumerated in subsection 1(a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than one (1) year, or by both such fine and imprisonment. Each such violation shall constitute a separate violation with respect to each mobile home.

(3) Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho.

Approved March 19, 1980.

CHAPTER 109
(H.B. No. 542)

AN ACT

RELATING TO DISPLAY OF LICENSES BY GENERAL LINES INSURANCE AGENTS AND BROKERS; AMENDING SECTION 41-1052, IDAHO CODE, TO ALLOW A GENERAL LINES AGENT OR BROKER WHO IS ALSO A LIFE AND DISABILITY AGENT TO CARRY HIS LICENSE ON HIS PERSON RATHER THAN DISPLAYING IT ON THE WALL AT HIS PLACE OF BUSINESS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 41-1052, Idaho Code, be, and the same is hereby amended to read as follows:

41-1052. PLACE OF BUSINESS -- GENERAL LINES AGENTS, BROKERS -- DISPLAY OF LICENSE -- RECORDS. (1) Every resident general lines agent or resident general lines broker shall have and maintain in this state a place of business accessible to the public. The place of business shall be that wherein the licensee principally conducts transactions under his license. The address of such place shall appear upon the license, and the licensee shall promptly notify the director in writing of any change thereof. Nothing in this section shall prohibit maintenance of such a place of business in the licensee's place of residence in this state.

(2) The licenses of the licensee and the licenses of solicitors appointed by the licensee shall be conspicuously displayed by the licensee in his place of business in a part thereof customarily open to the public; unless such licensee or solicitor appointed by the licensee is also a life and disability agent and carries his license on his person pursuant to section 41-1053, Idaho Code.

(3) The licensee shall keep at his place of business complete records of transactions under his license and those of his solicitors. Such records shall show, as to each insurance policy or contract placed through or countersigned by the licensee, not less than:

(a) The names of insurer and insured;
(b) The number and expiration date of the policy or contract;
(c) The premium payable as to the policy or contract;
(d) The date, time, insurer, insured and coverage of every binder made by the agent; and
(e) Such other information as the director may reasonably require. The record shall be kept available for inspection by the director for at least three (3) years after completion of the respective transactions.

(4) This section does not apply as to life and disability insurances.

Approved March 19, 1980.
SECTION 1. That Section 41-1060, Idaho Code, be, and the same is hereby amended to read as follows:

41-1060. SALE OF INSURANCE BY VENDING MACHINES -- LICENSE OF MACHINES -- REVOCATION -- FEE. (1) A resident agent licensed as to disability insurance may solicit application for and issue policies of personal travel accident insurance by means of mechanical vending machines supervised by him and placed at airports, railroad stations, bus stations and similar places where transportation tickets are sold and of convenience and service to the traveling public, if the director finds:

(a) That the policy to be so sold provides reasonable coverage and benefits, is reasonably suited for sale and issuance through vending machines, and that use of such a machine therefor in a particular proposed location would be of material convenience to the public;

(b) That the type of vending machine proposed to be used is reasonably suitable and practical for the purpose;

(c) That reasonable means are provided for informing the prospective purchaser of any such policy of the coverage and restrictions of the policy; and

(d) That reasonable means are provided for refund to the applicant or prospective applicant of money inserted in defective machines and for which no insurance, or a less amount than paid for, is actually received.

(2) As to each such machine to be so used, the director shall issue to the agent a special vending machine license. The license shall specify the name and address of the insurer and agent, the name of the policy to be so sold, the serial number of the machine, and the place where the machine is to be in operation. The license shall be subject to annual continuation, to expiration, suspension or revocation coincidentally with that of the agent. The director shall also revoke the license of any machine when he finds that the conditions for which the machine was licensed, as referred to in subsection (1), no longer exist. The license fee shall be the sum of ten twenty-five dollars ($100.25.00) for each license year or part thereof for each respective vending machine. Proof of the existence of a subsisting license shall be displayed on or about each such vending machine in use in such manner as the director may reasonably require.

Approved March 19, 1980.
CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-127, IDAHO CODE, GIVING AUTHORITY TO THE STATE BOARD OF LAND COMMISSIONERS TO SET THE FEES FOR LAND SALES AND OTHER TRANSACTIONS OF THE DEPARTMENT OF LANDS.

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

SECTION 1. That Section 58-127, Idaho Code, be, and the same is hereby repealed.

SECTION 2. 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 58-127, Idaho Code, and to read as follows:

58-127. FEES. The board of land commissioners is hereby empowered to set the fees for sales, leases, easements of state land and all other transactions in the department of lands.

All moneys collected for fees shall be paid to the treasurer of the state and shall be credited to the general account; provided, however, that in all cases where filing or other fees or rent moneys have been paid to the said board by two (2) or more applicants for the same lands, such fees, or rent moneys, may be returned to the unsuccessful applicant from any moneys in the possession of said board; provided, that such payments shall be made out of the account to which they may have been credited.

Approved March 19, 1980.

CHAPTER 112
(H.B. No. 367)

AN ACT RELATING TO CONSUMER CREDIT SALES AND LEASES; REPEALING SECTION 48-609, IDAHO CODE, PROVIDING REQUIREMENTS FOR CONTRACTS IN CONSUMER CREDIT SALES AND LEASES.

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

SECTION 1. That Section 48-609, Idaho Code, be, and the same is hereby repealed.

Approved March 19, 1980.
CHAPTER 113
(H.B. No. 483)

AN ACT
RELATING TO SOCIAL SECURITY CONTRIBUTIONS FROM UNITS OF GOVERNMENT;
AMENDING SECTION 59-1105, IDAHO CODE, TO PROVIDE THAT SOCIAL SECURITY CONTRIBUTIONS FROM LOCAL UNITS OF GOVERNMENT SHALL BE REMITTED TO THE STATE AUDITOR RATHER THAN THE COUNTY AUDITOR, TO PROVIDE THAT THE STATE AUDITOR MAY IMPOSE A PENALTY AND INTEREST FOR LATE PAYMENTS, AND TO PROVIDE NOMENCLATURE.

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

SECTION 1. That Section 59-1105, Idaho Code, be, and the same is hereby amended to read as follows:

59-1105. COUNTY-TRUST-FUNDS CONTRIBUTIONS FROM LOCAL ENTITIES.
Under rules and regulations to be prescribed by the state auditor, each municipal corporation, political subdivision, drainage or irrigation district, hereinafter referred to as public employer, coming within the provisions of this chapter, shall remit to the county state auditor the amounts required to be withheld from the salary or wages of each officer and employee together with the matching contribution of such public employer and any interest or penalties imposed for late remittances, in the manner and form prescribed by the state auditor. Such moneys shall be deposited in a fund to be known as the county social security trust account and at such times as may be prescribed by the state auditor, the county auditor shall draw upon such fund, either by warrant or other authorization, and pay the same over to the state auditor for the purpose of payment into the United States Treasury or other governmental agency, for and in behalf of such public employer and its employees.

Whenever the area of any public employer subject to the provisions of this chapter shall extend into more than one county, the payments required to be made under this chapter shall be made to the county auditor of the county where the principal place of business of such public employer is located, but any moneys required to be paid or withheld by any department, division, commission, institution, or other agency of the state government shall be paid to the state auditor in the manner, and under such rules and regulations, as he shall prescribe.

In case any public employer does not make, at the time or times due, the payments provided for under an agreement pursuant to this section, there shall be added, as part of the amounts due, interest at the rate of six percent (6%) per annum from the date due until paid plus a penalty of six percent (6%) and the state auditor may, at his discretion, deduct any delinquent amounts including interest and penalty from any funds or moneys due such delinquent public employer as may be in the possession of the state treasurer, and credit the same to the social security trust account.
If any public employer is delinquent in the payment of any moneys required to be paid under the provisions of this chapter, and is so delinquent for more than thirty (30) days, the county state auditor shall so notify the board of county commissioners who shall thereupon order the county treasurer to withhold the equivalent amount of such moneys as are delinquent, together with the equivalent amount of any penalty or interest which may be due as a result of such delinquency, from any funds or moneys due such delinquent public employer as may be in the possession of the county treasurer, and to pay the same over to the county state auditor, for the credit of the county social security trust fund account.

Approved March 19, 1980.

CHAPTER 114
(H.B. No. 484)

AN ACT
RELATING TO A REVOLVING ACCOUNT FOR SOCIAL SECURITY ADMINISTRATION;
AMENDING SECTION 59-1106A, IDAHO CODE, TO INCREASE THE AMOUNT OF
THE REVOLVING ACCOUNT, AND TO PROVIDE NOMENCLATURE.

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

SECTION 1. That Section 59-1106A, Idaho Code, be, and the same is hereby amended to read as follows:

59-1106A. REVOLVING FUND ACCOUNT FOR SOCIAL SECURITY ADMINISTRATION. There is hereby appropriated out of the general fund-of account in the state treasury operating fund, not otherwise appropriated, the sum of ten fifty thousand dollars ($150,000) to be used as a revolving fund account in the state treasury by the state auditor to handle remittances that must be made to the federal social security administration pending the making of adjustments and the collection of shortages in remittances for local government entities. The state auditor shall prescribe and adopt all necessary procedures for implementing the purpose of the revolving fund account.

Approved March 19, 1980.
CHAPTER 115
(H.B. No. 498)

AN ACT
RELATING TO FINANCING THE MULTISTATE TAX COMPACT; AMENDING CHAPTER 37, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3709, IDAHO CODE, PROVIDING FOR CREATION OF THE MULTISTATE TAX COMPACT ACCOUNT AND PROVIDING FOR APPROPRIATIONS AND TRANSFERS THEREFROM.

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

SECTION 1. That Chapter 37, 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 63-3709, Idaho Code, and to read as follows:

63-3709. MULTISTATE TAX COMPACT ACCOUNT -- CREATION -- 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 "Multistate Tax Compact Account."
(b) All moneys collected as a direct result of audits conducted by the multistate tax commission shall be paid by the state tax commission into the multistate tax compact account.
(c) Upon receipt by the state tax commission of the budget of the multistate tax commission, and the statement of Idaho's share of such budget to be appropriated, the state tax commission shall review said budget and Idaho's share, and shall determine compliance or noncompliance of said budget and share with section 4(b) of article VI of the multistate tax compact. Upon reviewing said budget and Idaho's share thereof, the state tax commission shall, on or before February 1 of each year, certify to the Senate finance committee, the House appropriations committee, the Senate local government and taxation committee, and the House revenue and taxation committee, that the budget and Idaho's share thereof either comply or do not comply with the provisions of section 4(b) of article VI of the multistate tax compact. Unless the legislature determines otherwise prior to adjournment, the amounts which the state tax commission has certified as complying with section 4(b) of article VI are hereby continually appropriated from the multistate tax compact account to the multistate tax commission.
(d) If, at any time, the funds in the multistate tax compact account exceed one hundred and ten percent (110%) of the most recent continuing annual appropriation to the multistate tax commission, the excess thereof shall be transferred to the general account.
(e) Payments to the multistate tax commission from the multistate tax compact account shall be made only with the approval of the state tax commission.

Approved March 19, 1980.
CHAPTER 116
(H.B. No. 409)

AN ACT
RELATING TO EXEMPTIONS TO THE REQUIREMENTS FOR PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1903, IDAHO CODE, TO INCREASE THE EXEMPTIONS FOR ANY CONSTRUCTION, ALTERATION, IMPROVEMENT OR REPAIR ESTIMATED TO COST LESS THAN FIVE THOUSAND DOLLARS.

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

SECTION 1. 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 five thousand dollars ($1,000,000).
(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.

Approved March 20, 1980.
CHAPTER 117
(H.B. No. 423)

AN ACT
RELATING TO MINE SAFETY AND DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES AND THE DIRECTOR THEREOF; AMENDING SECTION 44-101, IDAHO CODE, TO STRIKE THE DEFINITION OF "MINE"; AMENDING SECTION 44-103, IDAHO CODE, TO STRIKE PROVISIONS RELATIVE TO MINE INSPECTION AND PROMULGATION OF MINE SAFETY REGULATIONS; AND REPEALING SECTIONS 44-109, 44-110, 44-111, 44-112, 44-113, 44-114, 44-115, 44-116, 44-117, 44-118 AND 44-120, IDAHO CODE.

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

SECTION 1. That Section 44-101, Idaho Code, be, and the same is hereby amended to read as follows:

44-101. DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES. (1) There is hereby established the department of labor and industrial services. Suitable rooms and facilities for the use of the department shall be provided at the capitol in Boise. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of state government. The department shall be headed by a director who shall be the successor in law to the office enumerated in section 1, article XIII, of the constitution of the state of Idaho.

(2) As used in this chapter:
(a) "Department" means the department of labor and industrial services;
(b) "Director" means the director of the department of labor and industrial services;
(c) "Commission" means the industrial commission;
(d) "Mine" means:
   (1) an area of land from which minerals are extracted in nonliquid form or if in liquid form are extracted with workers underground;
   (2) private ways and roads appurtenant to such area; and
   (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, tools, or other property on the surface or underground used in the work of extracting such minerals from their natural deposits in nonliquid form or in if in liquid form with workers underground, or used in the milling of such minerals, except that with respect to protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Federal Atomic Energy Act of 1954, as amended.

SECTION 2. That Section 44-103, Idaho Code, be, and the same is
hereby amended to read as follows:

44-103. DUTIES OF THE DIRECTOR. The director shall have and exercise the following powers:

(a) To acquire and disseminate among the people of the state information on subjects connected with labor, relations between employees, employers and the public, hours of labor, wages and working conditions, including safety and sanitary standards and practices, the best means of minimizing the economic effect of disputes between workers and employers, and of promoting the welfare of all working people.

(b) To represent the state of Idaho in dealings with the Federal Mediation and Conciliation Service of the United States.

(c) To represent the state of Idaho in dealings with the Department of Labor of the United States with respect to apprentice training programs.

(d) To represent the state of Idaho in dealings with the Veterans Administration of the United States with respect to job training programs.

(e) To file at the close of each fiscal year a report in writing to the governor, and the legislature, concerning the condition of the affairs of his office, together with recommendations for such legislation as may appear to him to be needful.

(f) To cooperate with the industrial commission and aid and assist the commission in its administration of sections 72-720, 72-721, and 72-723, Idaho Code, and at the request of the commission shall make inspection of appliances, tools, equipment, machinery, practices or conditions, and make a written report thereof to the commission. The director shall make such recommendations to the commission as will aid the commission in its administration of sections 72-720, 72-721, and 72-723, Idaho Code, provided, however, that nothing herein contained shall be construed as transferring to the director any of the authority or powers now vested in the industrial commission.

(g) To visit each mine in the state of Idaho at least once each year for the purpose of determining the condition of said mine; as to safety and health; to promulgate reasonable rules and regulations for safety and health of employees in mines; after consultation with the mine safety advisory board and to collect information and statistics relative to health and safety conditions of mines in the state; the advisors shall be reimbursed for actual and necessary travel and lodging expenses incurred in the performance of their duties.

(h) To administer the inspection and certification procedures in chapter 22, title 39, Idaho Code, relating to liquefied petroleum gases; in chapter 23, title 39, Idaho Code, relating to safety appliances on steam vessels carrying passengers for hire; in chapter 27, title 39, Idaho Code, relating to plumbing and plumbers; in chapter 35, title 39, Idaho Code, relating to the fire prevention code; in chapter 40, title 39, Idaho Code, relating to mobile homes and recreational vehicles; in chapter 41, title 39, Idaho Code, relating to factory-built housing; and in chapter 10, title 54, relating to electrical contractors and journeymen.
(h) To represent the state of Idaho in dealings with the mine enforcement and safety administration of the Department of Interior of the United States.

SECTION 3. That Sections 44-109, 44-110, 44-111, 44-112, 44-113, 44-114, 44-115, 44-116, 44-117, 44-118, and 44-120, Idaho Code, be, and the same are hereby repealed.

Approved March 20, 1980.

CHAPTER 118
(H.B. No. 363)

AN ACT
RELATING TO POWERS AND DUTIES OF DISTRICT BOARDS OF HEALTH; AMENDING SECTION 39-414, IDAHO CODE, TO AUTHORIZE THE DISTRICT BOARDS OF HEALTH TO ESTABLISH FEE SCHEDULES FOR SERVICES RENDERED.

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

SECTION 1. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:
(1) To administer and enforce all state and district health laws, regulations, and standards.
(2) To do all things required for the preservation and protection of the public health and preventive health, and such other things delegated by the director of the state department of health and welfare and this shall be authority for the director to so delegate.
(3) To determine the location of its main office and to determine the location, if any, of branch offices.
(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a fee reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.
(5) All fees, moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district fund account authorized by section 39-422, Idaho Code.
(6) To establish a fiscal control policy corresponding as substantially as possible to that required to be followed by the state department of health and welfare.
(7) To cooperate in the highest degree with the director of the department of health and welfare in all manners and to this end be available to meet with the director as may be convenient to both, but in no event less frequently than semiannually.

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

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

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

(11) To establish fee schedules whereby the board agrees to render services to or for entities other than governmental or public agencies for a fee reasonably calculated to cover the cost of rendering such service.

Approved March 20, 1980.

CHAPTER 119
(H.B. No. 608)

AN ACT
RELATING TO MEDICAL CERTIFICATES REQUIRED FOR THE ISSUANCE OF MARRIAGE LICENSES; AMENDING SECTION 32-412, IDAHO CODE, BY DEFINING PHYSICIAN, BY ADDING EXCEPTIONS TO THE CERTIFICATE FOR FEMALE APPLICANTS FORTY-FIVE YEARS OF AGE OR OLDER AND FEMALE APPLICANTS WHO HAVE BEEN VACCINATED AGAINST RUBELLA; AND PROVIDING FOR AUTOMATIC REPEAL.

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

SECTION 1. That Section 32-412, Idaho Code, be, and the same is hereby amended to read as follows:

32-412. MEDICAL CERTIFICATE REQUIRED. Before any county recorder shall issue any marriage license, each female applicant therefor shall file with him a certificate from a licensed physician licensed by the Idaho state board of medicine or its counterpart in other states certifying that 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 certificate nor
the rubella test shall not be required if the licensed physician finds that the person applicant is forty-five (45) years of age or older, or if the applicant presents documentation of previous vaccination against rubella. The rubella test shall not be required if the certificate signed by the physician or his authorized representative indicates the applicant is incapable of bearing a child because of prior surgery or other physical condition and the certificate shall 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 2. Section 32-412, Idaho Code, shall become null and void after June 30, 1985, unless reenacted by the Idaho legislature.

Approved March 20, 1980.

CHAPTER 120
(H.B. No. 550)

AN ACT
RELATING TO THE DISPOSITION OF CERTAIN REAL PROPERTY OF SCHOOL DISTRICTS; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE THAT THE DISTRICT BOARD OF TRUSTEES MAY SELL REAL PROPERTY DONATED TO THE DISTRICT, WITHIN ONE YEAR OF APPRAISAL, WITHOUT ADDITIONAL ADVERTISING OR BIDDING.

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 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 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 (b) of this subsection, 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 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 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. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must 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 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 20, 1980.
CHAPTER 121
(H.B. No. 478)

AN ACT
RELATING TO HEALTH CARE CERTIFICATE OF NEED; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 49, TITLE 39, IDAHO CODE, TO PROVIDE THE HEALTH CARE CERTIFICATE OF NEED ACT; PROVIDING PURPOSES OF THE ACT; DEFINING TERMS; CREATING THE IDAHO HEALTH FACILITIES REVIEW BOARD; PROVIDING APPLICABILITY OF THE PROVISIONS OF THIS CHAPTER; REQUIRING INFORMATION TO BE SUBMITTED; PROVIDING NOTIFICATION OF A REVIEW CONDUCTED PURSUANT TO THIS CHAPTER; PROVIDING FOR ADOPTION OF RULES AND REGULATIONS AND SPECIFYING PROCEDURES OF THE BOARD; PROVIDING AN APPEAL PROCEDURE; PROVIDING SANCTIONS; PROVIDING FOR CANCELLATION, TRANSFER OR EXTENSION OF CERTIFICATES; PROVIDING LIMITATIONS OF LIABILITY; PROVIDING AN EFFECTIVE DATE AND TRANSITION; PROVIDING AUTOMATIC REPEAL OF THIS CHAPTER; AND DECLARING NONSEVERABILITY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 49, Title 39, Idaho Code, and to read as follows:

CHAPTER 49
HEALTH CARE CERTIFICATE OF NEED

39-4901. SHORT TITLE. This chapter shall be known and may be cited as the "Health Care Certificate of Need Act."

39-4902. PURPOSES. The purposes of this act are: to promote effective health planning within the state; to assist in providing the highest quality care; to avoid unnecessary duplication by insuring that only those new health care facilities, equipment, and institutional services that are needed will be built, modified, or offered; to provide an orderly method for resolving questions concerning the necessity for new health care facilities, equipment, and services including the construction of new health care facilities and modification of existing health care facilities; and to assure that necessary and adequate health care facilities, equipment, and services are available and accessible to all the people of this state.

39-4903. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(a) "Applicant" means an individual, a partnership, a corporation whether or not created for profit, the state, a political subdivision of the state, or any other legal entity organized or assembled for the purpose of providing a health care service.
(b) "Bed capacity" means the licensed capacity of a specific physical structure under applicable state law.

(c) "Board" means the Idaho health facilities review board established by this chapter.

(d) "Capital expenditure" means an expenditure made by or on behalf of a health care facility, provider or person which:

(1) Is made to obtain by lease or comparable arrangement any health care facility or part thereof or any single piece of medical equipment, or, under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance; and

(2) Exceeds the expenditure minimum, or substantially changes the bed capacity of a facility with respect to which the expenditure is made.

(i) "Expenditure minimum," for the twelve (12) month period beginning with the effective date of this chapter, means one hundred fifty thousand dollars ($150,000) or more. For each twelve (12) month period thereafter, "expenditure minimum" means the expenditure figure in effect for the preceding twelve (12) month period, or, at the discretion of the board, that same figure adjusted by the cost of the other medical care services component, but unadjusted for seasonable variations, in the consumer price index for all urban consumers, population class C, maintained by the bureau of labor statistics, United States department of labor.

(ii) "Substantial change in bed capacity" means a change which exceeds ten percent (10%) of the total licensed capacity or ten (10) beds, whichever is less, over a two (2) year period.

In applying this definition of "capital expenditure," the cost of any designs, plans, working drawings, specifications, and other activities essential to acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure described in subparagraph (1) is made shall be included in determining if such expenditure exceeds the expenditure minimum. Donations or leases of equipment or facilities to a health care facility which, if acquired directly by such facility would be subject to review, shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment at fair market value would be subject to review.

(e) "Consumer" means persons not involved in direct delivery of health care services, including but not limited to third party payers of health care services.

(f) "Health care facility" means hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, intermediate care facilities, kidney disease treatment centers, including freestanding hemodialysis units, ambulatory surgical facilities, birthing centers, community health centers, health maintenance organizations (HMO), independent laboratories, migrant health centers,
public health clinics and freestanding emergency care centers. Such term does not include Christian Science sanitariums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. For purposes of this paragraph:

1. "Hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons including hospitals owned and operated by the United States government or its agents or the state or its agents;

2. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons;

3. "Tuberculosis hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, medical services for the diagnosis and treatment of tuberculosis;

4. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

5. "Intermediate care facility" means an institution which provides, on a regular inpatient basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require health-related care and services (above the level of room and board);

6. "Ambulatory surgical facility" means a facility, not a part of a hospital, whose major health service is provision of surgical treatment to patients not requiring hospitalization;

7. "Birthing center" means a health care facility, other than a hospital, which offers childbirth services on its premises;

8. "Community health center" shall have the same meaning as set forth in section 303 of the public health services act, as amended (42 U.S.C. 254c), except that such term does not include a hospital or provider, as defined in this chapter;

9. "Independent laboratory" means a facility, independent of a provider's office or a hospital, for the biological, microbiological, serological, chemical, immuno-hematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body, for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of man;

10. "Migrant health center" shall have the same meaning as set forth in section 329 of the public health services act, as amended
(42 U.S.C.254b), except that such term does not include a hospital or provider, as defined in this chapter.

(11) "Public health clinic" means a clinic operated by state, county or municipal authorities.

(12) "Freestanding emergency care center" means a facility, not part of a hospital, planned, organized and maintained to provide as its major health service outpatient emergency care, including accommodations for emergency care patients.

(g) "Health maintenance organization (HMO)" means a public or private organization, organized under the laws of any state, which:

(1) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out-of-area coverage;

(2) Is compensated (except for copayments) for the provision of the basic health care services listed in paragraph (1) of this subsection to enrolled participants on a predetermined periodic rate basis; and

(3) Provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organizations, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(h) "HSA" means the health systems agency designated by the secretary of the department of health, and human services under section 1515 of the national health planning and resources development act of 1974, as amended (42 U.S.C. 300 L-4).

(i) "Health service area" means a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources to provide all necessary health services to residents of the area.

(j) "Health services" means clinically related (i.e., diagnostic, treatment, or rehabilitative) services, and includes alcohol, drug abuse, and mental health services.

(k) "New institutional health services" means health services which (1) are provided through private and public hospitals, rehabilitation facilities, skilled nursing facilities, intermediate care facilities, and other health care facilities, and (2) entail annual operating costs of at least seventy-five thousand dollars ($75,000), excluding physician salaries, and physician services rendered under contract. The term "annual operating cost" means seventy-five thousand dollars ($75,000) or more for the twelve (12) month period beginning with the effective date of this chapter and for each twelve (12) month period thereafter, or at the discretion of the board, the figure in effect for the preceding twelve (12) month period, adjusted to reflect the change in the preceding twelve (12) month period in the cost of other medical care services, unadjusted for seasonal variances in the consumer price index for all urban customers, population class C, maintained by the bureau of labor statistics, United States depart-
ment of labor.

(1) "Obligation of funds." An obligation of funds for a capital expenditure shall be deemed to have been incurred by or on behalf of a health care facility or provider:

(1) When an enforceable contract is entered into by a health care facility or an organization, or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease, or financing of a capital asset; or

(2) Upon the formal internal commitment of funds by such health care facility or organization for a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which constitutes a capital expenditure; or

(3) In the case of donated property or transfers for less than fair market value, on the date which the gift or transfer is completed in accordance with applicable state law, or in the case of real property acquired for nonmedically related purposes, on the date which the real property is scheduled to be used for medically related purposes.

(m) "Offer" means to provide or make available for use, or to hold oneself out as capable of providing or making available for use.

(n) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, a health systems agency, and insurance companies), a state, or a political subdivision, or instrumentality (including a municipal corporation) of a state.

(o) "Persons affected" or "affected persons" mean health systems agencies serving contiguous health service areas, health care facilities providing institutional health services located in the health service area and those members of the public who are to be served by the project subject to review.

(p) "Persons directly affected" means members of the public who are to be served by the project subject to review, health care facilities and providers located in the health service area in which a service is proposed to be offered or developed which provide services similar to the proposed services under review, and health care facilities and providers which, prior to receipt by the board of the proposal being reviewed, have formally indicated an intention to provide such similar services in the future, either through the filing of a notification of intent or by submission of a report pursuant to this chapter.

(q) "Provider" means a person licensed by or registered with the state as a health care professional primarily engaged, through private sole or group practice, in the delivery of health care services to patients, the substantial portion of whose gross revenues, excluding payment for services received under the provisions of the social security amendments of 1965, as amended (Pub. L. 89-97, 79 Stat. 286), are derived from nonpublic sources.

39-4904. IDAHO HEALTH FACILITIES REVIEW BOARD. (a) The Idaho
health facilities review board is hereby established in the executive office of the governor. Pursuant to such rules and regulations as it may promulgate, the board is authorized to contract with the Idaho state health planning and development agency as designated by the governor for administrative assistance, budgetary support, and staff review in carrying out the purposes of this chapter.

(b) The board shall be composed of eleven (11) members appointed by the governor as follows:

1. Two (2) physicians licensed by the state board of medicine, from a list of three (3) qualified persons nominated for each position by the Idaho medical association;
2. Two (2) hospital chief executive officers, from a list of three (3) qualified persons nominated for each position by the Idaho hospital association;
3. A licensed nursing home administrator, from a list of three (3) qualified persons nominated by the Idaho health facilities incorporated; and
4. Six (6) electors from the state at large who shall be consumers.

(c) Each member of the board shall be appointed for a term of three (3) years except that, of the members first appointed, three (3) shall be appointed for a term of one (1) year, four (4) for a term of two (2) years, and four (4) for a term of three (3) years, as designated by the governor. No person may serve on the board for more than two (2) consecutive terms. The terms of all members shall continue until their successors have been duly appointed and qualified. If a vacancy occurs, new members shall be appointed in accordance with the provisions of the original appointment for the unexpired term.

(d) Members of the board shall be entitled to receive actual and necessary expenses plus compensation of fifty dollars ($50.00) for each day spent while engaged in the services of the board.

(e) The board shall annually designate one of its members to serve as chairman and one of its members to serve as vice-chairman, who shall act as chairman in the chairman's absence. The chairman shall call meetings as provided in the rules of the board pursuant to section 39-4908, Idaho Code.

39-4905. APPLICABILITY. On and after the effective date of this chapter, none of the following activities shall be undertaken, proposed to be offered, or developed, unless a certificate of need has first been issued by the board:

(a) The construction, development, or other establishment of a new health care facility; or

(b) A capital expenditure or an obligation of funds for a capital expenditure by a health care facility, provider or person, except that the following expenditures shall not be subject to review:

1. Site acquisitions; and
2. Expenditures solely for the termination or reduction of beds or of a health service; and
3. Predevelopment expenditures for preliminary plans, studies, and surveys; and
(4) Expenditures for the repair or replacement of existing health care equipment, with equipment to be utilized in the provision of the same health service; and
(5) Expenditures for the purchase of existing equipment to be used in the same community or service area; provided, however, that this equipment would not be utilized in the provision of a health service which was not previously provided in the community or service area by the prospective purchaser; or
(6) Expenditures for the acquisition by purchase or under lease or comparable arrangement of existing health care facilities; or
(7) Expenditures by a provider for office space utilized to provide a health service.

(c) A substantial change in bed capacity; or
(d) An addition of a new institutional health service offered in or through a health care facility which was not offered on a regular basis in or through such health care facility within the twelve (12) month period prior to the time such service would be offered; or
(e) Predevelopment expenditures which include capital expenditures for architectural designs, plans, working drawings and specifications made by or on behalf of a health care facility made in connection with a capital expenditure, or the addition of a new institutional health service by a health care facility.

39-4906. SUBMISSION OF INFORMATION. Any applicant, as defined in section 39-4903, Idaho Code, is required to submit to the board such information as the board determines is needed to conduct the review. The board shall publish any information requirements that it will impose upon applicants and shall not require any information for which it has not published a requirement.

39-4907. NOTIFICATION OF REVIEW. Provision shall be made in the rules and regulations for the timely notification of all directly affected persons prior to the beginning of a review.

39-4908. ADOPTION OF RULES AND REGULATIONS -- PROCEDURES. To provide for an application and review procedure, the board shall promulgate, adopt, and amend rules, regulations, and criteria to enforce all provisions with respect to all certificate of need applications, and subsequent proceedings as may be proper to accomplish the purpose of this chapter in the interest of public health and welfare, in accordance with the provisions of chapter 52, title 67, Idaho Code.

The rules, regulations, and criteria so adopted shall include procedures to be followed such that the board shall:
(a) Administer the law and be responsible for receiving all applications and forwarding them to the HSA for its review and recommendation.
(b) Provide for review cycles to review applicable applications which will allow batching of applications and establish meeting sched-
ules appropriate to review cycles.

(c) Provide an expedited review procedure for an application for a capital expenditure which is required (1) to eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations, or (2) to comply with state licensure standards, or (3) to comply with accreditation standards, compliance with which is required to receive reimbursements under title XVIII of the social security act or payments under a state plan for medical assistance approved under title XIX of the social security act. Such applications shall be approved unless the board finds that the facility or service with respect to which the capital expenditure is proposed to be made is not needed or that the obligation of such capital expenditure is not consistent with the state health plan. An application approved under this paragraph shall be approved only to the extent that the capital expenditure is required to eliminate or prevent the hazards or to meet the standards described in this paragraph.

(d) Review each application against the Idaho review standards and procedures developed pursuant to this chapter and, after considering the recommendations of the HSA, take one (1) of the following actions within ninety (90) days of the receipt of a complete application:

1. Issue a certificate;
2. Deny a certificate.

If no action has been taken at the end of ninety (90) days, the application shall be considered needed and is therefore approved.

(e) Provide written notification upon request of the status of any application currently under review.

(f) Provide written notification of the decision regarding an application to the applicant and the HSA and provide a written, detailed explanation to the HSA of a review decision by the board which is inconsistent with the HSA's finding. Other interested parties may receive this information upon written request.

(g) Provide public hearings pursuant to chapter 52, title 67, Idaho Code, for:

1. Persons directly affected during the course of the review; and
2. Any person showing good cause after a decision has been reached.

(h) Develop standards for review of applications submitted pursuant to this chapter utilizing the following guidelines:

1. The relationship of the health services being reviewed to the applicable health systems plan, annual implementation plan, and state health plan;
2. The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services;
3. The need that the population served or to be served by such services has for such services;
4. The availability of alternative, less costly, or more effective methods of providing such services;
(5) The relationship of the services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided;

(6) In the case of health services proposed to be provided: 1. the availability of resources (including health manpower, management personnel, and funds for capital and operating expenses) for the provision of such services, and 2. the availability of alternative uses of such resources for the provision of other health services;

(7) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in health service areas in which the entities are located or adjacent health service areas. Such entities may include: medical or other health professional schools, multidisciplinary clinics, specialty centers;

(8) In the case of a construction project:
   1. The costs and methods of the proposed construction, including the costs and methods of energy provision; and
   2. The probable impact of the construction project reviewed on the costs of providing health services.

(9) The special circumstances of health service institutions and the need for conserving energy;

(10) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness;

(11) In the case of health services or facilities proposed to be provided, and the use of existing services and facilities similar to those proposed.

(i) Provide for the adoption of rules and regulations in accordance with the state administrative procedures act, chapter 52, title 67, Idaho Code.

(j) Distribute copies of its proposed review procedures and criteria and proposed revisions thereof to the following:
   (1) Statewide health agencies and organizations;
   (2) Statewide health coordinating council;
   (3) Health systems agency;
   (4) The secretary of the United States department of health and human services;
   (5) Public libraries; and
   (6) Others upon request.

(k) Provide an annual report containing:
   (1) Reviews being conducted;
   (2) Reviews completed since last report;
   (3) General statement of the findings and decisions made in the course of the reviews; and a statement addressing the impact on costs of health care.

39-4909. APPEAL. Any applicant or person aggrieved by a decision of the board may, within thirty (30) days of such decision, file an appeal in accordance with the provisions of section 67-5215, Idaho Code; provided, that venue in any such appeal shall lie in the dis-
strict court in the county within which the proposed health care facility or service is to be developed or offered.

39-4910. SANCTIONS. In the event a certificate of need is not obtained and all review proceedings have been exhausted and the health care facility or any other applicant proceeds to develop a project, one or more of the following sanctions may be invoked by the board:

(a) In the manner provided by law, request the state attorney general to bring an action in the name of the state for an injunction or other process against any person to restrain or prevent the establishment, construction, or remodeling of a health care facility, or the provision of a service without a valid certificate of need.

(b) Recommend to the appropriate state agency that the agency decline to issue any certificate or license for the new or remodeled facility or service or change in services without a valid certificate of need.

(c) Recommend to the appropriate state agency that the agency withhold payment to the health care facility or HMO from title XVI (health resources development funds) of the public health service act allocated to the state under the national health planning and resources development act of 1974.

(d) Recommend to appropriate agencies and organizations that the costs attributable to the newly developed facility, equipment or service not be considered for reimbursement.

39-4911. CANCELLATION OF CERTIFICATE, TRANSFER, AND EXTENSION OF TIME. (a) The certificate of need issued to an applicant shall be automatically cancelled twelve (12) months from the date of issuance, unless the applicant has commenced substantial implementation of the project covered by the certificate of need.

(b) A project covered by a certificate of need shall be deemed substantially implemented if one or more of the following actions is accomplished:

(1) An irrevocable contract for a substantial portion of the project has been signed; or

(2) A sum of at least ten percent (10%) of the total project cost, excluding predevelopment costs, has been expended. Acquisition of the site is not to be considered in the determination of substantial implementation for purposes of this section unless the site was acquired after a certificate of need was issued.

(c) Upon a showing of good cause, the board may grant a maximum of two (2) extensions of the time for the applicant to commence substantial implementation of the project covered by the certificate of need, but each such time extension shall not exceed six (6) months.

(d) Any transfer of a certificate of need is prohibited and such transfer is null, void and of no force and effect.

39-4912. LIMITATION OF LIABILITY. No member, employee or agent of the board shall, by reason of his performance on behalf of the board of any duty, function, or activity required of, or authorized to be undertaken by, the board, be liable for the payment of damages.
under any law of the United States or the state of Idaho if he believed he was acting within the scope of his duty, function, or activity as such member or employee, and with respect to such performance, acted without gross negligence or malice toward any person affected by it.

39-4913. EFFECTIVE DATE AND TRANSITION. (a) Subject to the provisions of subsections (b) and (c) of this section, the provisions of this act shall be in full force and effect on and after July 1, 1980. (b) The provisions of section 39-4905, Idaho Code, requiring applications by health care facilities, providers or persons, shall become effective upon the effective date of rules and regulations adopted by the board implementing the provisions of this act, but no later than October 1, 1980. (c) All reviews conducted by the department of health and welfare pursuant to the agreement entered into between the secretary of the United States department of health and human services and the department of health and welfare, as designated planning agency, under the provisions of section 1122 of the social security act, as amended (42 U.S.C. 1320A-1), shall be terminated as soon as the review procedures pursuant to this chapter have become effective, including the adoption of rules and regulations, but no later than October 1, 1980. (d) All reviews conducted by the department of health and welfare pursuant to the agreement entered into between the secretary of the United States department of health and human services and the department of health and welfare, as designated planning agency, under the provisions of section 1122 of the social security act, as amended (42 U.S.C. 1320A-1), as to which a recommendation for approval has been made by the department of health and welfare shall be exempted from the applicability of section 39-4905, Idaho Code.

39-4914. AUTOMATIC REPEAL. Three (3) years from the effective date of this act, this chapter shall become null and void unless reenacted by the Idaho legislature.

SECTION 2. The provisions of this act are hereby declared to be nonseverable and if any provision of this act or the application of such provision to any person or circumstance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such declaration shall have the effect of invalidation or nullification of this act in its entirety.

Approved March 20, 1980.
CHAPTER 122
(H.B. No. 575)

AN ACT
RELATING TO EXEMPTIONS FROM THE SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, BY ADDING AN EXEMPTION FOR SALES TO CERTAIN SPECIFIED HEALTH-RELATED ENTITIES; 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, 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, health-related entities, 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. Health-related entities as used herein shall mean the Idaho Cystic Fibrosis Foundation, March of Dimes, American Cancer Society, Mental Health Association, Idaho Association of Retarded Citizens, Idaho Heart Association, United Cerebral Palsy, Arthritis Foundation, Muscular Dystrophy Foundation, National Multiple Sclerosis Society, Rocky Mountain Kidney Association, American Diabetes Association, and Easter Seals, together with said entities' local or regional chapters or divisions.

4. Canal companies as used herein shall include nonprofit cor-
porations 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.

4-5. 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 titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be 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) 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.

(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.

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, 1980.
AN ACT
RELATING TO DISTRIBUTION OF HORSE RACING PARI-MUTUEL RECEIPTS; AMENDING SECTION 54-2508, IDAHO CODE, TO CHANGE THE DEPOSITS OF FEES FROM THE PUBLIC SCHOOL ENDOWMENT FUND TO THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 54-2513, IDAHO CODE, BY CHANGING PERCENTAGE OF RECEIPTS DISTRIBUTED TO LICENSEES, THE PUBLIC SCHOOL INCOME FUND AND CERTAIN RACE MEET TRACKS; AMENDING SECTION 54-2514, IDAHO CODE, TO CHANGE PAYMENT OF FEES FROM THE PUBLIC SCHOOL ENDOWMENT FUND TO THE PUBLIC SCHOOL INCOME FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2508, Idaho Code, be, and the same is hereby amended to read as follows:

54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING. It shall be unlawful for any person to hold any race meet in this state without having first obtained and having in force and effect a license issued by the commission as in this act provided. Every person making application for a license to hold a race meet, under the provisions of this act, shall file an application with the commission which shall set forth the time, place and number of days such will continue, and such other information as the commission may require.

No person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this act, or any of the rules and regulations of the commission, or who has failed to pay any of the fees, taxes or moneys required under the provisions of this act.

All applications to hold race meets shall be submitted to the commission which shall act upon such applications within thirty (30) days. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day, which shall not be less than six (6) nor more than twelve (12). The licensee shall pay in advance of the scheduled race meet to the state treasurer a fee of not less than twenty-five dollars ($25.00) for each day of racing, which fees shall be placed in the public school endowment income fund of the state of Idaho. Provided, that if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee held may be refunded the licensee, if the commission deems the reason for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this
act, pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this act, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three (3) days' notice in writing shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

SECTION 2. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

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

<table>
<thead>
<tr>
<th>Gross daily receipts</th>
<th>Licensee percentage</th>
<th>Public school percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>To $20,000</td>
<td>15-1/4%</td>
<td>0.00%</td>
</tr>
<tr>
<td>$20,000. to $30,000.</td>
<td>14%</td>
<td>1 1/4%</td>
</tr>
<tr>
<td>$30,000. to $40,000.</td>
<td>13%</td>
<td>21 1/4%</td>
</tr>
<tr>
<td>$40,000. to $50,000++</td>
<td>12%</td>
<td>32 1/4%</td>
</tr>
<tr>
<td>$50,000++</td>
<td>11%</td>
<td>4-3/4%</td>
</tr>
</tbody>
</table>

Twenty per cent (20%) of gross daily receipts shall be distributed to licensees.

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

One-half of one per cent (1/2%) of all gross receipts shall be paid to the Idaho state horse racing commission for distribution to certain Idaho race tracks, defined as follows:

(1) recipient tracks shall be those which, during the race meet year of distribution, have an average daily handle of less than sixty thousand dollars ($60,000); (2) distributions to recipient tracks shall be weighted proportionately to those tracks which conduct the greater number of races during the year of distribution.

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

(B) Such licensee may retain the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage, and the total amount of unclaimed tickets at the termination of the time allowed by rule and regulation of the commission.
SECTION 3. That Section 54-2514, Idaho Code, be, and the same is hereby amended to read as follows:

54-2514. EXEMPTION FROM FEE PAYMENT -- PAYMENT OF SUMS DUE COMMISSION -- PAYMENT TO PUBLIC SCHOOL ENDOWMENT INCOME FUND. Fair boards or fair districts which conduct race meets in connection with regularly scheduled annual fairs shall be exempt from payment of the fees provided in section 54-2508, Idaho Code. All sums due the commission from the licensee shall be paid to and retained by the commission for the payment of salaries, travel, operating costs and any other expenses necessary to carry out the provisions of this act, except that no payment need be made for office accommodations furnished by the state: provided, however, that no salary, wages, expenses or compensation of any kind shall be paid by the state of Idaho for, or in connection with, the work of the commission in carrying out the provisions of this act. All sums due the public school endowment income fund shall be collected by the commission, and, on the next business day following the receipt thereof, shall be paid to the state treasurer for deposit in the public school endowment income fund of the state treasury.

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 21, 1980.

CHAPTER 124
(S.B. No. 1345, As Amended in the House)

AN ACT
RELATING TO RATES FOR OFFICIAL NOTICES; AMENDING SECTION 60-105, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN CERTAIN CHARGES FOR THE PUBLICATION OF OFFICIAL NOTICES, TO PROVIDE THAT THE METHOD OF FIXING CHARGES FOR CERTAIN NOTICE FORMATS BE CHANGED, AND TO CLARIFY WHAT SIZE TYPE MAY BE USED.

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

SECTION 1. That Section 60-105, Idaho Code, be, and the same is hereby amended to read as follows:

60-105. RATES FOR OFFICIAL NOTICES. The rate to be charged for all official notices required by law to be published in any newspaper in this state, by any state, county, municipal official or other person, shall be as follows: two two and one-half cents (22 1/2¢) for each pica in a column line for the first insertion and fifteen one and
one-half cents (½¢) per for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be three three and one-half cents (3½¢) for each pica in a column line for the first insertion, and fifteen one and one-half cents (15½¢) per for each pica in a column line for each subsequent insertion. In the event that a column line ends in a one-half (½) pica measurement, the rate for such one-half (½) pica shall be one-half (½) the rate established for a full pica for the type of matter set forth herein. For purposes of this section, a column line shall measure not less than ten and one-half (10½) pica in width and the type used shall not be smaller than 7 point nor greater than 8 point. Use of type smaller than 7-point for official notices is hereby prohibited.

Approved March 24, 1980.

CHAPTER 125
(S.B. No. 1274)

AN ACT
RELATING TO COURT COSTS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR A FINDING OF INDIGENCY BEFORE WAIVER SHALL BE MADE OF THE TEN DOLLAR FEE TO BE PAID BY EACH PERSON FOUND GUILTY OF ANY FELONY, MISDEMEANOR OR ORDINANCE VIOLATION, AND TO PROVIDE THAT IF MAGISTRATE COURT PHYSICAL FACILITIES ARE PROVIDED BY A CITY, TWO DOLLARS AND FIFTY CENTS OF SUCH FEE SHALL BE PAID TO THE CITY TREASURER FOR DEPOSIT IN THE CITY CAPITAL FACILITIES FUND FOR THE CONSTRUCTION, REMODELING AND SUPPORT OF MAGISTRATE COURT FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(a) A fee of $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 $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 $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 $27.00 is paid, $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 account. In all cases in which a filing fee of $7.00 is paid, $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 account. In all cases in which a filing fee of $5.00 is paid, $3.00 of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $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 account.

(b) A fee of $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 orders such fee waived because the person is
indigent and unable to pay such fee; 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,
$5.00 of such fee shall be paid to the county treasurer for deposit in
the district court fund of the county; and $5.00 of such fee shall be
paid to the county treasurer who shall, within five (5) days after the
end of the month, pay such fees to the state treasurer for deposit in
the state general fund account. If the magistrate court facilities are
provided by a city, $5.00 of such fee shall be paid to the city treas­
urer for deposit in the city general fund. $2.50 of such fee shall be
paid to the city treasurer for deposit in the city capital facilities
fund for the construction, remodeling and support of magistrates court
facilities, and $5,002.50 of such fee shall be paid to the county treasur­
er 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 account.

(c) A fee of $7.00 shall be paid by any party, except the plain­
tiff, making an appearance in any civil action in the district court
or in the magistrate's division of the district court. Of such fee,
$4.00 shall be paid to the county treasurer for deposit in the dis­
trict court fund of the county; and $3.00 of such fee shall be paid to
the county treasurer who shall within five (5) days after the end of
the month pay such fees to the state treasurer for deposit in the state general fund account.

(d) A fee of $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 dis­
trict court fund of the county.

(e) A fee of $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, $6.00 of such fee shall be
paid to the county treasurer for deposit in the district court fund of
the county; and $6.00 of such fee shall be paid to the county treasur­
er 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
account.

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

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

SECTION 2. This act shall be in full force and effect on and after October 1, 1980.

Approved March 24, 1980.
AN ACT
RELATING TO RESIDENT CHAMBERS OF THE FIFTH JUDICIAL DISTRICT; AMENDING SECTION 1-806, IDAHO CODE, TO REVISE THE LOCATIONS OF RESIDENT CHAMBERS.

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

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

1-806. FIFTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS.
(1) The fifth judicial district shall consist of the counties of Blaine, Camas, Gooding, Lincoln, Jerome, Minidoka, Cassia and Twin Falls.
(2) The fifth judicial district shall have five (5) district judges.
(3) Resident chambers of the district judges of the fifth judicial district shall be established as follows:
   (a) One (1) resident chambers shall be established in Camas, or Blaine; Gooding or Jerome County;
   (b) One (1) resident chambers shall be established in Cassia or Minidoka County;
   (c) Two (2) resident chambers shall be established in Twin Falls County;
   (d) One (1) resident chambers shall be established in Cassia County.

Approved March 24, 1980.

CHAPTER 127
(S.B. No. 1356)

AN ACT
RELATING TO COOPERATIVE MARKETING ASSOCIATIONS; AMENDING CHAPTER 26, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2627, IDAHO CODE, TO PROVIDE FOR THE CLASSIFICATION OF DIRECTORS OF COOPERATIVE MARKETING ASSOCIATIONS.

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

SECTION 1. That Chapter 26, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-2627, Idaho Code, and to read as follows:
22 2627. CLASSIFICATION OF DIRECTORS. When the board of directors of an association shall consist of five (5) or more members, in lieu of electing the whole number of directors annually, the articles of incorporation or by laws 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.

Approved March 24, 1980.

CHAPTER 128
(S.B. No. 1337)

AN ACT RELATING TO FEES FOR LICENSE PLATES; AMENDING SECTION 49-157, IDAHO CODE, TO PROVIDE AN INCREASE IN THE FEE CHARGED FOR A LICENSE PLATE.

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

SECTION 1. That Section 49-157, Idaho Code, be, and the same is hereby amended to read as follows:

49-157. ADDITIONAL FEE FOR EACH PLATE ISSUED. Whenever any reflectorized plate or plates are issued for vehicle registration, there shall be charged a fee of seventy-five ninety cents (7590¢) per plate, which shall be in addition to the vehicle registration fee provided in this chapter. All moneys collected under the provisions of this section shall be paid into the motor vehicle fund, any other provision of law notwithstanding.

Approved March 24, 1980.
CHAPTER 129
(S.B. No. 1335, As Amended)

AN ACT
RELATING TO THE PRACTICE OF ARCHITECTURE; AMENDING SECTION 54-310, IDAHO CODE, TO PROVIDE LIMITATIONS OF THE USE OF THE WORDS ARCHITECT, ARCHITECTURE AND ARCHITECTURAL, AND TO CLARIFY EXEMPTION OF LANDSCAPE ARCHITECTS FROM THIS CHAPTER.

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

SECTION 1. That Section 54-310, Idaho Code, be, and the same is hereby amended to read as follows:

54-310. VIOLATIONS AND PENALTIES. Any person who shall practice, or offer to practice, architecture in this state, or who shall advertise as an architect or put forth any card, sign or other device which would lead the public to believe that he is qualified to practice architecture, or through the use of the word architect, architecture or architectural or some other title implies that he is an architect, without first securing an architect's license, as provided by this chapter, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or suffer imprisonment for a period not exceeding three (3) months, or both.

The provisions of this section do not apply to the use of the term "landscape architect" by persons licensed pursuant to chapter 30, title 54, Idaho Code.

Approved March 24, 1980.

CHAPTER 130
(S.B. No. 1333)

AN ACT
RELATING TO PUBLIC WORKS CONTRACTORS LICENSING; AMENDING SECTION 54-1911, IDAHO CODE, TO CHANGE THE CALENDAR YEAR OF LICENSING TO A DESIGNATED PERIOD; AMENDING SECTION 54-1912, IDAHO CODE, TO PROVIDE FOR A STAGGERED LICENSING PERIOD; AND AMENDING SECTION 54-1913, IDAHO CODE, TO PROVIDE THAT FINANCIAL INFORMATION SUBMITTED BY APPLICANTS IS CONFIDENTIAL.

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

SECTION 1. That Section 54-1911, Idaho Code, be, and the same is hereby amended to read as follows:
54-1911. FILING, ISSUANCE AND DENIAL OF LICENSES -- JOINT VENTURE APPLICATIONS -- FEES NOT REFUNDED. Applications for original licenses, together with the fees therefor, shall be filed with the board at least thirty (30) days prior to consideration thereof by the board. After such examination and investigation as the board may require in accordance with the provisions of this act, if no valid reason exists for further investigation of applicant, the board shall at the next meeting fixed by it for the consideration of applications for original licenses, issue a license to applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the year following the approval of the application licensing period designated. If the information brought to the attention of the board concerning the character and integrity of an applicant is such that it would appear proper to deny the application, the applicant shall be notified by registered mail or personal service, to show cause within such time, not less than five (5) days, nor more than thirty (30) days, why the application should not be denied.

The board is authorized to waive the thirty (30) day filing period on an application for a license for a joint venture, where all of the joint venture parties have complied with and are licensed public works contractors under all the provisions of this act.

Applications for original licenses filed in accordance with the provisions of this act shall be considered by the board at the four (4) regular meetings of the board provided for in this act and at such special or regular monthly meetings as the board may determine. Fees accompanying original applications under this section are for the administration and enforcement of the provisions of this chapter and shall not be refunded to the applicant.

SECTION 2. That Section 54-1912, Idaho Code, be, and the same is hereby amended to read as follows:

54-1912. EXPIRATION AND RENEWAL OF LICENSES -- FEES. Except as otherwise provided in this section; all licenses issued under the provisions of this act shall lapse and expire on the last day of the year; as defined in this act; in which issued. All contractors required by the provisions of this section to be licensed, shall be licensed for a period of twelve (12) consecutive calendar months.

There are ten (10) licensing periods, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. The months of November and December are excluded. The licensing period shall be designated in accordance with the ending numeral of the license number, as follows:

(a) January 31, first period; designated by ending numeral 1
(b) February 28 or 29, second period; designated by ending numeral 2
(c) March 31, third period; designated by ending numeral 3
(d) April 30, fourth period; designated by ending numeral 4
(e) May 31, fifth period; designated by ending numeral 5
(f) June 30, sixth period; designated by ending numeral 6
(g) July 31, seventh period; designated by ending numeral 7
(h) August 31, eighth period; designated by ending numeral 8
(i) September 30, ninth period; designated by ending numeral 9
(j) October 31, tenth period; designated by ending numeral 0

Licensing periods shall expire at midnight on the last day of the licensing period in the year designated by the license number embossed on the license certificate. The last numeral digit on the license number shall fix the license period under the "staggered license system" of public works contractors licensing for the purpose of renewal licensing and notice of expiration. During the first year the license fee shall be prorated.

A license that has once been issued for any of the above designated periods shall, upon renewal, be issued for the period bearing the same number, and the license certificate shall show and be the exclusive proof of the expiration date of license.

Application for renewal of a current license prior to expiration date thereof shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing year or until the final decision of the board is rendered in any proceeding. Applicant for a renewal of a license issued under this act, shall not be required to take any other or further examination to obtain such renewal license, provided that at the time of such application his license has not been suspended or permitted to lapse or expire for any cause for a period of one (1) year or more. All applications for renewal of license shall be made on forms prescribed by the board and shall be accompanied by the annual renewal fee and a complete current financial statement on such forms and disclosing such information as shall be required by the board, duly certified as true by the applicant, and if a copartnership, by a member thereof, and if a corporation, by its executive or financial officer; such renewal application shall be filed prior to the first day of such renewal year licensing period, otherwise the expired license shall be renewable only after the application and fees therefor shall have been on file with the board at least thirty (30) days prior to consideration thereof by the board. Fees accompanying renewal applications under this section are for the administration and enforcement of the provisions of this chapter and shall not be refunded to the applicant.

The license issued under this act shall be signed both by the registrar and by the licensee, shall be nontransferable, and shall be displayed in the licensee's main office or chief place of business, and satisfactory evidence of the possession thereof and of the current annual renewal thereof shall be exhibited by licensee upon demand.

A surviving member or members of a licensed copartnership by reason of death shall be entitled to continue in business under such license until the expiration date thereof, provided due application for permission is made to the board within thirty (30) days after death of the member, and the application is approved by the board in accordance with its rules and regulations.

All licensees shall report to the board all changes of personnel, name style or addresses recorded under this act within thirty (30) days after the changes are made.

SECTION 3. That Section 54-1913, Idaho Code, be, and the same is
hereby amended to read as follows:

54-1913. RECORDS, LISTS AND INFORMATION. The board shall maintain at its office in Boise City, Idaho, open to public inspection during office hours, a complete, indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses, and shall furnish a certified copy of any license issued, upon receipt of the sum of fifty cents (50¢), which certified copy shall be received in all courts and elsewhere as evidence of the facts stated therein. All financial information submitted by applicants is confidential and not available to anyone outside the department except on court order. Upon the issuance, renewal, revocation, cancellation and/or suspension of a license hereunder, the board shall forthwith furnish the department of administration and the department of finance and insurance with a record thereof.

Whenever funds are available for the purpose, the board shall publish a list of the names and addresses of contractors registered under this act and of the licenses issued, suspended or revoked and such further information with respect to this act and its administration as the board deems proper. The board may furnish the lists to such public works and building departments, public officials or public bodies, and other persons interested in or allied with the building and construction industry in this or any other state as deemed advisable, and at such intervals as deemed necessary, whenever funds therefor are available. Copies of the lists may also be furnished by the board upon request to any firm or individual upon payment of a reasonable fee fixed by the board.

Whenever funds are available for the purpose, the board may publish and disseminate to licensees of the board and to public officials or other persons interested in or allied with the building and construction industry, such information with relation to the administration and enforcement of this act as deemed necessary to carry out its purposes.

Approved March 24, 1980.

CHAPTER 131
(S.B. No. 1325)

AN ACT
RELATING TO THE SALARY OF COURT REPORTERS; AMENDING SECTION 1-1102, IDAHO CODE, TO PROVIDE A SALARY OF $24,000 PER ANNUM FOR COURT REPORTERS.

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

SECTION 1. That Section 1-1102, Idaho Code, be, and the same is hereby amended to read as follows:
1-1102. OATH, BOND, SALARY AND EXPENSES -- COST OF LIVING ADJUSTMENTS. Said reporter shall take the oath required to be taken by the judicial officers; and be bonded to the state of Idaho in the form and manner prescribed by chapter 8, title 59, Idaho Code; hold his office during the pleasure of said judge, and shall receive a salary of twenty thousand four hundred dollars ($20,400.00) per annum, to be paid on regular pay periods not less frequently than monthly as determined by order of the Supreme Court. There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the state treasury, for each term of district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the state, in other counties than that in which said court reporter resides, his actual and necessary expenses for traveling and attending each term: provided, however, that no stenographic reporter shall be paid his salary, or any portion thereof, unless he shall have first taken and subscribed an oath that he has prepared the transcript of the testimony on appeal either in a civil or criminal action, or specified portion thereof, in the order in which the copy of the order directing him to prepare the same has been served upon him: provided, however, that the estimated cost of transcribing such transcript shall have been paid to such reporter at the time of the service of the copy of the order upon him.

Approved March 24, 1980.

CHAPTER 132
(S.B. No. 1300)

AN ACT
RELATING TO BANK STOCK-TRANSFERS; AMENDING SECTION 26-211, IDAHO CODE, TO CLARIFY THAT ALL TRANSFERS OF SEVEN PERCENT OR MORE OF THE OUTSTANDING STOCK OF A BANK SHALL BE APPROVED BY THE DIRECTOR PRIOR TO TRANSFER AND TO PROVIDE THAT THE DIRECTOR MAY DISAPPROVE A TRANSFER IF THE TRANSFEREE DOES NOT SATISFY THE REQUIREMENTS OF SECTION 26-202, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 26-211, Idaho Code, be, and the same is hereby amended to read as follows:

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 and shall be approved by the director 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 or in his opinion the transferee does not satisfy the requirements of a stockholder, director or officer as set out in section 26-202, Idaho Code. 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.

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 24, 1980.

CHAPTER 133
(S.B. No. 1297)

AN ACT
RELATING TO EXAMINATION EXPENSE; AMENDING SECTION 41-228, IDAHO CODE, TO ALLOW EXAMINATION EXPENSES PAID BY AN INSURER AS AN OFFSET ONLY AGAINST PREMIUM TAXES PAYABLE TO THE DEPARTMENT OF INSURANCE OF THE STATE OF IDAHO.

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

SECTION 1. That Section 41-228, Idaho Code, be, and the same is hereby amended to read as follows:

41-228. EXAMINATION EXPENSE. (1) Every insurer or corporation so examined shall, at the direction of the director, pay to the examiners and other persons assisting in making the examination, the actual travel expenses, reasonable living expense allowance, and compensation, at reasonable rates customary for such examination and as approved by the director, necessarily incurred on account of the examination, upon presentation of a detailed account of such charges and expenses. A consolidated account of all such charges and expenses for the examination shall be certified to in duplicate by the insurer or corporation examined, one (1) copy of which shall be retained by such insurer or corporation and the other copy filed in the department as a public record.
(2) No person shall pay and no examiner shall accept any additional emolument on account of any examination.

(3) A domestic insurer shall be entitled to offset against its premium taxes payable to the department of insurance of the state of Idaho in the next succeeding calendar year the examination expense paid by it or for the account of an examiner, actuary, or other assistant designated by the director for the purpose of the examination, inclusive of such personnel as may be so designated on behalf of other states participating in any such examination.

Approved March 24, 1980.

CHAPTER 134
(S.B. No. 1290)

AN ACT
RELATING TO APPEALS FROM YOUTH REHABILITATION ACT HEARINGS ON WAIVER OF JUVENILE JURISDICTION; AMENDING SECTION 16-1819, IDAHO CODE, BY PROVIDING THAT EITHER THE CHILD OR THE STATE MAY APPEAL TO THE DISTRICT COURT FROM A MAGISTRATE'S DECISION ON WAIVER OF JUVENILE JURISDICTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 16-1819, Idaho Code, be, and the same is hereby amended to read as follows:

16-1819. APPEALS. All orders or final judgments made by any court in matters affecting a child within the purview of this act may be appealed and by the child. A decision by the court pursuant to section 16-1806, Idaho Code, not to waive jurisdiction under the youth rehabilitation act over the child may be appealed by the state. Appeals shall be reviewed as provided by the supreme-court-civil appellate rules of the supreme court of Idaho, except no undertaking shall be required. Upon filing of the notice of appeal, the district court shall take jurisdiction of the case. If a child is in detention the court must promptly hold a hearing after the filing of a request as to whether the child shall remain in detention.

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 24, 1980.
CHAPTER 135
(S.B. No. 1287)

AN ACT
RELATING TO THE CORPORATE TAKE-OVER LAW; AMENDING SECTION 30-1503, IDAHO CODE, BY PROVIDING FOR A TWENTY DAY NOTICE AND FILING PERIOD PRIOR TO THE DATE A REGISTRATION BECOMES EFFECTIVE, BY PROVIDING THE DIRECTOR WITH THE DISCRETION TO REQUIRE PUBLIC DISCLOSURE OF THE PROPOSED OFFER, BY REQUIRING A TARGET COMPANY TO REQUEST A HEARING WITHIN TEN DAYS OF THE REGISTRATION FILING DATE AND BY PROVIDING THE DIRECTOR WITH THE DISCRETION TO DENY SUCH A REQUEST AND BY PROVIDING THAT THE DIRECTOR MUST HOLD A HEARING WITHIN TWENTY DAYS OF ISSUING AN ORDER OF HEARING AND MUST MAKE A DETERMINATION WITHIN THIRTY DAYS FOLLOWING A HEARING; AMENDING SECTION 30-1507, IDAHO CODE, BY PROVIDING THAT THE DIRECTOR MAY ACCEPT COMPLIANCE WITH THE STATUTES, RULES AND REGULATIONS OF ANY STATE AS COMPLIANCE WITH IDAHO LAW IF THE OTHER STATE'S STATUTES, RULES AND REGULATIONS AFFORD ADEQUATE PROTECTION TO IDAHO SHAREHOLDERS OF A TARGET COMPANY AND IF IT WILL BE IN THE INTEREST OF UNIFORM REGULATION; AND AMENDING SECTION 30-1508, IDAHO CODE, BY STRIKING THE MAXIMUM HEARING EXPENSE OF FIFTEEN HUNDRED DOLLARS AND PROVIDING THAT PAYMENT MUST BE MADE WITHIN THIRTY DAYS AFTER RECEIPT OF STATEMENT.

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

SECTION 1. That Section 30-1503, Idaho Code, be, and the same is hereby amended to read as follows:

30-1503. REGISTRATION OF TAKE-OVER OFFERS. (1) It is unlawful for any person to make a take-over offer involving a target company in this state, or to acquire any equity securities of a target company pursuant to the offer, unless the offer is effective under this chapter or is exempted by rule or order of the director. Before a take-over offer becomes effective under this chapter, the offeror shall file at least twenty (20) days prior thereto, with the director a registration statement containing the information prescribed in section 30-1503(2), Idaho Code, and send a copy of the registration statement by certified mail to the target company at its principal office and if so ordered by the director publicly disclose the material terms of the proposed offer; not later than the date of filing of the registration statement.

(2) The registration statement shall be filed on forms prescribed by the director, and shall be accompanied by a consent by the offeror to service of process specified in section 30-1436, Idaho Code, and the filing fee specified in section 30-1508, Idaho Code, and shall contain the following information and such additional information as the director by rule prescribes:

(a) All of the information specified in section 30-1502(1), Idaho Code, any part of which may be incorporated by reference to the extent that it was previously filed.

(b) Three (3) copies of the proposed take-over offer, including
all material terms thereof, in the form proposed to be published or sent or delivered to security holders of the target company.

(c) Material information concerning the organization and operations of any offeror which is a corporation, including the year, form and jurisdiction of its organization, a description of each class of its capital stock and long-term debt, a description of the business done by the offeror and its subsidiaries and any material changes therein during the past three (3) years, a description of the location and character of the principal properties of the offeror and its subsidiaries, a description of any material pending legal or administrative proceedings in which the offeror or any of its subsidiaries is a party, the names of all directors and executive officers of the offeror and their material business activities and affiliations during the past three (3) years, and financial statements of the offeror for its three (3) most recent annual accounting periods and any current period.

(d) Material information concerning the identity and background of any offeror who is not a corporation, including his material business activities and affiliations during the past three (3) years, and a description of any material pending legal or administrative proceedings in which the offeror is a party.

(3) The director may require the offeror to file any other documents, exhibits and information that he deems material to the take-over offer, and he may permit the omission of any of the information specified in section 30-1503(2), Idaho Code, if he determines that such information is not required for the protection of offerees. The director may by order summarily delay the effective date of the offer if he determines that the registration statement does not contain all of the information specified in section 30-1503(2), Idaho Code, or does not provide full disclosure to offerees of all material information concerning the offer.

(4) A take-over offer automatically becomes effective when approved--by--the--director twenty (20) days after the date of filing with the director unless delayed by order of the director, or unless the director orders a hearing with respect to the offer. The director may call order a hearing if he deems it necessary or appropriate for the protection of offerees in this state, and shall call or he may order a hearing if so requested by the target company, acting through its board of directors provided such request is made within ten (10) days of the date of filing of the offer with the director and the director finds such request to be appropriate for the protection of offerees in this state. If a hearing is called ordered, the offer shall not become effective until registered by order of the director.

(5) Any hearing called ordered by the director under this section shall be held within twenty (20) days of the date of filing of the registration statement under section 30-1503(1), Idaho Code, and any determination made following the hearing shall be made within thirty (30) days after such--filing the completion of the hearing, unless extended by order of the director for the convenience of the parties or for the protection of offerees in this state. If, following the hearing, the director finds that the take-over offer fails to provide
for full disclosure to offerees of all material information concerning
the offer, or will not be made to all stockholders on substantially
equal terms or is in violation of chapter 14, title 30, Idaho Code, he
shall by order deny registration of the offer. Registration of the
offer is not deemed approval of the offer by the director.

SECTION 2. That Section 30-1507, Idaho Code, be, and the same is
hereby amended to read as follows:

30-1507. ADMINISTRATION, RULES AND ORDERS. (1) This chapter shall
be administered by the director of the department of finance, who may
exercise all powers granted to him under chapter 14, title 30, Idaho
Code, which are not inconsistent with this chapter.
(2) The director may make rules necessary to carry out the pur­
poses of this chapter, including, without limitation, the definition
of terms used in this chapter.
(3) The director may by rule or order exempt from any provisions
of this chapter take-over offers that he determines are not made for
the purpose or do not have the effect of changing or influencing the
control of a target company or where compliance with this chapter is
not necessary for the protection of the stockholders of the target
company, and he may similarly exempt any persons from the filing of
statements under this chapter.
(4) The director may by order direct any person to file any
statement provided for in this chapter if it appears that such person
is required to file such statement and is delinquent in the filing of
such statement.
(5) The director may accept compliance with the statutes, rules
and regulations of any other state as full or partial compliance with
chapter 15, title 30, Idaho Code, if, in the opinion of the director
the statutes, rules and regulations of the jurisdiction afford ade­
quate protection to Idaho shareholders of a target company and the ac­
ceptance, if any, by the director will be in the interest of uniform
regulation.

In no event shall acceptance of compliance with the statutes,
rules and regulations of another state constitute a waiver of the
anti-fraud provisions of section 30-1505, Idaho Code, or the powers
granted to the director under chapter 14, title 30, Idaho Code.

SECTION 3. That Section 30-1508, Idaho Code, be, and the same is
hereby amended to read as follows:

30-1508. FEES AND EXPENSES. (1) For each registration statement
filed by an offeror, the offeror shall pay a filing fee based upon the
cost to the department of finance to examine and evaluate the regis­
tration statement in accordance with schedules adopted by the direc­
tor. The schedules adopted by the director shall be designed to assure
that the fees collected shall be sufficient to cover the cost of
administering this act.
(2) All of the expenses reasonably attributable to any hearing
held under this chapter shall be charged ratably to the offeror and
the target company but-the-total-amount-charged-shall-not-exceed one thousand-five-hundred-dollars ($1,500). Payment shall be made within thirty (30) days of receiving a statement of hearing expense.

Approved March 24, 1980.

CHAPTER 136
(H.B. No. 624)

AN ACT
RELATING TO AD VALOREM TAX LEVIES THAT ARE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 6-927, IDAHO CODE, TO PROVIDE THAT A SPECIAL LEVY OF A POLITICAL SUBDIVISION TO PAY FOR A COMPREHENSIVE LIABILITY PLAN SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 6-928, IDAHO CODE, TO PROVIDE THAT A SPECIAL LEVY IMPOSED BY A POLITICAL SUBDIVISION TO PAY CERTAIN JUDGMENT OBLIGATIONS SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 42-3215, IDAHO CODE, TO PROVIDE THAT ADDITIONAL LEVIES NECESSARY TO RETIRE INDEBTEDNESS OF A WATER AND SEWER DISTRICT SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 42-3217, IDAHO CODE, TO PROVIDE THAT TAXES LEVIED TO CREATE A RESERVE FUND OF A SEWER AND WATER DISTRICT SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION; AMENDING SECTION 42-3708, IDAHO CODE, TO PROVIDE THAT TAXES LEVIED FOR A WATERSHED IMPROVEMENT DISTRICT SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION; AND AMENDING SECTION 50-1006, IDAHO CODE, TO PROVIDE TAX LEVIES TO PAY A JUDGMENT OBLIGATION AGAINST A CITY SHALL BE EXEMPT FROM THE ONE PERCENT LIMITATION.

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

SECTION 1. That Section 6-927, Idaho Code, be, and the same is hereby amended to read as follows:

6-927. TAX LEVY TO PAY COMPREHENSIVE LIABILITY PLAN. Notwithstanding any provisions of law to the contrary, all political subdivisions shall have authority to levy an annual property tax in the amount necessary to provide for a comprehensive liability plan whether by the purchase of insurance or otherwise as herein authorized; even though as a result of such levy the maximum levy as otherwise restricted by law is exceeded thereby; provided, that the revenues derived therefrom may not be used for any other purpose. Such special levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 2. That Section 6-928, Idaho Code, be, and the same is hereby amended to read as follows:

6-928. TAX LEVY TO PAY CLAIM OR JUDGMENT. Notwithstanding any provisions of law to the contrary and in the event there are no funds
available, the political subdivision shall levy and collect a property tax, at the earliest time possible, in an amount necessary to pay a claim or judgment arising under the provisions of this act where the political subdivision has failed to purchase insurance or otherwise provide a comprehensive liability plan to cover a risk created under the provisions of this act. Such special levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 3. That Section 42-3215, Idaho Code, be, and the same is hereby amended to read as follows:

42-3215. LEVIES TO COVER DEFAULTS AND DEFICIENCIES. The board in certifying annual levies as herein provided, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts, maturing bonds and interest on bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the moneys produced from such levies, together with other revenues of the district are not sufficient punctually to pay the annual instalments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, then the board shall make such additional levies of taxes as may be necessary for such purposes, and notwithstanding any limitations, such taxes shall be made and continue to be levied until the indebtedness of the district shall be fully paid. Such taxes shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 4. That Section 42-3217, Idaho Code, be, and the same is hereby amended to read as follows:

42-3217. SINKING FUND. Whenever any indebtedness has been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and provide extensions of and betterments to the improvements of the district. Such taxes shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 5. That Section 42-3708, Idaho Code, be, and the same is hereby amended to read as follows:

42-3708. POWERS OF DIRECTORS. The directors of a watershed improvement district shall have power:

1. 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, for the purpose of general administration and operation and maintenance of the district and in addition thereto to separately levy and cause to be collected assessments on real property within the district in an amount not to exceed ten (10) mills for each dollar of assessed valuation for construction of structural works of improvement. Before a levy can be made for any purpose,
a referendum as herein provided must be held, and the provisions as outlined under sections 42-3712, 42-3713 and 42-3714, Idaho Code, must be complied with, and assessments can only be levied against lands to be directly benefited. Such tax levies shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

2. To conduct surveys, investigations and research relating to floodwater, sediment damage and the conservation, utilization, and disposal of water in the district, and the structural works of improvement needed.

3. 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 sell, lease, or otherwise dispose of any of its property or interest therein in furtherance of the purposes and provisions of this act.

4. To develop comprehensive plans for the prevention of floodwater and sediment damage and the conservation, development, utilization, and disposal of water within the district, which plans shall specify the acts, procedures, performances and avoidances which are necessary for effectuation of such plans.

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 as provided in the act of the congress of the United States known as the Watershed Protection and Flood Prevention Act (U.S.C., tit. 16, sections 1001-1008) and acts amendatory thereto.

6. To have the right of eminent domain with the power to cause to be condemned and appropriated 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 upon the payment of just compensation therefor.

7. To borrow money and to issue negotiable coupon bonds, which bonds shall bear interest, and which bonds shall be due and payable not later than thirty (30) years from the date of issuance, or at such earlier date as may be determined by the directors. The form and terms of said bonds, including their payment and redemption prior to maturity, shall be determined by the directors. Such bonds as may be issued shall be payable solely out of and from the assessments levied upon and a lien upon the lands within the district as provided in this act. Such bonds may be issued by the directors only upon the holding of a referendum election within the district as provided by law and upon such referendum resulting in a two-thirds (2/3) of the property owners, and representing at least fifty-one per cent (51%) of the land to be benefited, casting their ballots in favor thereof.

8. To enter into contracts or agreements with the United States or any of its officers, agents, or subdivisions, or the state of Idaho 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.
9. To bear its allocated share of the cost of any project resulting from any contract or agreement entered into as provided in subparagraph 8 hereof.

10. To take over, administer and maintain pursuant to any agreement or contract entered into in accordance with the provisions of subparagraph 8 hereof any watershed improvement project within its boundaries 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.

11. 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.

12. 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 powers, and to promulgate, amend and repeal rules and regulations not consistent with the provisions of this act.

13. To exercise all other powers necessary, convenient or incidental to carrying out the purposes and provisions of this act.

SECTION 6. That Section 50-1006, Idaho Code, be, and the same is hereby amended to read as follows:

50-1006. EXPENDITURES NOT TO EXCEED APPROPRIATION -- EXCEPTIONS. The mayor and council shall have no power to appropriate, issue or draw on the treasurer for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of sections 50-1001 through 50-1042, Idaho Code, and appropriations for the class or object out of which such claim is payable has been made as provided in sections 50-1001 through 50-1042, Idaho Code. Neither the city council nor any department or officer of the corporation shall add to the corporation expenditures in any year anything over and above the amount provided in the annual appropriation bill for the year, except as herein otherwise specially provided; and no expenditures for any improvement to be paid shall exceed in any year the amount allocated for such improvement in the annual appropriation bill, provided, however, that nothing herein contained shall prevent one-half (1/2) plus one (1) of the members of the full council from ordering the repair or restoration of any improvement, the necessity for which was caused by casualty or accident after such annual appropriation is made. In the event of casualty or accident, the city council may order the mayor and finance committee to borrow a sufficient sum to provide for the expense necessary to be incurred in making any repairs or restoration of improvements, for a space of time not exceeding the close of the next fiscal year, which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy and embraced therein.
Should any judgment be obtained against the corporation, the mayor and finance committee, under the sanction of the city council, may borrow for a space of time not exceeding the close of the next fiscal year, a sufficient amount to pay the same, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein. The tax levy herein shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

Approved March 24, 1980.

CHAPTER 137
(H.B. No. 630)

AN ACT
RELATING TO THE DISTRIBUTION OF CERTAIN FEDERAL PAYMENTS TO THE COUNTIES; AMENDING SECTION 57-1201, IDAHO CODE, TO PROVIDE NOMENCLATURE, AND TO PROVIDE DUTIES FOR THE STATE TREASURER TO DISTRIBUTE TAYLOR GRAZING ACT MONEYS TO THE COUNTIES; AMENDING SECTION 57-1301, IDAHO CODE, TO STRIKE REFERENCE TO A DISTRIBUTION OF MONEYS ONCE A YEAR; AND AMENDING CHAPTER 13, TITLE 57, BY THE ADDITION OF A NEW SECTION 57-1307, IDAHO CODE, TO PROVIDE THAT MONEYS RECEIVED BY THE STATE TREASURER FROM CERTAIN FEDERAL PAYMENTS SHALL BE EXPEDITIOUSLY DISTRIBUTED TO THE SEVERAL COUNTIES.

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

SECTION 1. That Section 57-1201, Idaho Code, be, and the same is hereby amended to read as follows:

57-1201. DISTRIBUTION OF FUNDS TO COUNTIES BY STATE AUDITOR TREASURER. All funds received by the state of Idaho, as its distributive share of the amounts collected by the United States Government under the provisions of the Congress of June 28, 1934 (48 Stat. 1269) known as the Taylor Grazing Act, and any act amendatory thereof, shall be deposited with the state treasurer. Upon receipt of said money, the state auditor treasurer shall distribute the same to the several counties of the state in which grazing districts, or lands producing such moneys are located, by warrant drawn on the state treasurer. The state auditor treasurer, shall, upon the date this act becomes effective, and annually thereafter, ascertain from the proper United States officers having the records of receipt from grazing permits, the amount of receipts from such sources in the state of Idaho for each year for which money is received by the state of Idaho, and keep a separate account shall be segregated by the state auditor and paid to the county of the sums received from lands producing such moneys, and apportion the distributive shares of the same among the several counties in which said grazing district is located; and if any
such grazing district lies in more than one county of the state, each such county shall receive such proportionate amount of said sum as the area of such grazing district included within the boundary of such county shall bear to the total area of such grazing district.

SECTION 2. That Section 57-1301, Idaho Code, be, and the same is hereby amended to read as follows:

57-1301. APPORTIONMENT OF FOREST RESERVE FUNDS. It shall be the duty of the state treasurer to receive any and all moneys paid or offered to be paid to him as such treasurer by the treasurer of the United States on account of the moneys received from such forest reserves, under and by virtue of the Act of Congress of June 30, 1906, and to keep a separate account of the sums received from each reserve, and to apportion the distributive shares of the same among the several counties in which such forest reserves are situated in proportion to the area of such reserve in such county, and to pay the same over to the several county treasurers of such counties at least once in each and every year, and as soon after the same is received as such apportionment can be made.

SECTION 3. That Chapter 13, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-1307, Idaho Code, and to read as follows:

57-1307. DISTRIBUTION OF REVENUES. All moneys received by the state treasurer under the provisions of chapter 12 and chapter 13, title 57, Idaho Code, for transmittal to other units or departments of government shall be expeditiously paid to the units or departments as soon as distribution information is received from the appropriate agency of the federal government. To accomplish expeditious payment the division of budget, policy planning and coordination, and the state auditor, shall immediately carry out their duties.

If a payment under the provisions of chapter 12 or chapter 13, title 57, Idaho Code, has been made in error to other units or departments due to erroneous information received from the appropriate agency of the federal government or due to any other reason, the state treasurer shall expeditiously demand refunds from those units or departments which were overpaid and such units or departments shall pay such refunds expeditiously to the state treasurer. As soon as all refunds of overpayments are received such total amount shall be paid expeditiously to the units or departments entitled thereto.

Approved March 24, 1980.
CHAPTER 138
(H.B. No. 674)

AN ACT

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

SECTION 1. It is legislative intent that the expenditures of the Office of the Governor for the Military Division, as set forth in section 2, not exceed the following amounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,436,800</td>
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<tr>
<td>Operating Expenditures</td>
<td>1,232,300</td>
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<tr>
<td>Capital Outlay</td>
<td>32,100</td>
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<tr>
<td>TOTAL</td>
<td>$2,701,200</td>
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</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,295,100</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>1,218,200</td>
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<tr>
<td>Civil Defense--Federal Administration and Personnel Account</td>
<td>160,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>27,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,701,200</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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTERING THE MILITARY DIVISION:</td>
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<tr>
<td>FROM:</td>
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<td>$254,600</td>
<td>$18,500</td>
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<td>$275,300</td>
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<tr>
<td>B. ADMINISTRATION AND OPERATION OF MILITARY FACILITIES:</td>
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<tr>
<td>FROM:</td>
<td></td>
<td>$104,500</td>
<td>$328,700</td>
<td>$22,200</td>
<td>$455,400</td>
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<tr>
<td>C. ADMINISTERING FEDERAL/STATE CONTRACTS:</td>
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<tr>
<td>FROM:</td>
<td></td>
<td>$79,900</td>
<td>$114,400</td>
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<td>$194,300</td>
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<tr>
<td>Adjutant General Receipts Account</td>
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<td>530,300</td>
<td>1,169,800</td>
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<td>$644,700</td>
<td>$1,364,100</td>
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D. ADMINISTERING DISASTER SERVICES:
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<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 97,000</td>
<td>$ 41,800</td>
<td>$ 400</td>
<td>$ 139,200</td>
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<tr>
<td>Civil Defense--</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Administration and Personnel Account</td>
<td>$142,000</td>
<td>$17,900</td>
<td>$ 400</td>
<td>$160,300</td>
</tr>
<tr>
<td>TOTAL</td>
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<td>F. RECRUITING AND RETENTION:</td>
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<td>General Account</td>
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<td>G. MILITARY OPERATIONS AND TRAINING:</td>
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Approved March 24, 1980.
CHAPTER 139
(H.B. No. 387)

AN ACT
RELATING TO WATER DISTRIBUTION; AMENDING SECTION 42-612, IDAHO CODE, TO PROVIDE A MINIMUM ANNUAL CHARGE TO WATER USERS FOR WATERMASTER SERVICES.

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

SECTION 1. That Section 42-612, Idaho Code, be, and the same is hereby amended to read as follows:

42-612. BUDGET OF WATER DISTRICT -- ADOPTION AND CONTENTS -- DEBT OF WATER USER. At any annual meeting the water users must adopt a budget covering the estimated expenses of said district for the ensuing year, and by resolution determine that said budget shall be collected, and the compensation of the watermaster and his assistants and any other expenses of delivering the water of said district to the users thereof shall be paid in the manner hereinafter, in this section, provided. Said budget shall show the aggregate amount to be collected from all the water users in said district, and the amount to be paid by each ditch, canal company, irrigation district or other water user, and for the purpose of computing said respective amounts, the water delivered to the various ditches, canal companies, irrigation districts or other users during the past season or seasons, not exceeding five seasons, shall be used as a basis. Upon the adoption of said budget the amount payable by each ditch, canal company, irrigation district or other water user, as shown by said budget, shall become the debt of each respectively and shall become due and payable as hereinafter provided. Other provisions of chapter 6, title 42, Idaho Code, notwithstanding, water users may at the annual meeting by resolution provide for an annual charge not to exceed twenty dollars ($20.00) per water user for watermaster services. Said minimum charge is applicable whenever the prorated charge against any ditch, canal company, irrigation district or other water user is less than the minimum charge.

Approved March 24, 1980.

CHAPTER 140
(H.B. No. 524)

AN ACT
RELATING TO INSTRUCTION IN THE ENGLISH LANGUAGE; AMENDING SECTION 33-1601, IDAHO CODE, TO PROVIDE INSTRUCTION IN A LANGUAGE OTHER THAN ENGLISH TO PROVIDE TRANSITION TO ENGLISH FOR STUDENTS WHO LACK PROFICIENCY IN ENGLISH.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1601, Idaho Code, be, and the same is hereby amended to read as follows:

33-1601. INSTRUCTION IN ENGLISH LANGUAGE. Instruction in all subjects in the public schools, except that required for the teaching of foreign languages, shall be conducted in the English language. Provided, however, that for students where the language spoken in their home is not English, instruction may be given in a language other than English as necessary to allow for the transition of the students to the English language.

Approved March 24, 1980.

CHAPTER 141
(H.B. No. 405)

AN ACT
RELATING TO COLLECTION OF DEBTS BY PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3718, IDAHO CODE, PROVIDING FOR IMPOSITION OF REASONABLE FINANCING AND LATE CHARGES INCURRED IN THE COLLECTION OF DEBTS OR CLAIMS.

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

SECTION 1. That Chapter 37, 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 33-3718, Idaho Code, and to read as follows:

33-3718. ADDITIONAL CHARGES AUTHORIZED IN THE COLLECTION OF DEBTS --PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION. Each state public or private institution of higher education may, in the control and collection of any debt or claim due and owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

Approved March 24, 1980.
AN ACT


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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Endowment Fund Investment Board the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

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<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
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Approved March 24, 1980.
CHAPTER 143
(H.B. No. 523)

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; REPEALING SECTION 59-1321, IDAHO CODE; AMENDING SECTION 59-1304, IDAHO CODE; BY INCREASING THE MONTHLY CONTRIBUTION FOR A MEMBER WHO IS NOT A POLICE OFFICER OR FIREMAN; AMENDING SECTION 59-1305, IDAHO CODE, BY INCREASING THE MONTHLY CONTRIBUTION FOR A MEMBER WHO IS A POLICE OFFICER OR FIREMAN; AND AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1321, IDAHO CODE, TO PROVIDE FOR COMPUTATION OF INITIAL EARLY RETIREMENT ALLOWANCES.

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

SECTION 1. That Section 59-1321, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 59-1304, Idaho Code, be, and the same is hereby amended to read as follows:

59-1304. CONTRIBUTIONS FROM EMPLOYEES. The contribution for a member who is not classified as a police officer or fireman shall equal four and one-half percent (4.5%) and shall be increased seventeen hundredths of one percent (.17%) annually effective July 1, 1980, for a period of four (4) years to a total of five and eighteen hundredths percent (5.18%) of his pay period salary.

SECTION 3. That Section 59-1305, Idaho Code, be, and the same is hereby amended to read as follows:

59-1305. CONTRIBUTIONS FROM POLICEMEN AND FIREMEN. The contribution for a member who is classified as a police officer or fireman shall equal five and four-tenths percent (5.4%) and shall be increased two-tenths of one percent (.2%) annually effective July 1, 1980, for a period of four (4) years to a total of six and two-tenths percent (6.2%) of his pay period salary.

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 59-1321, Idaho Code, and to read as follows:

59-1321. COMPUTATION OF EARLY RETIREMENT ALLOWANCES. (1) The annual amount of initial early retirement allowance of a member not classified as a police officer or fireman shall be a percentage of his accrued retirement allowance. Such percentage shall be one hundred percent (100%) if he has at least thirty (30) years of service and has attained age sixty (60). Otherwise, such percentage shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for
each month up to sixty (60) months that the member's retirement precedes the date he would be eligible to receive his full accrued benefit without additional credited service, and further reduced by two-thirds of one percent (.6667%) for each additional month.

(2) The annual amount of initial early retirement allowance of a member classified as a police officer or fireman shall be a percentage of his accrued retirement allowance. Such percentage shall be one hundred percent (100%) if he has at least twenty-five (25) years of service and has attained age fifty-five (55). Otherwise, such percentage shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for each month up to sixty (60) months that the member's retirement precedes the date he would be eligible to receive his full accrued benefit without additional credited service, and further reduced by two-thirds of one percent (.6667%) for each additional month.

Approved March 24, 1980.

CHAPTER 144
(H.B. No. 504)

AN ACT
RELATING TO THE LAW ENFORCEMENT PLANNING COMMISSION; AMENDING SECTION 19-5102, IDAHO CODE, TO TRANSFER THE COMMISSION FROM THE OFFICE OF THE GOVERNOR TO THE OFFICE OF THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT.

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 office of the director of the department of law enforcement the Idaho law enforcement planning commission, hereinafter called "the commission," in-the-office-of-the-governor-The and the commission shall be a-department-as-defined--in subject to the provisions of 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) 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 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 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.

(l) 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.

Approved March 24, 1980.

CHAPTER 145
(H.B. No. 609)

AN ACT
RELATING TO PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 39-131, IDAHO CODE, BY REDEFINING PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 39-132, IDAHO CODE, BY
REDEFINING BOARD OF MEDICINE, PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 39-133, IDAHO CODE, BY UPDATING THE AUTHORIZED ACTIONS OF PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 39-134, IDAHO CODE, TO PROVIDE FOR INTERIM REGULATIONS BY THE STATE BOARD OF MEDICINE IN ASSUMING JURISDICTION OVER EMERGENCY MEDICAL TECHNICIANS; AMENDING SECTION 39-135, IDAHO CODE, TO LIMIT THE LIABILITY OF EMERGENCY MEDICAL TECHNICIANS, SUPERVISING AUTHORITIES, AND GOVERNMENTAL UNITS; AMENDING SECTION 39-136, IDAHO CODE, TO INCLUDE NEW TERMS; AND AMENDING SECTION 39-141, IDAHO CODE, TO STRIKE THE TERM ADVANCED EMERGENCY MEDICAL TECHNICIAN-AMBULANCE.

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

SECTION 1. That Section 39-131, Idaho Code, be, and the same is hereby amended to read as follows:

39-131. AMBULANCE-PARAMEDICS—STATEMENT OF INTENT. It is the purpose of the legislature of the state of Idaho in the adoption of this act to recognize the importance of the delivery of emergency medical services and to provide reasonable regulation of the same. For this purpose, this act specifically states that the provisions of section 54-1803, Idaho Code, shall not be so construed as to prohibit or penalize emergency medical services rendered by an-ambulance paramedic or an-ambulance-intensive-care-paramedic as these terms are defined in a person authorized to render emergency medical services by this act, if such emergency medical service is rendered under the responsible supervision and control of a licensed physician.

SECTION 2. That Section 39-132, Idaho Code, be, and the same is hereby amended to read as follows:

39-132. DEFINITIONS. As used in this act:
(A) "Board" means the Idaho board of medicine provided in section 39-182 chapter 18, title 54, Idaho Code;
(B) "Ambulance-----paramedic Advanced emergency medical technician-ambulance" (hereinafter advanced EMT-A) means a person who:
1. Has successfully completed an emergency medical technician (EMT) training course, or its equivalent, and has successfully completed written and practical examinations for registry as an emergency medical technician is certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of EMT-A training and, in addition, has completed at least fifty (50) hours of advanced training in such techniques as intravenous fluid therapy, antishock trouser application, airway management including use of obturator airways, and subsequent required continuing training; and
2. Is trained has received additional training by a licensed physician
(a) to administer intravenous solutions under written or oral authorization of a licensed physician; and
(b) To administer drugs under written or oral authorization of a licensed physician; and

e)(b) To perform such other acts under written or oral authorization of a licensed physician as shall be authorized by the board; and

(3) Has been examined and certified as an ambulance-paramedic advanced EMT-A by an authorized representative of the board,

(C) "Ambulance-intensive-care-paramedic" (hereinafter EMT-P) means a person who:

(1) Has completed all the requirements for certification as an ambulance-paramedic EMT-P; and

(2) Has successfully completed a course in intensive patient care including the required training for an advanced EMT-A of at least one five hundred sixty (500) hours under the supervision of a licensed physician, including training in cardiac defibrillation, cardiac monitoring and endotracheal intubation; and

(3) Has been examined and certified as an ambulance-intensive care-paramedic EMT-P by an authorized representative of the board.

SECTION 3. That Section 39-133, Idaho Code, be, and the same is hereby amended to read as follows:

39-133. AUTHORIZED ACTIONS. Ambulance-paramedics and ambulance intensive-care-paramedics Advanced EMT-A and EMT-P shall be authorized to perform such acts under written or oral authorization of a licensed physician as shall be established by the rules and regulations of the board, including, but not limited to, administration of intravenous solutions and drugs, cardiac defibrillation, antishock trouser application, airway management including use of obturator airways, endotracheal intubation, and other intensive patient care.

SECTION 4. That Section 39-134, Idaho Code, be, and the same is hereby amended to read as follows:

39-134. RULES AND REGULATIONS. The board is authorized and directed to establish appropriate rules and regulations concerning the administration of this act. Such rules may deal with, but are not limited to, such matters as criteria for training programs, determination of acts which may be performed by ambulance-paramedics and ambulance-intensive-care-paramedics an advanced EMT-A or EMT-P, fees for certification, appropriate requirements for recertification at specified intervals, and other necessary and proper matters. The board shall also adopt appropriate rules and regulations for the redesignation of ambulance paramedics and ambulance intensive care paramedics as advanced EMT-A or EMT-P pursuant to this chapter and the assumption of jurisdiction over advanced EMT-A's.

SECTION 5. That Section 39-135, Idaho Code, be, and the same is hereby amended to read as follows:
LIABILITY. No act or omission of any ambulance-paramedic or ambulance-intensive-care-paramedic, done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician to a person who is in immediate danger of serious injury or loss of life shall impose any liability upon the ambulance-paramedic or ambulance-intensive-care paramedic; the supervising physician; any hospital; or upon a federal, state, county, city or other local government unit; or upon other employees of such government unit. This section shall not, however, relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of an ambulance-paramedic or an ambulance-intensive-care-paramedic or for the provision or maintenance of equipment to be used by ambulance paramedics or ambulance-intensive-care-paramedics advanced EMT-A or EMT-P who is duly certified by the Idaho state board of medicine done or omitted in good faith while rendering emergency care services to a person or persons who are perceived to need immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury shall impose any liability upon those personnel, the general supervising physician, the hospital, the organization providing the service, or upon a federal, state, county, city or other local governmental unit, or upon employees of such governmental unit, unless such provider of care or such personnel be shown to have caused injury and damages to such person or persons as a proximate result of his, her or their reckless or grossly negligent misconduct, which shall be the sole grounds for civil liability of such persons in the provision of care or assistance under this act, regardless of the circumstance under which such care or assistance may be provided. This section shall not relieve the organization or agency operating the service from the duty of securing, maintaining and operating, the equipment designated for use in performing the emergency care services.

SECTION 6. That Section 39-136, Idaho Code, be, and the same is hereby amended to read as follows:

FAILURE TO OBTAIN CONSENT. No ambulance-paramedic or intensive-care-ambulance-paramedic advanced EMT-A or EMT-P, or physician or hospital licensed in this state shall be subject to civil liability based solely upon failure to obtain consent in rendering emergency medical, surgical, hospital or health services to any individual regardless of age where the patient is unable to give his consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care; provided, however, that such paramedic, physician or hospital has acted in good faith and without knowledge of facts negating consent.

SECTION 7. That Section 39-141, Idaho Code, be, and the same is hereby amended to read as follows:

DEFINITIONS. As used in this act:
(A) "Emergency Medical Services" means the services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

(B) "Board" means the Idaho board of health and welfare provided in section 39-103, Idaho Code.

(C) "Certified Basic Life Support Personnel" means individuals who have completed and successfully passed examinations for training and skills proficiency in one (1) or several levels of basic life support activity as prescribed and certified by the department of health and welfare. These several levels of basic life support services shall include:

1. CIM -- "Crash Injury Management" (hereafter CIM) means an individual certified by the EMS bureau of the Idaho department of health and welfare as an emergency care officer on the basis of successful completion of a forty (40) hour crash injury management (CIM) course and subsequent required continuing training.

2. QRU -- "Quick Response Unit" (hereafter QRU) means an individual certified by the EMS bureau of the Idaho department of health and welfare as a QRU crewman on the basis of successful completion of a fifty (50) hour Quick Response Unit (QRU) course and subsequent required continuing training.

3. EMT -- "Emergency Medical Technician" (hereafter EMT) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one (81) hour emergency medical technician (EMT) course and subsequent required continuing training.

4. EMT-A -- "Emergency Medical Technician-Ambulance" (hereafter EMT-A) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one (81) hour EMT course and, in addition, successful completion of at least fifty (50) hours of supervised infield ambulance experience, and subsequent required continuing training.


(D) Ambulance--The term "ambulance" means any privately or publicly owned motor vehicle that is specifically designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this act.

Approved March 24, 1980.
C. 146 '80

IDAHO SESSION LAWS

315

CHAPTER 146
(H.B. No. 558)

AN ACT
RELATING TO GRADUATES OF MEDICAL SCHOOLS; AMENDING SECTION 54-1812, IDAHO CODE, TO STRIKE REFERENCE TO A REQUIREMENT THAT GRADUATES OF CERTAIN MEDICAL SCHOOLS MUST SHOW PROOF OF AN ENTITLEMENT TO PRACTICE MEDICINE IN THE COUNTRY IN WHICH THE MEDICAL SCHOOL IS LOCATED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1812, Idaho Code, be, and the same is hereby amended to read as follows:

54-1812. GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA. In addition to the other licensure requirements of this chapter, the board may require by rule and regulation that graduates of medical schools located outside of the United States and Canada provide additional information to the board concerning the medical school attended. The board may also require such graduates to take an additional examination; and-the-board-shall-require-proof-by such-graduates-that-the-degree-they-received-would-entitle-them-to practice-medicine-in-the-country-in-which-the-medical-school-is-located. The board may refuse to issue a license to an applicant who graduated from a medical school located outside of the United States and Canada if it finds that such applicant does not possess the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state.

SECTION 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 24, 1980.

CHAPTER 147
(H.B. No. 358)

AN ACT
RELATING TO TAX CHARGES AND COMPUTATION OF TAXES; AMENDING SECTION 63-1001, IDAHO CODE, TO PROVIDE THAT TAX CHARGES BE EXPRESSED AS A PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES, AND TO PROVIDE DUTIES FOR THE COUNTY AUDITOR.

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

SECTION 1. That Section 63-1001, Idaho Code, be, and the same is hereby amended to read as follows:
63-1001. TAX CHARGES TO BE EXPRESSED AS A PERCENT OF MARKET VALUE -- COMPUTATION OF TAXES -- DUTY OF COUNTY AUDITOR. (1) From and after January 1, 1980, all tax charges shall be expressed as a percent of market value for assessment purposes. The county auditor shall on or before September 1 of each year, calculate the percent of market value for assessment purposes equivalent of tax levies statutorily recited as mills per dollar of assessed value or as cents per hundred dollars of assessed value.
(2) 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 on the real property assessment roll 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 he must compute the total of all taxes extended against the same property.

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.

Approved March 25, 1980.

CHAPTER 148
(H.B. No. 529)

AN ACT
RELATING TO THE VACCINATION OF CALVES AGAINST BRUCELLOSIS; AMENDING CHAPTER 6, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-613A, IDAHO CODE, TO PROVIDE THAT FEMALE CATTLE BORN AFTER JULY 1, 1980, SHALL BE OFFICIALLY CALFHOOD VACCINATED IF THEY ARE OFFERED FOR SALE AS BREEDING OR DAIRY ANIMALS, TO PROVIDE PENALTIES AND TO PROVIDE FOR DISPOSITION OF AFFECTED ANIMALS; AND AMENDING SECTION 25-616, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL BE CHARGED WITH A SEPARATE OFFENSE FOR EACH ANIMAL HE OWNS OR POSSESS WHICH IS FOUND NOT TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTIONS 25-608 THROUGH 25-615, IDAHO CODE.

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

SECTION 1. That Chapter 6, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-613A, Idaho Code, and to read as follows:

25-613A. CALFHOOD VACCINATION AGAINST BRUCELLOSIS REQUIRED -- PENALTY. All female cattle born after July 1, 1980, shall be officially calfhood vaccinated if they are offered for sale as breeding or dairy animals. "Officially calfhood vaccinated" shall mean a bovine
female animal vaccinated against Brucellosis under the supervision of a federal or state veterinary official with age limits prescribed by the department in compliance with United States department of agriculture recommended uniform methods and rules, with a vaccine approved by the department, and permanently identified as such a vaccinate and reported at the time of vaccination to the department or appropriate federal agency cooperating in the eradication of Brucellosis. However, the director of the department or his designee may grant a hearing to any persons, under such rules and regulations as the department may prescribe which are in compliance with chapter 52, title 67, Idaho Code, as to whether an exception should be made to the provisions of this section. An appeal may be taken from the decision of the director or his designee under the provisions of section 67-5215, Idaho Code. Any person who shall possess or own in this state or acquire within this state any cattle for breeding or dairy purposes contrary to the provisions of this section shall be guilty of a misdemeanor and shall be punished according to the provisions of section 25-616, Idaho Code. The department also may order that when animals are found not to be in compliance with the provisions of chapter 2, title 25, Idaho Code, that they be slaughtered, removed from the state, or placed in an Idaho registered quarantine feed lot.

SECTION 2. That Section 25-616, Idaho Code, be, and the same is hereby amended to read as follows:

25-616. PENALTY FOR VIOLATIONS OF SECTIONS 25-608 -- 25-615. Any person, firm, or corporation who shall fail to do or perform, or who shall not permit another to do or perform, any act which he or it is required to do or perform under sections 25-608 through 25-615, Idaho Code, inclusive, or any of them, or who shall in any manner interfere with the compliance of said sections or any of them or any provision thereof by any officer or representative of the department, bureau or commissioners, or who shall refuse to present or restrain any cattle for the purpose of branding under this act, or who shall remove any eartag from any Bang's disease reactor, or who shall remove the eartag from any animal tested or vaccinated for Bang's disease and place such tag on or in the ear of another animal, shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) for each offense. For the purposes of this section, a person shall be charged with a separate offense for each animal he owns or possesses and which is found not to be in compliance with the provisions of sections 25-608 through 25-615, Idaho Code, inclusive, or any of them.

Approved March 25, 1980.
CHAPTER 149
(H.B. No. 477)

AN ACT
RELATING TO THE LICENSING OF WEIGHMasters; AMENDING SECTION 71-403, IDAHO CODE, BY PROVIDING THAT THE WEIGHMASTER'S BOND SHALL BE CONTINUOUS AND UPON A FORM APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE.

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

SECTION 1. That Section 71-403, Idaho Code, be, and the same is hereby amended to read as follows:

71-403. BOND. Each application shall be accompanied by a bond in the penal sum of one thousand dollars ($1,000), executed by the applicant as principal and a solvent surety company authorized to do business in this state as a surety. Said bond shall be for a period of one year upon a form approved by the director of the department of agriculture without the necessity of annual renewal, to remain in full force and effect until such time as the license of the licensee is revoked for cause or otherwise cancelled, and conditioned on the faithful performance of the duties of such weighmaster. All bonds given under the provisions of this chapter, after their approval, shall be filed in the office of the director of the department of agriculture. Any person who may suffer loss or damage from any wrongful acts of the weighmaster in his capacity as such, shall in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars ($1,000), suffered by such person by reason of said loss or damage of said weighmaster; provided, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

Approved March 25, 1980.

CHAPTER 150
(H.B. No. 385)

AN ACT
RELATING TO ADJUDICATION OF WATER RIGHTS; AMENDING SECTION 42-1410, IDAHO CODE, TO ADVANCE THE EFFECTIVE DATE OF IMPLEMENTATION OF THE PROPOSED FINDING OF WATER RIGHTS DETERMINED BY THE DIRECTOR IN AN ADJUDICATION PROCEDURE; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1415, IDAHO CODE, TO PROVIDE FOR A BOND TO STAY OPERATION OF THE DIRECTOR'S DETERMINATION.

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

SECTION 1. That Section 42-1410, Idaho Code, be, and the same is
hereby amended to read as follows:

42-1410. REPORT -- OBJECTIONS -- HEARING -- DECREE. The director of the department of water resources shall examine the claims filed and conduct such further investigation as is necessary to evaluate and ascertain the extent and nature of each water right existing within the system. Upon completion of his investigation he shall prepare a report in the nature of a proposed finding of water rights. The director of the department of water resources shall then file the report, together with each claim filed in his office under the preceding section with the district court and a copy of the report or that portion deemed pertinent by the director shall be sent to each claimant or his attorney at his last known post-office address. The report of the director of the department of water resources shall constitute prima facie evidence of the nature of the rights existing within the water system. For purposes of formation of a water district and delivery of water, the water rights in the report of the director shall be considered to be adjudicated and the report shall be in full force and effect from the date of its filing with the court, unless and until its operation shall be stayed by a stay bond as provided in section 42-1415, Idaho Code. Any claimant who desires to object to the report shall file his objections with the court within sixty (60) days of the date of mailing of such report by the director of the department of water resources and shall also send a copy of such objection to the director of the department of water resources. The director of the department of water resources shall, within twenty (20) days of receipt of a notice of objection, file his response thereto with the district court. Hearing shall be had by the district judge, without a jury, on each objection to the report of the director of the department of water resources. The report of the director of the department of water resources, the statements of claims or claimants and the notice of objections made to the report of the director of the department of water resources shall constitute the pleadings. The court may allow such additional or amended pleadings as may be necessary for a final determination of the proceedings. All proceedings on the hearing shall be held in accordance with the rules governing civil actions. The district court may take additional evidence on any issue and may, if necessary, defer the case for such further evidence to be taken by the director of the department of water resources as the court may direct, and may require a further determination by the director of the department of water resources. Upon conclusion of the hearing the district judge shall determine the nature of each right where a notice of objection has been filed and enter a decree accordingly. Where no objection is filed with regard to any right found to exist by the director of the department of water resources as evidenced by his report, the district judge shall affirm the right as therein found. The decree shall in every case declare as to the water rights adjudged to each party, the priority, amount, season of use, purpose of use, point of diversion and place of use of the water and acreage of the tract of land to which the water right is appurtenant, together with such other facts as may be necessary to define the right.
SECTION 2. That Chapter 14, 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 42-1415, Idaho Code, and to read as follows:

42-1415. BOND TO STAY REPORT OF DIRECTOR. At any time after the report of the director of the department of water resources has been filed with the court, the delivery of water pursuant to the report may be stayed in whole or in part by any party by filing a bond in the district court wherein the report is pending, in such amount as the judge may prescribe, conditioned that the party will pay all the damages that may accrue by reason of the report not being enforced. Immediately upon the filing and approval of the bond, the clerk of the district court shall transmit to the director a certified copy of the bond, which shall be recorded in the records by him, and he shall immediately give notice thereof to the watermaster of the proper water district.

Approved March 25, 1980.

CHAPTER 151
(H.B. No. 384)

AN ACT
RELATING TO WATER RIGHTS; AMENDING SECTION 42-221, IDAHO CODE, PROVIDING FOR INCREASES IN EXISTING FEES AND PROVIDING A FEE SCHEDULE FOR EXTENSIONS OF TIME AND WATER RIGHTS RESEARCH.

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

SECTION 1. That Section 42-221, Idaho Code, be, and the same is hereby amended to read as follows:

42-221. FEES OF DEPARTMENT. The department of water resources shall collect the following fees which shall constitute a fund to pay for legal advertising, the publication of public notices and for investigations required of the department in connection with the issuance of permits and licenses as provided in this chapter:

A. For filing an application for a permit to appropriate the public waters of this state:
   1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20 acre feet or less ........................................ $20,000.00
   2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s. or for a storage volume greater than 20 acre feet but not exceeding 100 acre feet ........................................ $95,000.00
   3. For a quantity greater than 1.0 c.f.s. but not exceeding 20 c.f.s., or for a storage volume greater than 100 acre feet but not
exceeding 2,000 acre feet ............................ $95.00
plus $107.00 for each additional c.f.s. or part thereof or 100
acre feet or part thereof over the first 1.0 c.f.s. or 100 acre
feet.

4. For a quantity greater than 20.0 c.f.s. but not exceeding 100
c.f.s. or for a storage volume greater than 2,000 acre feet but
not exceeding 10,000 acre feet ...................... $225.00
plus $5.00 for each additional c.f.s. or part thereof or 100
acre feet or part thereof over the first 20.0 c.f.s. or 2,000 acre
feet.

5. For a quantity greater than 100.0 c.f.s. but not exceeding
500.0 c.f.s., or for a storage volume greater than 10,000 acre
feet but not exceeding 50,000 acre feet .............. $625.00
plus $2.00 for each additional c.f.s. or part thereof or 100
acre feet or part thereof over the first 100 c.f.s. or 10,000 acre
feet.

6. For a quantity greater than 500 c.f.s., or for a storage
volume greater than 50,000 acre feet ................ $1,425.00
plus $9.00 for each additional 1.0 c.f.s. or part thereof or
100 acre feet or part thereof over the first 500 c.f.s. or
50,000 acre feet.

b. For filing application for change of point of diversion, or
place of use of water of established rights; for exchange of water; or
for an extension of time within which to resume the use of water under
a vested right:

1. For a quantity of 0.2 c.f.s. or less or for a storage volume
of 20 acre feet or less ............................. $20.00
2. For all other amounts .............................. $35.00
C. For filing application for amendment of permit ........ $20.00
D. For filing claim to use right under section 42-225a 42-243,
Idaho Code ....................................... $20.00
E. For readvertising application for permit, change, exchange, or
extension to resume use .......................... $20.00
F. For certification, each document .................. $1.00
G. For making photo copies of office records, maps and documents
for public use ... A reasonable charge as determined by the depart­
ment.
H. For filing request for extension of time within which to
submit proof of beneficial use on a water right permit ........ $15.00
I. For tasks requiring in excess of one (1) hour research or for
computerized data provided for public use .... A reasonable charge as
determined by the department.

All fees received by the department of water resources under the
provisions of this chapter shall be transmitted to the state treasurer
for deposit in the water administration fund.

Approved March 25, 1980.
CHAPTER 152  
(H.B. No. 432)

AN ACT

RELATING TO FRESH PURSUIT OF CRIMINAL OFFENDERS BY PEACE OFFICERS;  
AMENDING CHAPTER 7, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW  
SECTION 19-701A, IDAHO CODE, PROVIDING THAT ANY PEACE OFFICER OF  
THIS STATE SHALL HAVE AUTHORITY TO ARREST AND HOLD IN CUSTODY ANY-  
WHERE IN THIS STATE, ANY PERSON WHO HAS BEEN FRESHLY PURSUED BY  
SAID OFFICER AND WHO IS REASONABLY BELIEVED BY THE OFFICER TO HAVE  
COMMITTED A FELONY OR HAS COMMITTED OR HAS ATTEMPTED TO COMMIT ANY  
CRIMINAL OFFENSE IN THIS STATE IN THE PRESENCE OF SUCH OFFICER OR  
FOR WHOM A WARRANT OF ARREST FOR A CRIMINAL OFFENSE IS OUTSTANDING;  
AMENDING SECTION 50-209, IDAHO CODE, PROVIDING THAT CITY  
POLICE OFFICERS MAY FRESHLY PURSUE ANY OFFENDER BEYOND THE CORPO-  
RATE LIMITS OF A CITY, PURSUANT TO CHAPTER 7, TITLE 19, IDAHO  
CODE, STRIKING THE POST ARREST PROCEDURE; AND DECLARING AN EMER-  
GENCY.

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

SECTION 1. That Chapter 7, 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 19-701A, Idaho Code, and to read as  
follows:

19-701A. OFFICER OF THIS STATE IN FRESH PURSUIT OF SUSPECTED  
FELON. Any peace officer of this state in fresh pursuit of a person  
who is reasonably believed by him to have committed a felony in this  
state or has committed, or attempted to commit, any criminal offense  
in this state in the presence of such officer, or for whom a warrant  
of arrest is outstanding for a criminal offense, shall have authority  
to pursue, arrest and hold in custody such person anywhere in this  
state.

SECTION 2. That Section 50-209, Idaho Code, be, and the same is  
hereby amended to read as follows:

50-209. POWERS OF POLICEMEN. The policemen of every city, should  
any be appointed, shall have power to arrest all offenders against the  
law of the state, or of the city, by day or by night, in the same man-  
nner as the sheriff or constable; and hold them in the city jail or  
other place to prevent their escape until trial can be had before the  
proper officer. Whenever such policemen shall be in fresh pursuit of  
any offender against any law of the state, or of the city and the  
offense has been committed within the corporate limits of such city,  
such policemen, while in such fresh pursuit may go beyond the corpo-  
rate or geographical limits of such city but not beyond the county  
line of the county in which such city is situated subject to the  
provisions of chapter 7, title 19, Idaho Code, for the purpose of
making such arrest. Upon overtaking such offender outside the corporate or geographical limits of such city the arresting officer may take such offender to and hold him in the city jail or other place to prevent his escape until trial can be had before the proper officer or may personally hand to such arrested person a notice in writing or partly written and partly printed to appear in the police court of such city at a time specified in such notice.

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 25, 1980.

CHAPTER 153
(H.B. No. 453)

AN ACT
RELATING TO INTIMIDATION OF WITNESSES AT JUDICIAL PROCEEDINGS; AMENDING SECTION 18-2604, IDAHO CODE; BY ENUMERATING ADDITIONAL ACTS WHICH ARE PROHIBITED AND PROVIDING FOR IMPOSITION OF A FELONY CHARGE IN CERTAIN CASES.

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

SECTION 1. That Section 18-2604, Idaho Code, be, and the same is hereby amended to read as follows:

18-2604. PREVENTING ATTENDANCE OF WITNESS. Every person who wilfully prevents, or dissuades, intimidates, deters, or harasses any person who is or may become a witness, from attending upon any trial, proceeding or inquiry, authorized by law, is guilty of a misdemeanor, unless the trial, proceeding or inquiry is criminal in nature and involves a felony offense, in which case said person is guilty of a felony and subject to a maximum fine of ten thousand dollars ($10,000) and a maximum sentence of five (5) years in prison.

Approved March 25, 1980.

CHAPTER 154
(H.B. No. 431)

AN ACT
RELATING TO STAY OF ACTION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-233, IDAHO CODE, TO ALLOW DISCRETION TO THE DIRECTOR IN IMPOSING A STAY OF ACTION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-233, Idaho Code, be, and the same is hereby amended to read as follows:

41-233. STAY OF ACTION. (1) Such demand for a hearing received by the director prior to the effective date of, upon written request to stay any action taken or proposed to be taken by him shall stay such action pending the hearing; except as to action taken or proposed:
   (a) under an order on hearing; or
   (b) under an order pursuant to an order on hearing; or
   (c) under an order to make good an impairment of the capital funds of an insurer must within ten (10) days of the request, with or without hearing, grant or deny the request in writing.
   (2) In any case where an automatic stay is not provided for; and if the director after written request therefore fails to grant a stay, the person aggrieved thereby may within ten (10) days of the director's written denial apply to the District Court for Ada County for a stay of the director's proposed action.

Approved March 25, 1980.
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, 1980, THROUGH JUNE 30, 1981; 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, 1980, through June 30, 1981:

<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>FOR PERSONNEL</td>
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<td>A. RENAL DISEASE:</td>
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<td>General Account</td>
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<td>B. VOCATIONAL REHABILITATION:</td>
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<tr>
<td>General Account</td>
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</tr>
<tr>
<td>Vocational Rehabilitation Account</td>
<td>$2,345,900</td>
<td>$519,100</td>
<td>$31,800</td>
<td></td>
<td>$2,345,900</td>
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<tr>
<td>Miscellaneous Receipts</td>
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<td>Account</td>
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<tr>
<td>Vocational Rehabilitation</td>
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<td>Medicare Account</td>
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<tr>
<td>Vocational Rehabilitation</td>
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<tr>
<td>Donated Account</td>
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<tr>
<td>Federal Third Party Account</td>
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<td></td>
</tr>
<tr>
<td>TOTAL</td>
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<td>$519,100</td>
<td>$31,800</td>
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<td>$2,345,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
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<td>$519,100</td>
<td>$31,800</td>
<td></td>
<td>$6,192,800</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that for the period July 1, 1980, through June 30, 1981, 20% of the services to be provided by the appropriation through Trustee and Benefit Payments made in Section 1 of this act for the Rehabilitation Program shall be provided through rehabilitation facilities commonly known as sheltered workshops.

Approved March 25, 1980.
CHAPTER 156
(H.B. No. 370)

AN ACT
RELATING TO SECURED TRANSACTIONS; AMENDING SECTION 28-9-402, IDAHO CODE, BY PROVIDING FOR ADDITIONAL FORMAL REQUISITES OF FINANCING STATEMENTS FOR TIMBER TO BE CUT AND FOR MINERALS AND THAT A MORTGAGE IS TO BE FILED IN THE SAME MANNER AS A FINANCING STATEMENT; AMENDING SECTION 28-9-403, IDAHO CODE, BY PROVIDING AN ALTERNATE FILING REQUIREMENT BY THE FILING OFFICER AND PROVIDING A UNIFORM FEE FOR FILING A MORTGAGE AS A FINANCING STATEMENT; AMENDING SECTION 28-9-404, IDAHO CODE, BY PROVIDING A TIME LIMIT FOR THE FILING OF A TERMINATION STATEMENT AFTER PROPER DEMAND THEREFOR; AND AMENDING SECTION 31-2402, IDAHO CODE, BY PROVIDING FOR THE INCLUSION OF FINANCING STATEMENTS, UNDER THE UNIFORM COMMERCIAL CODE, WHICH COVER TIMBER TO BE CUT, MINERALS OR THE LIKE, AND CERTAIN ACCOUNTS OR FIXTURES, BY THE COUNTY RECORDER.

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

SECTION 1. 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, 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, 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 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 when it is signed by the secured party 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 applicable) The above goods are to become fixtures
   (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 the collateral is timber to be cut) The above described timber is standing on:
   (Describe Real Estate) .............................................

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ...................... .

5. (If the collateral is minerals or the like) The above described minerals (or the like) are located on:
   (Describe Real Estate) .............................................

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ...................... .

6. (If products of collateral are claimed) 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. 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.

(6) 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, and (e) the mortgage is filed in the same manner as a financing statement. 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 2. That Section 28-9-403, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-403. WHAT CONSTITUTES FILING -- DURATION OF FILING -- EFFECT OF LAPSED FILING -- DUTIES OF FILING OFFICER. (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the 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
(1) Excess-as-provided-in-subsection-(7)-a 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, or the filing officer shall file one (1) copy of the statement in a file arranged by the name of the debtor and a second copy in a file arranged by document number.

(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 state-
ment is subject to subsection (5) of section 28-9-402, the regular recording fee with respect to a mortgage. The uniform fee for filing a mortgage as a financing statement pursuant to subsection (6) of section 28-9-402 shall be three dollars ($3.00) in addition to the regular recording fee charged for recording the 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 3. That Section 28-9-404, Idaho Code, be, and the same is hereby amended 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 within ten (10) days after proper demand therefor, 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 4. That Section 31-2402, Idaho Code, be, and the same is hereby amended to read as follows:

31-2402. INSTRUMENTS TO BE RECORDED. He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in legible handwriting, typewriting or by photographic reproduction:

1. Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate and leases which have been acknowledged or proved.
2. Certificates of marriage and marriage contracts.
3. Wills admitted to probate.
4. Official bonds.
6. Transcripts of judgments which by law are made liens upon real estate.
7. Notices of attachments upon real estate.
8. Notices of the pendency of an action affecting real estate, the title thereto or possession thereof.
9. Instruments describing or relating to the separate property of married women.
11. Certified copies of any petition, with the schedules omitted, filed in, and certified copies of any order or decree made or entered in, any proceeding under the National Bankruptcy Act.
12. Financing statements under the Uniform Commercial Code which cover timber to be cut, minerals or the like (including oil and gas), accounts subject to subsection (5) of section 28-9-103, Idaho Code, or fixtures.
13. Such other writings as are required or permitted by law to be recorded.

Approved March 25, 1980.

CHAPTER 157
(H.B. No. 369)

AN ACT
RELATING TO NOTARIES PUBLIC; AMENDING SECTION 51-102, IDAHO CODE, BY
CHANGING THE TITLE OF PROBATE JUDGE TO THAT OF MAGISTRATE OF THE
DISTRICT COURT; AMENDING CHAPTER 1, TITLE 51, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 51-103A, IDAHO CODE, BY PROVIDING FOR A
RIDER TO THE REQUIRED BOND UPON THE CHANGE OF NAME OR ADDRESS OF A
NOTARY PUBLIC, FOR FILING THE SAME WITH THE SECRETARY OF STATE AND
A FEE FOR SUCH FILING; AND REPEALING SECTIONS 51-106, 51-109 AND
51-111, IDAHO CODE.

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

SECTION 1. That Section 51-102, Idaho Code, be, and the same is
hereby amended to read as follows:

51-102. OATH AND BOND. Each notary public before entering upon
the duties of his office must take the usual oath of office, which
must be indorsed upon his bond, and must execute a bond to the state
of Idaho in the sum of one thousand dollars ($1000), with two (2) or
more sufficient sureties, to be approved by the--probate--judge--of a
magistrate of the district court in the county in which said notary
resides: provided, that any bond being furnished by any bonding or
surety company authorized to do business in the state, shall not be
required to be approved by the--probate--judge a magistrate.

SECTION 2. That Chapter 1, Title 51, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 51-103A, Idaho Code, and to read as
follows:

51-103A. CHANGE OF NAME OR ADDRESS -- FEE. Each notary public
whose name or address changes shall obtain a rider to the bond as
applicable, and file it in the office of the secretary of state. The
fee for filing such rider shall be four dollars ($4.00).

SECTION 3. That Sections 51-106, 51-109 and 51-111, Idaho Code,
be, and the same are hereby repealed.

Approved March 25, 1980.
CHAPTER 158  
(H.B. No. 695)  

AN ACT  
APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.  

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

SECTION 1. There is hereby appropriated from the Public School Income Fund to the State Department of Education the sum of $129,600, or so much thereof as may be necessary, to be expended for repayment to the U.S. Office of Education of audit exceptions in the FY 1974 federally funded Title I, Elementary and Secondary Education Act, program.  

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 25, 1980.  

CHAPTER 159  
(H.B. No. 559)  

AN ACT  
RELATING TO HOSPITALS AND HEALTH CARE FACILITIES; AMENDING SECTION 39-1301, IDAHO CODE, TO PROVIDE DEFINITIONS OF HOSPITALS AND OTHER HEALTH CARE FACILITIES; AMENDING SECTIONS 39-1302 AND 39-1303, IDAHO CODE, TO PROVIDE CODE REFERENCES AND NOMENCLATURE; REPEALING SECTION 39-1303a, IDAHO CODE, RELATING TO OTHER HEALTH CARE FACILITIES; AMENDING SECTION 39-1303b, IDAHO CODE, TO RENUMBER AS SECTION 39-1303a, IDAHO CODE, AND TO STRIKE OBSOLETE MATERIAL; AMENDING SECTION 39-1303c, IDAHO CODE, TO RENUMBER AS SECTION 39-1303b, IDAHO CODE; AMENDING SECTION 39-1303d, IDAHO CODE, TO RENUMBER AS SECTION 39-1303c, IDAHO CODE, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-1305, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LICENSE WHEN REQUIRED; AMENDING SECTION 39-1306, IDAHO CODE, TO PROVIDE FOR DENIAL OR REVOCATION OF A LICENSE, TO PROVIDE FOR WAIVERS, AND TO PROVIDE FOR APPLICATION OF THE ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 39-1307, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE FOR RULE MAKING AUTHORITY; AMENDING SECTION 39-1308, IDAHO CODE, TO PROVIDE CODE REFERENCES AND NOMENCLATURE, AND TO PROVIDE FOR RULE MAKING AND EXCEPTIONS; REPEALING SECTIONS 39-1310 AND 39-1311, IDAHO CODE, RELATING TO THE ADVISORY HOSPITAL COUNCIL; AMENDING SECTION 39-1312,

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

SECTION 1. That Section 39-1301, Idaho Code, be, and the same is hereby amended to read as follows:

39-1301. DEFINITIONS. As used in sections 39-1301 through 39-1317, Idaho Code, for purposes of this act the following definitions will apply:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of two (2) or more nonrelated individuals suffering from illness, disease, injury, deformity, or requiring care because of old age, or a place devoted primarily to providing for not less than twenty-four (24) hours in any week of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals. The term hospital includes public health centers in general, tuberculosis, mental, chronic disease and other types of hospitals, and related facilities; such as laboratories; outpatient departments; nurses' homes and training facilities; and central service facilities operated in connection with hospitals; a facility which:

(1) Is primarily engaged in providing, by or under the supervision of physicians,

(a) concentrated medical and nursing care on a twenty-four (24) hour basis to inpatients experiencing acute illness; and

(b) diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and

(c) rehabilitation services for injured, disabled, or sick persons; and

(d) obstetrical care.

(2) Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours.

(3) Is staffed to provide professional nursing care on a twenty-four (24) hour basis.

(b) "Skilled nursing facility" (nursing home) means a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a minimum, require inpatient care and services for twenty-four (24) or more
consecutive hours for unstable chronic health problems requiring daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision is necessary on a regular, but not daily, basis.

(c) "Intermediate care facility" (nursing home) means a facility:
(1) Whose design and function shall provide area, space and equipment to meet the restorative, rehabilitative, recreational, intermittent health needs, and daily living needs of two (2) or more individuals who require in-residence care and services for twenty-four (24) or more consecutive hours;
(2) Whose design and function will provide for regular but less than daily medical and skilled nursing care.

d) "Proprietary home health agency" means a private or investor-owned, profit-making agency which provides multiple service health care programs. These programs must be physician directed and must include skilled nursing and at least one other service and be centrally administered and coordinated. The services are provided in the patient's place of residence to the patient or his family for the purpose of promoting, maintaining, or restoring health or minimizing the effects of illness or disability.

(f) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof;

(g) "Government unit" means the state, or any county, municipality, or other political subdivision, or any department, division, board or other agency thereof;

(h) "Licensing agency" means the department of health and welfare.

(i) "Physician" means an individual licensed to practice medicine and surgery by the Idaho state board of medicine.

SECTION 2. That Section 39-1302, Idaho Code, be, and the same is hereby amended to read as follows:

39-1302. PURPOSE. The purpose of sections 39-1301--39-1314, Idaho Code, is to provide for the development, establishment and enforcement of standards (1) for the care and treatment of individuals in hospitals facilities or by agencies as defined, and (2) for the construction, maintenance and operation of hospitals facilities or agencies as defined which, in the light of advancing knowledge, will promote safe and adequate treatment of such individuals in hospitals facilities or by agencies as defined.

SECTION 3. That Section 39-1303, Idaho Code, be, and the same is hereby amended to read as follows:

39-1303. LICENSURE. After January 1, 1948, no person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital.
facility or agency, as defined, in this state without a license under sections 39-1301--39-1314, Idaho Code.

SECTION 4. That Section 39-1303a, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 39-1303b, Idaho Code, be, and the same is hereby amended to read as follows:

39-1303b. DEFINITION OF SERVICES AND REGULATION OF FACILITIES IN PRECEDING SECTION. For the purposes of this act, the state board of health and welfare shall have the authority to define the services requisite to the operation of the facilities designated in the foregoing section defined and to establish rules and regulations for the licensing of said facilities and establishing standards for licensing.

SECTION 6. That Section 39-1303c, Idaho Code, be, and the same is hereby amended to read as follows:

39-1303c. AGREEMENTS FOR ALLOCATION OF SERVICES BETWEEN NEIGHBORING HOSPITALS. Hospitals serving the same, or generally the same, geographical area may, by agreement or other arrangement to eliminate duplication, allocate as between themselves, in whole or in part, the provision of those services and facilities defined by the board of health and welfare as requisite to their licensure as hospitals.

SECTION 7. That Section 39-1303d, Idaho Code, be, and the same is hereby amended to read as follows:

39-1303d. CURTAILMENT OF REQUIRED SERVICES. Any licensed hospital facility or agency as defined, upon petition and showing of good cause therefor, to the satisfaction of the board of health and welfare, may reduce, curtail or eliminate any service or facility which might otherwise be required for licensure by the board. A showing that the service or facility is unnecessary by reason of an arrangement with another hospital facility or agency as defined, pursuant to section 39-1303b, Idaho Code, shall be conclusively deemed to be a showing of good cause under this section, and any licensed hospital facility or agency as defined which, prior to January 1, 1976, had already reduced, curtailed or eliminated any service or facility by reason of the same being provided by another licensed hospital facility or agency as defined, in the same community shall be deemed to have complied with this section.

SECTION 8. That Section 39-1305, Idaho Code, be, and the same is hereby amended to read as follows:

39-1305. ISSUANCE AND RENEWAL OF LICENSE. Upon receipt of an application for license and the license fee, when required, the
licensing agency shall issue a license if the applicant and hospital facilities meets the requirements established under this law. A license, unless sooner suspended or revoked, shall be renewable annually without charge upon filing by the licensee, and approval by the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

SECTION 9. That Section 39-1306, Idaho Code, be, and the same is hereby amended to read as follows:

39-1306. DENIAL OR REVOCATION OF LICENSE -- HEARINGS AND REVIEW. The licensing agency after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a failure to comply with the requirements established under this law.

Such notice shall be effected by registered mail or by personal service setting forth the particular reasons for the proposed action and fixing a date not less than 30 days from the date of such mailing or service; at which the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of any such hearing; or upon default of the applicant or licensee the licensing agency shall make a determination specifying its decision. A copy of such decision shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final thirty (30) days after it is so mailed or served, unless the applicant or licensee, within such thirty (30) day period, commences an action in the court pursuant to section 39-1314 may deny any application or revoke any license when persuaded by evidence that such conditions exist as to endanger the health or safety of any resident. Before denial or revocation is final, the licensing agency shall provide opportunity for a hearing at which time the owner or sponsor of any facility or agency, as defined, may appear and show cause why the license should not be denied or revoked. The board shall provide by rule and regulation a procedure whereby a waiver of a specific rule, regulation or standard may be granted in the event that good cause is shown for such a waiver and providing that said waiver does not endanger the health and safety of any resident. The decision to grant a waiver shall not be considered as precedent or be given any force or effect in any other proceeding. Said waiver may be renewed annually if sufficient written justification is presented to the licensing agency. Hearings for licensure, including denial and revocation, shall be conducted by the licensing agency pursuant to chapter 52, title 67, Idaho Code, and appeal shall be as provided therein.

SECTION 10. That Section 39-1307, Idaho Code, be, and the same is
hereby amended to read as follows:

39-1307. RULES, REGULATIONS, AND ENFORCEMENT. The licensing agency—hereinafter created—shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals, in the interest of public health, safety, and welfare. The board shall have the authority to adopt, amend, and enforce rules, regulations and standards consistent with the provisions of this act which are designed to protect the health and safety of patients being cared for in facilities or agencies as defined. Provided that nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home, or institution facility or agency as defined, conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination except as to sanitary and safe conditions of the premises, cleanliness of operation and its physical equipment.

SECTION 11. That Section 39-1308, Idaho Code, be, and the same is hereby amended to read as follows:

39-1308. EFFECTIVE DATE OF REGULATIONS. Any hospital facility or agency as defined, which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under sections 39-1301-39-1314, Idaho Code, shall be given a reasonable time, under the particular circumstances not to exceed one (1) two (2) years from the date of such promulgation, within which to comply with such rules and regulations and minimum standards, except for those conditions which present an imminent hazard to the health and safety of patients housed therein.

SECTION 12. That Sections 39-1310 and 39-1311, Idaho Code, be, and the same are hereby repealed.

SECTION 13. That Section 39-1312, Idaho Code, be, and the same is hereby amended to read as follows:

39-1312. INFORMATION CONFIDENTIAL. Information received by the licensing agency through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such a manner as to identify individual residents or patients of hospitals facilities or agencies as defined, except in a proceeding involving the question of licensure. Public disclosure of information obtained by the licensing agency for the purposes of this act shall be governed by rules and regulations adopted by the board of health and welfare. Nothing in this chapter, however, shall be construed, nor
shall any rule or regulation be promulgated under this section, as to impair, restrict or alter the confidentiality and privilege afforded the physician and patient communications, including without limitation, documentation thereof in hospital records of facilities or agencies as defined, or communications to and with nurses or other assisting persons or entities, nor shall this act be construed to amend by implication such physician-patient communication privilege as provided elsewhere in this code, including without limitation section 9-203(4), Idaho Code, which shall remain inviolate.

SECTION 14. That Sections 39-1313 and 39-1314, Idaho Code, be, and the same are hereby repealed.

SECTION 15. That Section 39-1315, Idaho Code, be, and the same is hereby amended to read as follows:

39-1315. PENALTY FOR OPERATING HOSPITAL A FACILITY OR AGENCY WITHOUT LICENSE. Any person establishing, conducting, managing, or operating any hospital facility or agency as defined, without a license under sections 39-1301--39-1314, Idaho Code, shall be guilty of a misdemeanor and each day of a continuing violation shall be considered a separate offense punishable by imprisonment in a county jail for a period of time not exceeding six (6) months, or by a fine not exceeding three hundred dollars ($300), or by both, and each day of continuing violations shall constitute a separate offense.

In the event that the county attorney in the county where the alleged violation occurred fails or refuses to act within sixty (60) days of notification of the violation, the attorney general is authorized to prosecute violations under this act.

SECTION 16. That Section 39-1316, Idaho Code, be, and the same is hereby amended to read as follows:

39-1316. INJUNCTION TO PREVENT OPERATION WITHOUT LICENSE. Notwithstanding the existence or pursuit of any other remedy, the licensing agency may in the manner provided by law upon the advice of the attorney general who shall represent the licensing agency in the proceedings maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital facility or agency as defined, without a license under sections 39-1301--39-1314, Idaho Code.

The licensing agency shall be represented by the county prosecutor of the county in which the violation occurs or by the office of the attorney general.

SECTION 17. That Section 39-1317, Idaho Code, be, and the same is hereby amended to read as follows:

39-1317. SEPARABILITY. If any provision of sections 39-1301--39-1314, Idaho Code, or the application thereof to any
person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Approved March 25, 1980.

CHAPTER 160
(H.B. No. 451)

AN ACT
RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO BRING SCHEDULE I CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2707, IDAHO CODE, TO BRING SCHEDULE II CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2709, IDAHO CODE, TO BRING SCHEDULE III CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2711, IDAHO CODE, TO BRING SCHEDULE IV CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2713, IDAHO CODE, TO BRING SCHEDULE V CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.
(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(2) Allynprodine;
(3) Alphacetylmethadol;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
(13) Bextorphan;
Diamorphine;
Diethylthiambutene;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetyl butyrate;
Dipipanone;
Ethylmethyithiambutene;
Etonitazene;
Etoperidine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
Morpheridine;
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Phenadoxone;
Phenampromide;
Phenomorphin;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetyldihydrocodeine;
3. Benzylmorphine;
4. Codeine methylbromide;
5. Codeine-N-Oxide;
6. Cypreridine;
7. Desomoramicine;
8. Dihydromorphine;
9. Drotebanol;
10. Etorphine (except hydrochloride salt);
11. Heroin;
12. Hydromorphinol;
13. Methyldesorphine;
14. Methyldihyromorphine;
15. Morphine methylbromide;
16. Morphine methylsulfonate;
17. Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine;
(23) Thebacon.

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4-methylenedioxy amphetamine;
2. 5-methoxy-3,4-methylenedioxy amphetamine;
3. 3,4,5-trimethoxy amphetamine;
4. Bufotenine;
5. Diethyltryptamine;
6. Dimethyltryptamine;
7. 4-methyl-2,5-dimethoxyamphetamine;
8. Ibogaine;
9. Lysergic acid diethylamide;
10. Marihuana;
11. Mescaline;
12. Peyote;
13. N-ethyl-3-piperidyl benzilate;
14. N-methyl-3-piperidyl benzilate;
15. Psilocybin;
16. Psilocyn;
17. Tetrahydrocannabinols (Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity;
18. 2,5-dimethoxyamphetamine (2,5-dimethoxy-a-methylphenethylamine: 2,5-DMA);
19. 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy-a-methylphenethylamine: 4-bromo-2,5, DMA);
20. 4-methoxyamphetamine (4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA);
21. Thiophene analog of phencyclidine (1-(1-(2-thienyl)cyclohexyl)piperidine), 2-thienylanalog of phencyclidine, TCP, TCP;
22. Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylam (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE);
23. Pyrrolidine analog of phencyclidine: 1-((phenylcyclohexyl)-pyrrolidine, PCP, PHP.

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers wherever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Mecloqualone.
SECTION 2. That Section 37-2707, Idaho Code, be, and the same is hereby amended to read as follows:

37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone and its salts, and naltrexone and its salts, but including the following:
   1. Raw opium;
   2. Opium extracts;
   3. Opium fluid extracts;
   4. Powdered opium;
   5. Granulated opium;
   6. Tincture of opium;
   7. Apomorphine;
   8. Codeine;
   9. Ethylmorphine;
   10. Etorphine hydrochloride;
   11. Hydrocodone;
   12. Hydromorphone;
   13. Metopon;
   14. Morphine;
   15. Oxycodone;
   16. Oxymorphone;
   17. Thebaine.

2. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.

3. Opium poppy and poppy straw.

4. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

5. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, unless specifically excepted or unless
listed in another schedule:

(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Dihydrocodeine;
(5) Diphenoxylate;
(6) Fentanyl;
(7) Isomethadone;
(8) Levomethorphan;
(9) Levorphanol;
(10) Metazocine;
(11) Methadone;
(12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(13) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;
(14) Pantopon (Hydrochlorides of opium alkaloids);
(15) Pethidine;
(16) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine;
(17) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4-carboxylate;
(18) Pethidine--Intermediate--C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(19) Phenazocine;
(20) Piminodine;
(21) Racemethorphan;
(22) Racemorphan.

d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Methamphetamine, its salts, isomers, and salts of its isomers;
(3) Phenmetrazine and its salts;
(4) Methylphenidate.

e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone;
(2) Amobarbital;
(3) Secobarbital;
(4) Pentobarbital;
(4) Phencyclidine;
(5) Phencyclidine immediate precursors and analogs:
   (a) 1-phenylcyclohexylamine;
   (b) 1-piperidinocyclohexanecarbonitrile (PCC).
(6) Secobarbital.

SECTION 3. That Section 37-2709, Idaho Code, be, and the same is hereby amended to read as follows:

37-2709. SCHEDULE III. (a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, (whether optical or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

   (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under C.F.R. Sec. 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.
(2) Benzphetamine;
(3) Chlorphentermine;
(4) Clortermine;
(5) Mazindol;
(6) Phendimetrazine.

(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
   i. Amobarbital;
   ii. Secobarbital;
   iii. Pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
   i. Amobarbital;
   ii. Secobarbital;
   iii. Pentobarbital; or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;
(4) Chlorhexadol;
(5) Glutethimide;
(6) Lysergic acid;
(7) Lysergic acid amide;
(8) Methyprylon;
(9) Phencyclidine;
(10) Sulfondiethylmethane;
(11) Sulfonethylmethane;
(12) Sulfonmethane.
(d) Nalorphine.
(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(f) The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which
have a stimulant or depressant effect on the central nervous system.

SECTION 4. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Barbital;
2. Chloral betaine;
3. Chloral hydrate;
4. Chlordiazepoxide;
5. Clonazepam;
6. Clorazepate;
7. Dextropropoxyphene;
8. Diazepam;
9. Ethchlorvynol;
10. Ethinamate;
11. Flurazepam;
12. Lorazepam;
13. Mebutamate;
14. Meprobamate;
15. Methohexital;
16. Methylphenobarbital;
17. Oxazepam;
18. Paraldehyde;
19. Petrichloral;
20. Phenobarbital;

(c) Fenfluramine - Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

1. Fenfluramine.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Diethylpropion;
2. Phentermine;
3. Pemoline (including organometallic complexes and chelates
thereof).

(e) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Dextropropoxyphene (alpha - (+) - 4-dimethylamino-1, 2-diphenyl - 3 - methyl - 2 - propionoxybutane);

(2) Pentazocine;

(3) Preparations containing 1.0 Difenoxin (Motofen).

(f) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 5. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Loperamide.

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 25, 1980.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-1604, Idaho Code, be, and the same is hereby amended to read as follows:

36-1604. LIMITATION OF LIABILITY OF LANDOWNER. (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make private land and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:
1. "Land" means private or public land, roads, trails, water, watercourses, private or public ways and buildings, structures, and machinery or equipment when attached to or used on the realty.
2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
3. "Recreational Purposes" includes, but is not limited to, any of the following or any combination thereof: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, animal riding, motorcycling, snowmobiling, recreational vehicles, winter sports, and viewing or enjoying historical, archeological, scenic, or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

(d) Owner Assumes No Liability. An owner of land or equipment who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:
1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to
the state or any subdivision thereof for recreational purposes.

(f) Owner Not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.
3. Apply to any person or persons who for compensation permits the land to be used for recreational purposes.

(g) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property.

Approved March 25, 1980.

CHAPTER 162
(H.B. No. 505)

AN ACT
RELATING TO THE PRORATING OF ANNUAL REGULATORY FEES OF THE PUBLIC UTILITIES COMMISSION; REAFFIRMING EXISTING STATUS AND STATING LEGISLATIVE INTENT; AMENDING CHAPTER 8, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-812A, IDAHO CODE, TO PROVIDE FOR THE PRORATING OF ANNUAL REGULATORY FEES OF THE IDAHO PUBLIC UTILITIES COMMISSION IN THE SAME MANNER AS REGISTRATION FEES ARE PRORATED ACCORDING TO VALID INTERSTATE AGREEMENTS FOR THE PRORATION OF FEES OF FLEETS OF VEHICLES USED IN INTERSTATE COMMERCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the intent of the legislature of the state of Idaho, by this act, to affirm and clarify the existing law as it relates to the prorating of annual regulatory fees imposed by the Idaho public utilities commission on fleets of vehicles used in interstate commerce.

SECTION 2. That Chapter 8, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 61-812A, Idaho Code, and to read as follows:

61-812A. PRORATING. The annual regulatory fee to be collected per power unit of each common or contract or private motor carrier pre-
scribed by section 61-812, Idaho Code, shall be prorated as other
registration fees according to valid interstate agreements for the
proration of registration fees of fleets of vehicles used in inter-
state commerce.

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 25, 1980.

CHAPTER 163
(H.B. No. 448)

AN ACT
RELATING TO SUPERVISION OF CERTAIN PARKS AND PICNIC AREAS; REPEALING
SECTION 40-2217, IDAHO CODE.

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

SECTION 1. That Section 40-2217, Idaho Code, be, and the same is
hereby repealed.

Approved March 25, 1980.

CHAPTER 164
(H.B. No. 449)

AN ACT
RELATING TO THE CREATION AND ADMINISTRATION OF A LOCAL BRIDGE INSPEC-
TION ACCOUNT; AMENDING SECTION 63-2432, IDAHO CODE, TO PROVIDE
THAT THE SUM OF FIFTY THOUSAND DOLLARS BE TRANSFERRED TO THE LOCAL
BRIDGE INSPECTION ACCOUNT ANNUALLY; AMENDING CHAPTER 4, TITLE 40,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-405A, IDAHO CODE,
TO PROVIDE FOR THE CREATION OF THE LOCAL BRIDGE INSPECTION
ACCOUNT; AMENDING CHAPTER 4, TITLE 40, IDAHO CODE, BY THE ADDITION
OF A NEW SECTION 40-405B, IDAHO CODE, TO PROVIDE FOR THE ADMINIS-
TRATION OF THE LOCAL BRIDGE INSPECTION ACCOUNT BY THE IDAHO TRAN-
SPORTATION DEPARTMENT; AND AMENDING CHAPTER 4, TITLE 40, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 40-405C, IDAHO CODE, TO
PROVIDE THAT LOCAL BRIDGE SECTION ACCOUNT MONIES MAY BE USED TO
PAY FEDERAL MATCHING FUNDS.

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

SECTION 1. 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) At the beginning of each fiscal year, the sum of fifty thousand dollars ($50,000) shall be transferred to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-405A, Idaho Code.

(e) From the balance remaining with the state treasurer after transferring the amounts in subsection subdivisions (a), (b), and (c) and (d) of subsection (1) 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 2. That Chapter 4, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-405A, Idaho Code, and to read as follows:

40-405A. CREATION OF LOCAL BRIDGE INSPECTION ACCOUNT. In order to promote the public safety at bridges on local public roads and streets, and to provide for the payment of the local matching share of federal funds available for periodic inspection of these bridges to comply with federal laws, there is hereby created in the dedicated fund of the state treasury an account known as the "local bridge inspection account."

SECTION 3. That Chapter 4, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-405B, Idaho Code, and to read as follows:

40-405B. ADMINISTRATION OF THE LOCAL BRIDGE INSPECTION ACCOUNT. Subject to the provisions of section 40-405, Idaho Code, the Idaho transportation department is charged with the sole and exclusive administration of the local bridge inspection account.

SECTION 4. That Chapter 4, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-405C, Idaho Code, and to read as follows:

40-405C. APPORTIONMENT OF COSTS. The Idaho transportation department shall follow federal guidelines in making bridge inspections which are to be funded in part with federal funds. The Idaho transportation department may use monies in the local bridge inspection account to pay the matching funds required.

Approved March 25, 1980.
IDAHO SESSION LAWS
C. 165 '80

IDAHO CODE, TO PROVIDE CLARIFICATION OF WHERE RECKLESS AND INATTENTIVE DRIVING SHALL BE APPLICABLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1102, Idaho Code, be, and the same is hereby amended to read as follows:

49-1102. PERSONS UNDER THE INFLUENCE OF INTOXICATING BEVERAGES OR OF DRUGS, AND ANY OTHER INTOXICATING SUBSTANCES. (a) It is unlawful and punishable as provided in paragraph (e) of this section for any person who is under the influence of intoxicating beverages to drive or be in actual physical control of any motor vehicle within this state, whether upon a highway, street or bridge or upon public or private property open to public use.

(b) In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a motor vehicle while under the influence of intoxicating beverages, the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at the time .08 per cent (.08%) by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating beverages, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

2. If there was at that time more than .08 per cent (.08%) by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating beverages;

3. Per cent by weight of alcohol in blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood. Chemical analysis of blood, urine or breath for the purpose of determining the blood alcohol level shall be performed by a laboratory operated by the Idaho department of health and welfare or by a laboratory approved by the Idaho department of health and welfare under the provisions of approval and certification standards to be set by that department;

4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating beverages.

(c) It is unlawful and punishable as provided in paragraph (e) of this section for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug or any combination of intoxicating beverage and any drug to a degree which renders him incapable of safely driving a motor vehicle, to drive a motor vehicle within this state, whether upon a highway, street or bridge or upon public or private property open to
public use. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

(d) It is unlawful and punishable as provided in paragraph (e) of this section for any person who is under the influence of any other intoxicating substance or any combination of any intoxicating beverage, any drug and any other intoxicating substance to a degree which renders him incapable of safely driving a motor vehicle, to drive a motor vehicle within this state, whether upon a highway, street or bridge or upon public or private property open to public use.

(e) Every person who is convicted of a violation of this section shall be punished by imprisonment in the county or municipal jail for not more than six (6) months or by fine of not more than three hundred dollars ($300) or by both such fine and imprisonment. On a second or subsequent conviction he shall be imprisoned in the state penitentiary for not more than five (5) years.

The director of the department of law enforcement shall suspend the Idaho operator's license or permit to drive and any nonresident's driving privileges in the state of Idaho of any person convicted of a violation of this section for a period of ninety (90) days upon the first conviction, six (6) months upon the second conviction occurring within a two (2) year period from the time of the first conviction, and a one (1) year suspension upon a third conviction occurring within a three (3) year period of the time from the first conviction.

SECTION 2. That Section 49-1103, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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 25, 1980.

CHAPTER 166
(H.B. No. 602)

AN ACT
RELATING TO SLOW MOVING VEHICLES; AMENDING SECTION 49-801A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO MOVEMENT FOR EMERGENCY AND SNOW REMOVAL EQUIPMENT OWNED AND OPERATED BY THE STATE OR ITS POLITICAL SUBDIVISIONS WHEN ENROUTE TO, FROM, OR IN THE PERFORMANCE OF ACTIVITIES ESSENTIAL TO THE PUBLIC SAFETY.

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

SECTION 1. That Section 49-801A, Idaho Code, be, and the same is hereby amended to read as follows:

49-801A. SLOW MOVING VEHICLES -- DEFINITION, RESTRICTION, EQUIPMENT -- EMBLEMS ON CERTAIN MACHINERY. (a) A slow moving vehicle is hereby defined as any vehicle not normally operated upon the highways of the state.

(b) Except for emergency and snow removal vehicles owned and operated by the state or its political subdivisions when enroute to, from, or in the performance of activities essential to the public safety, it shall be unlawful to operate a slow moving vehicle as herein defined on the highways of this state at the following times and under the following circumstances:

(1) from a half hour after sunset to a half hour before sunrise;
(2) at a speed in excess of twenty-five (25) miles per hour;
(3) in such a manner as to obstruct the free movement of traffic on the highways.

(c) Slow moving motor vehicles as herein defined shall be equipped with a foot brakes and with a mechanical signaling device as
required for other similarly constructed vehicles by this act.

(d) All slow moving vehicles, farm tractors, road rollers and implements of husbandry shall have affixed thereto an emblem identifying them as slow moving equipment. The Idaho traffic safety commission shall prescribe to the director of the department of law enforcement the minimum standards for such emblem.

Approved March 25, 1980.

CHAPTER 167
(H.B. No. 516)

AN ACT
RELATING TO INSURANCE AGENTS' LICENSES AND APPOINTMENTS; AMENDING SECTION 41-1046, IDAHO CODE, TO ALLOW RENEWAL OF AGENTS' LICENSES EVERY TWO YEARS RATHER THAN ANNUALLY, SUBJECT TO PAYMENT OF A TWO YEAR CONTINUATION FEE; AND AMENDING SECTION 41-1047, IDAHO CODE, TO ALLOW RENEWAL OF COMPANY APPOINTMENTS OF AGENTS EVERY TWO YEARS RATHER THAN ANNUALLY, SUBJECT TO PAYMENT OF A TWO YEAR CONTINUATION FEE.

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

SECTION 1. That Section 41-1046, Idaho Code, be, and the same is hereby amended to read as follows:

41-1046. CONTINUATION, EXPIRATION OF LICENSE. (1) All agent, broker, solicitor, consultant, limited, adjuster, and surplus line broker licenses issued under this code shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment of the applicable continuation fee to the director at his office in Boise annually no less often than biennially on or before the expiration date referred to in subsection (2) below, of the applicable continuation fee as stated in section 41-401, Idaho Code (fee schedule), accompanied by written request for such continuation. The continuation fees as stated in section 41-401, Idaho Code (fee schedule), are for a one (1) year continuation; and licenses continued for two (2) years shall be subject to payment of a two (2) year continuation fee. Request for continuation shall be made as follows:

(a) As to broker, consultant, adjuster, and surplus line broker licenses, request for continuation shall be made and signed by the licensee.
(b) As to solicitor licenses, request for continuation shall be made and signed by the appointing general lines agent or broker.
(c) As to agent licenses, request for continuation shall be made and signed by either the licensee or the insurer.

(2) The director may, in his discretion, fix the dates of expiration of respective licenses and appointments in such manner as is
deemed by him to be advisable for an efficient distribution of the work load of his office throughout-the-calendar-year. If as to a particular license or appointment the expiration date so fixed would upon first occurrence shorten the period for which license or appointment continuation fee has theretofore been paid, no refund of unearned fee shall be made; and if the expiration date so fixed as to a particular license or appointment would upon first occurrence lengthen the period for which license or appointment continuation fee had theretofore been paid, the director shall charge no additional fee for such lengthened period. If another date is not so fixed by the director, each such license shall, unless continued as hereinabove provided, expire at midnight on March 31.

(3) Any license referred to in subsection (1) above as to which request for continuation and fee is not so received by the director shall be deemed to have expired at midnight on the applicable expiration date. Request for continuation of any such license or payment of the continuation fee therefor which is received by the director within ninety-(90) thirty (30) days after such expiration date may be accepted and effectuated by the director, in his discretion, if accompanied by an-annual continuation fee of one-and-one-half-(1 1/2) two (2) times the amount otherwise required.

(4) Subject to annual continuation as above provided, the license of an agent shall continue in force as long as there is in effect as to such agent, as shown by the director's records, an appointment or appointments as agent of authorized insurers covering collectively all of the kinds of insurance or classifications thereof included in the agent's license. Upon termination of all of such licensee's agency appointments as to a particular kind of insurance or classification thereof and failure to replace such appointment within ninety-(90) thirty (30) days thereafter, the licensee's license as agent shall automatically thereupon expire and terminate as to such kind of insurance or classification and the licensee shall promptly deliver his license to the director for reissuance, without fee or charge, as to the kinds of insurance or classifications thereof, if any, covered by the licensee's remaining agency appointments. Upon termination of all of the licensee's agency appointments the license shall forthwith terminate.

(5) As a condition to or in connection with the continuation of any agent, broker or solicitor license the director may require the licensee to file with him information relative to use made of the license during the next preceding two (2) calendar years, and especially showing whether the license has been used principally for the writing of controlled business, as defined in section 41-1033, Idaho Code.

(6) All sums tendered as fee for continuation of license as agent, broker, solicitor, consultant, limited agent, adjuster and surplus line broker shall be deemed earned when paid and shall not be subject to refund; except that the director shall refund any duplicate payment of any such fee.

SECTION 2. That Section 41-1047, Idaho Code, be, and the same is hereby amended to read as follows:
41-1047. APPOINTMENT OF AGENTS -- CONTINUATION. (1) Each insurer appointing an agent in this state shall file with the director the appointment in writing, specifying the kinds of insurance or classifications thereof, as specified in section 41-1038(2)(a), Idaho Code, or annuity business, to be transacted by the agent for the insurer, and pay the appointment fee as specified in section 41-401, Idaho Code (fee schedule). The appointment fees as stated in section 41-401, Idaho Code, are for a one (1) year continuation, and appointments continued for two (2) years shall be subject to payment of a two (2) year continuation fee. One (1) appointment fee shall cover all of the kinds of insurance and annuity business so to be transacted by the agent for the one (1) insurer.

(2) Subject to annual continuation by the insurer as provided in subsection (3) below, each appointment shall remain in effect until the agent's license is revoked or otherwise terminated, unless the insurer earlier terminates the appointment as provided in section 41-1049, Idaho Code.

(3) Annually Not less often than biennially on or before March 1, or other applicable date therefor fixed by the director pursuant to section 41-1046(2), Idaho Code (continuation, expiration of license), each insurer shall file with the director an alphabetical list of the names and addresses of all its agents whose appointments in this state are to remain in effect as to the kinds of insurance or classifications thereof or annuity business for which the respective agents are currently so appointed, accompanied by payment of the annual continuation of appointment fee as provided in section 41-401, Idaho Code (fee schedule). At the same time the insurer shall also file with the director an alphabetical list of the names and addresses of all of its agents whose appointments in this state are not to remain in effect, or whose appointments as to certain kinds of insurance or classifications of insurance thereof or annuity business are not to remain in effect and as designated in such list. Any appointment not so continued and not otherwise expressly terminated shall be deemed to have expired at midnight on March 31, or on such other date fixed therefor by the director pursuant to section 41-1046(2), Idaho Code.

(4) If the insurer's list of appointments continued or terminated is not received by the director on or before the date the same is otherwise due as provided in subsection (3) above, the director may, in his discretion, accept and effectuate such a list if filed with him within ninety-(90) thirty (30) days after such due date and accompanied by annual continuation of appointment fees of one--and--one--half (1 1/2) two (2) times the amount otherwise required.

(5) All sums tendered as fee for appointment or continuation of appointment of an agent shall be deemed earned when paid and shall not be subject to refund; except, that the director shall refund any duplicate payment of any such fee.

Approved March 25, 1980.
An Act

Relating to Fees Paid by and Examinations of Credit Unions; Amending Section 26-2136, Idaho Code, to Provide That Assessment Fees Shall Be Paid Annually Based Upon the Total Assets of the Credit Union as of June 30 of the Same Calendar Year in Accordance With a Graduated Schedule and to Provide That the Director May Accept in Lieu of His Examinations an Audit by a Person Approved by Him, the Cost of Said Audit to Be Borne by the Credit Union; and Declaring an Emergency.

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

Section 1. That Section 26-2136, Idaho Code, be, and the same is hereby amended to read as follows:

26-2136. Examinations and Fees. The department of finance at least annually, shall examine each credit union. Each credit union and all of its officers and agents shall be required to give to representatives of said department full access to all books, papers, securities, records and other sources of information under their control; and for the purpose of such examination, said representatives shall have power to subpoena witnesses, administer oaths, compel the giving of testimony, and require the submission of documents.

A report of such examination shall be forwarded to the president of each credit union within thirty (30) days after the completion of the examination. Within thirty (30) days after the receipt of such report, a general meeting of the directors and committeemen shall be called to consider matters contained in the report. A reply to the director shall be forwarded by the board within fifteen (15) days.

For the purpose of such examinations on or before September 1 of each calendar year, each credit union shall pay an examination assessment fee based upon the cost of performing the examination in accordance with regulations adopted by the director, total assets of the credit union as of June 30 of the same calendar year in accordance with the following schedule:

<table>
<thead>
<tr>
<th>TOTAL ASSETS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50,000 or less</td>
<td>$50.00 + $1.00 per thousand dollars of assets</td>
</tr>
<tr>
<td>Over $50,000 and not over $100,000</td>
<td>$100.00 + $.99 per thousand dollars of assets in excess of $50,000</td>
</tr>
<tr>
<td>Over $100,000 and not over $250,000</td>
<td>$149.00 + $.94 per thousand dollars of assets in excess of $100,000</td>
</tr>
<tr>
<td>Over $250,000 and not over</td>
<td>$291.00 + $.89 per thousand dollars of assets in excess of $250,000</td>
</tr>
<tr>
<td>$1 million</td>
<td>$291.00 + $.89 per thousand dollars of assets in excess of $250,000</td>
</tr>
<tr>
<td>Over $1 million and not over</td>
<td>$958.00 + $.80 per thousand dollars of assets in excess of $250,000</td>
</tr>
</tbody>
</table>
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Over $2 million and not over $5 million.................. $1,758.00 + $.61 per thousand dollars of assets in excess of $1 million

Over $5 million and not over $8 million.................. $3,588.00 + $.48 per thousand dollars of assets in excess of $5 million

Over $8 million.......................... $5,028.00 + $.35 per thousand dollars of assets in excess of $8 million

The director may in his discretion at any time accept in lieu of any portion of his examinations the findings or result of an audit by a firm of independent certified public accountants or other qualified person or firm approved by the director. The cost of the audit shall be borne by the credit union.

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 25, 1980.

CHAPTER 169
(H.B. No. 515)

AN ACT
RELATING TO FEES PAID BY BANKS TO THE DEPARTMENT OF FINANCE; AMENDING SECTION 26-1104, IDAHO CODE, TO PROVIDE THAT ASSESSMENT FEES SHALL BE PAID IN ACCORDANCE WITH A GRADUATED SCHEDULE AND TO STRIKE THE MAXIMUM FEE PROVISIONS.

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

SECTION 1. That Section 26-1104, Idaho Code, be, and the same is hereby amended to read as follows:

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 accordance with the following schedule:

<table>
<thead>
<tr>
<th>TOTAL ASSETS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $1 million</td>
<td>$1,500 Flat Fee</td>
</tr>
<tr>
<td>$1 million to $10 million</td>
<td>$2,000 + $.25 per thousand dollars</td>
</tr>
<tr>
<td>$10 million to $50 million</td>
<td>$4,250 + $.19 per thousand dollars</td>
</tr>
</tbody>
</table>
of assets in excess of $10 million

$50 million to $100 million............ $11,850 + $.12 per thousand dollars

$100 million to $500 million.......... $17,850 + $.10 per thousand dollars

$500 million to $1 billion............. $57,850 + $.09 per thousand dollars

$1 billion to $3 billion............... $102,850 + $.08 per thousand dollars

$3 billion to $10 billion.............. $262,850 + $.07 per thousand dollars

$10 billion to $20 billion............. $369,425 + $.03 per thousand dollars

$20 billion and over.................. $689,425 + $.02 per thousand dollars

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.

Approved March 25, 1980.

CHAPTER 170
(H.B. No. 512)

AN ACT
RELATING TO FEES PAID BY SAVINGS AND LOAN ASSOCIATIONS TO THE DEPARTMENT OF FINANCE; AMENDING SECTION 26-1836, IDAHO CODE, TO PROVIDE THAT ASSESSMENT FEES SHALL BE PAID ANNUALLY BASED UPON THE TOTAL ASSETS OF THE ASSOCIATION AS OF DECEMBER 31 OF THE PRECEDING CALENDAR YEAR.

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

SECTION 1. That Section 26-1836, Idaho Code, be, and the same is hereby amended to read as follows:

26-1836. FEES FOR EXAMINATIONS. For each examination conducted by the department, each association shall pay to the director on or before January 15 of each year a fee of one hundred fifty dollars ($150) for each home-office-or-branch office examined located in Idaho plus an additional sum assessment fee to be fixed by the director, provided the maximum of such additional fee shall not exceed twenty
cents ($0.20) for each one thousand dollars ($1,000) of assets in Idaho, such fee to be computed-and-collected-at-the-time-of-the-examination based upon the amount of the total assets of the association as of December 31 of the preceding calendar year. The director shall collect from each association for each special examination of its condition an amount sufficient to reimburse the director for the actual expenses incurred in connection therewith.

Approved March 25, 1980.

CHAPTER 171
(H.B. No. 513)

AN ACT
RELATING TO THE APPORTIONMENT OF STATE DEPOSITS AMONG DEPOSITORIES; AMENDING SECTION 67-2739, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER MAY APPOINT CUSTODIANS, TO STRIKE REFERENCE TO MAINTAINING COMPENSATING BALANCES IN CERTAIN DEPOSITORIES, AND TO PROVIDE A METHOD FOR PAYMENT OF REASONABLE COMPENSATION FOR ACTING AS A STATE DEPOSITORY; AND REPEALING SECTION 67-2743A, RELATING TO CERTAIN DUTIES OF THE INVESTMENT BOARD.

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

SECTION 1. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

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

Provided however, the treasurer, or such other custodians authorized and appointed by the treasurer, shall not be required to adjust, as between all designated state depositories, the proportionate share of each in state demand deposits, except at the end of each month's period on the working day designated by the treasurer. With respect to time certificates of deposit, the treasurer, or such other custodians authorized and appointed by the treasurer, shall not be required to adjust the investment in such certificates, as between all designated state depositories, the proportionate share that each is entitled to hereunder, except at the end of each six (6) month period.

**State depositories with demand deposits clearing state warrants directly with the state treasurer shall be entitled to a compensating balance of two dollars ($2.00) per warrant. The compensating balance shall; if funds are available for deposit, be calculated on the number of warrants cleared by a state depository in the previous fiscal year. The compensating balances shall be maintained throughout each succeeding fiscal year, and shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied.**

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

The state treasurer is authorized in his discretion and from time to time to negotiate for the payment to designated state depositories of reasonable compensation for services rendered in acting as such depositories. The method and/or rate of such compensation and the terms and conditions thereof shall be fixed by the state treasurer after such negotiation, which may include the calling for bids for specific services. All bids received, whether by a formal bidding process or by negotiation, and the compensation fixed by the treasurer which shall be in the form of a written agreement, shall be a matter of public record. If payment is to be in the form of compensating balances, any such balances shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied, and before determining "idle moneys," as defined by section 67-1210, Idaho Code, for the purposes of investment.

SECTION 2. That Section 67-2743A, Idaho Code, be, and the same is hereby repealed.

Approved March 25, 1980.
67-2739. NO PREFERENCE TO BE GIVEN -- APPORTIONMENT. The treasurer shall not give a preference to any one or more designated state depositories in the amount he may deposit, under the provisions of this chapter, but shall keep deposited with each designated state depository amounts not in excess of the insurance provided by the Federal Deposit Insurance Corporation with amounts in excess of such insurance allocated, as nearly as practicable, in such proportion of the total deposits as the capital and surplus of such depositories as certified to him bears to the total capital and surplus of all state depositories, but during such time as any designated state depository declines to accept its full proportion as required by this chapter, the state treasurer shall deposit the surplus thereof in the other designated state depositories desiring the same in such proportion as nearly as practicable as the capital and surplus of each depository so participating in the deposit of such excess bears to the total capital and surplus of all so participating. The refusal at any time by a designated state depository to accept its allocated share of savings deposits and time certificates of deposits in excess of the federal deposit insured maximum shall affect its entitlement hereunder to its proportionate share of demand deposits in excess of the federal deposit insured maximum. If a designated state depository refuses to accept its allocated share of savings deposits and time certificates of deposits, it shall not be entitled to its proportionate share of demand deposits in excess of the federal deposit insured maximum during the remainder of the current calendar year.

Provided however, the treasurer shall not be required to adjust, as between all designated state depositories, the proportionate share of each in state demand deposits, except at the end of each month's period on the working day designated by the treasurer. With respect to savings deposits and time certificates of deposit, the treasurer shall not be required to adjust the investment in such certificates, as between all designated state depositories, the proportionate share that each is entitled to hereunder, except at the end of each six (6) month period.

State depositories with demand deposits clearing state warrants directly with the state treasurer shall be entitled to a compensating balance of two dollars ($2.00) per warrant. The compensating balance shall, if funds are available for deposit, be calculated on the number of warrants cleared by a state depository in the previous fiscal year. The compensating balances shall be maintained throughout each succeeding fiscal year, and shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied.

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

Approved March 25, 1980.

CHAPTER 173
(H.B. No. 393)

AN ACT
RELATING TO THE DUTIES OF THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER MAY NAME ADDITIONAL OR MULTIPLE CUSTODIANS, TO STRIKE REFERENCE TO RECEIPT OF A WARRANT, AND TO PRESCRIBE THAT INTEREST EARNED ON INVESTMENTS SHALL, UNLESS OTHERWISE SPECIFICALLY REQUIRED, BE PAID INTO THE GENERAL ACCOUNT; AMENDING SECTION 67-2739, IDAHO CODE, TO PROVIDE
THAT THE STATE TREASURER MAY APPOINT CUSTODIANS; AND REPEALING
SECTIONS 67-2743B, 67-2743C AND 67-2743D, IDAHO CODE, RELATING TO
CERTAIN DUTIES OF THE INVESTMENT BOARD.

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

SECTION 1. That Section 67-1201, Idaho Code, be, and the same is
hereby amended to read as follows:

67-1201. DUTIES OF TREASURER. It is the duty of the treasurer:
1. To receive and keep all moneys belonging to the state not
required to be received and kept by some other person, and, if deemed
necessary by the treasurer, to name additional or multiple custodians
for the same.
2. To file and keep, for not less than two (2) years, the
certificates of the auditor delivered to him when moneys are paid into
the treasury. After two (2) years, such records may be disposed of as
provided in sections 9-328 through 9-330, Idaho Code, unless a spe­
cific written request for further retention has been made to the
treasurer.
3. To deliver to each person paying money into the treasury a
receipt showing the amount, the sources from which the money accrued,
and the funds into which it is paid, which receipts must be numbered
in order, beginning with number one (1) at the commencement of each
fiscal year.
4. To pay warrants drawn by the auditor out of the accounting
entity upon which they are drawn.
5. Upon payment of any warrant, to take upon the back thereof the
receipt of the person to whom it is paid To invest idle moneys in the
state treasury, other than moneys in public endowment funds, in per­
mitted investments, and to pay the interest received on all such
investments, unless otherwise specifically required by law, into the
general account.
6. To keep, for so long as the treasurer deems necessary, a
record of all moneys received and disbursed.
7. To keep, for so long as the treasurer deems necessary, sep­
arate records of the different funds.
8. To report to the auditor daily, the amount disbursed for
redemption of bonds and in payment of warrants; which report must show
the date and number of such bonds and warrants, the fund out of which
they were paid, and to report to the auditor monthly, the balance of
cash on hand in the treasury to the credit of each fund.
9. At the request of either house of the legislature, or any
committee thereof, to give information in writing as to the condition
of the treasury, or upon any subject relating to the duties of his
office.
10. To report to the governor at the time prescribed in this
code, the exact balance in the treasury to the credit of the state,
with a summary of the receipts and payments of the treasury during the
preceding fiscal year.
11. To authenticate with his official seal all writings and
papers issued from his office.

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

SECTION 2. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

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

Provided however, the treasurer, or such other custodians authorized and appointed by the treasurer, shall not be required to adjust, as between all designated state depositories, the proportionate share of each in state demand deposits, except at the end of each month's period on the working day designated by the treasurer. With respect to time certificates of deposit, the treasurer, or such other custodians authorized and appointed by the treasurer, shall not be required to adjust the investment in such certificates, as between all designated state depositories, the proportionate share that each is entitled to hereunder, except at the end of each six (6) month period.

State depositories with demand deposits clearing state warrants directly with the state treasurer shall be entitled to a compensating balance of two dollars ($2.00) per warrant. The compensating balance shall, if funds are available for deposit, be calculated on the number of warrants cleared by a state depository in the previous fiscal year. The compensating balances shall be maintained throughout each succeeding fiscal year, and shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied.

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

SECTION 3. That Sections 67-2743B, 67-2743C and 67-2743D, Idaho Code, be, and the same are hereby repealed.

Approved March 25, 1980.
CHAPTER 174
(H.B. No. 691)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
<td>$1,433,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Public Utilities Commission Account</td>
<td>818,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td>24,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amounts, to be expended for designated programs according to expense classes designated from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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. UTILITIES REGULATION:</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>Public Utilities Commission Account</td>
<td>$ 653,700</td>
<td>$559,900</td>
<td>$ 6,500</td>
<td>$1,220,100</td>
</tr>
<tr>
<td>B. REGULATED CARRIERS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Account</td>
<td>$ 300,000</td>
<td>$174,000</td>
<td>$ 3,000</td>
<td>$ 477,000</td>
</tr>
<tr>
<td>C. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 176,600</td>
<td></td>
<td></td>
<td>$ 176,600</td>
</tr>
<tr>
<td>Public Utilities Commission Account</td>
<td>$ 303,200</td>
<td>$ 84,200</td>
<td>$15,000</td>
<td>402,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 479,800</td>
<td>$ 84,200</td>
<td>$15,000</td>
<td>$ 579,000</td>
</tr>
</tbody>
</table>

GRAND TOTAL: $1,433,500 $818,100 $24,500 $2,276,100

Approved March 25, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<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><strong>General Account</strong></td>
<td>$5,662,100</td>
<td>$3,032,200</td>
<td>$228,700</td>
<td>$8,923,000</td>
</tr>
<tr>
<td><strong>Penitentiary -- Law Enforcement Planning Account</strong></td>
<td>39,200</td>
<td>14,400</td>
<td></td>
<td>53,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>$8,923,000</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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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>General Account</td>
<td>$604,400</td>
<td>$296,100</td>
<td>$36,800</td>
<td>$937,300</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>39,200</td>
<td>14,400</td>
<td></td>
<td>53,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$643,600</td>
<td>$310,500</td>
<td></td>
<td>$990,900</td>
</tr>
<tr>
<td>B. INCARCERATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,225,900</td>
<td>$1,051,200</td>
<td>$117,100</td>
<td>$3,394,200</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>79,400</td>
<td>485,500</td>
<td></td>
<td>564,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts</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>
<td>------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Account</td>
<td>200,000</td>
<td></td>
<td></td>
<td>200,000</td>
</tr>
<tr>
<td>Interaccount Account</td>
<td>7,800</td>
<td></td>
<td></td>
<td>7,800</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Account</td>
<td>2,500</td>
<td></td>
<td></td>
<td>2,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,307,800</td>
<td>$1,744,500</td>
<td>$117,100</td>
<td>$4,169,400</td>
</tr>
</tbody>
</table>

C. HABILITATION:

FROM:

- General Account $356,900
- Penitentiary -- Law Enforcement Planning Account 13,900
- Miscellaneous Receipts Account 1,200

TOTAL $370,800 $58,800 $7,200 $436,800

D. NORTH IDAHO CORRECTIONAL INSTITUTION:

FROM:

- General Account $433,600 $415,000 $26,100 $874,700
- Penitentiary -- Law Enforcement Planning Account 13,500 11,600 25,100

TOTAL $448,800 $415,000 $26,100 $874,700

E. PROBATION AND PAROLE:

FROM:

- General Account $1,383,800 $381,400 $39,500 $1,804,700
- Penitentiary -- Law Enforcement Planning Account 13,500 11,600 25,100
- Manpower Development Training Account 5,900
- Miscellaneous Receipts Account 30,000 30,000

TOTAL $1,403,200 $423,000 $39,500 $1,865,700

F. IDAHO SECURITY MEDICAL FACILITY:

FROM:

- General Account $448,000 $62,300 $2,000 $512,300
- Penitentiary -- Law Enforcement Planning Account 800 800

TOTAL $448,800 $62,300 $2,000 $512,300

G. PAROLE COMMISSION:

FROM:

- General Account $54,500 $18,100

GRAND TOTAL $5,662,100 $3,032,200 $228,700 $8,923,000

Approved March 25, 1980.
CHAPTER 176  
(H.B. No. 394)  

AN ACT  
RELATING TO SUSPENSION OF JUDGMENT; AMENDING SECTION 19-2601, IDAHO CODE, TO PROVIDE THAT IF A COURT SUSPENDS OR WITH HOLDS JUDGMENT AND PLACES THE DEFENDANT ON PROBATION, IT SHALL BE TO THE BOARD OF CORRECTION OR ANY OTHER PERSON OR PERSONS THE COURT, IN ITS DISCRETION, DEEMS APPROPRIATE.  

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

SECTION 1. That Section 19-2601, Idaho Code, be, and the same is hereby amended to read as follows:  

19-2601. COMMUTATION, SUSPENSION, WITHHOLDING OF SENTENCE -- PROBATION. Whenever any person shall have been convicted, or enter a plea of guilty, in any district court of the state of Idaho, of or to any crime against the laws of the state, except those of treason or murder, the court in its discretion, may:  
1. Commute the sentence and confine the defendant in the county jail, or, if the defendant is of proper age, in the state youth training center; or  
2. Suspend the execution of the judgment at the time of judgment or at any time during the term of a sentence in the county jail and place the defendant on probation under such terms and conditions as it deems necessary and expedient; or  
3. Withhold judgment on such terms and for such time as it may prescribe and may place the defendant on probation; or  
4. Suspend the execution of the judgment at any time during the first one hundred and twenty (120) days of a sentence to the custody of the state board of correction, during which time the court shall retain jurisdiction over the defendant which jurisdiction shall be entered on the order of commitment, and place the defendant on probation under such terms and conditions as it deems necessary and expedient, notwithstanding that the term of the court during which such defendant was convicted or sentenced may have expired; upon application of the state board of correction and for good cause shown, the court may extend the period under which it retains jurisdiction of the defendant an additional sixty (60) days.  
5. If the crime involved is a felony and if judgment is withheld as provided in 3 above or if judgment and a sentence of custody to the state board of correction is suspended at the time of judgment in accordance with 2 above or as provided by 4 above and the court shall place the defendant upon probation, it shall be to the board of correction or any other person or persons the court, in its discretion, deems appropriate.  
6. If the crime involved is a misdemeanor, indictable or otherwise, or if the court should suspend any remaining portion of a jail sentence already commuted in accordance with 1 above, the court, if it
grants probation, may place the defendant on probation.

7. The period of probation ordered by a court under this section under a conviction or plea of guilty for a misdemeanor, indictable or otherwise, may be for a period of not more than two (2) years; and under a conviction or plea of guilty for a felony the period of probation may be for a period of not more than the maximum period for which the defendant might have been imprisoned.

Approved March 26, 1980.

CHAPTER 177
(H.B. No. 651)

AN ACT
RELATING TO MOBILE HOME PARKS; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20, TITLE 55, IDAHO CODE, STATING THE SHORT TITLE, REQUIRING GOOD FAITH, DEFINING TERMS, PROVIDING THAT THE CHAPTER GOVERNS LANDLORD-TENANT RELATIONS IN MOBILE HOME PARKS, REQUIRING A RENTAL AGREEMENT, PROVIDING CONDITIONS FOR RENT INCREASES, STATING PROVISIONS AND EXCLUSIONS REQUIRED IN EACH RENTAL AGREEMENT, PROVIDING RULES, PROVIDING FOR THE SALE OF MOBILE HOMES AND THE ASSIGNMENT OF RENTAL AGREEMENTS, PROVIDING FOR THE TERMINATION OF RENTAL AGREEMENTS, PROVIDING FOR THE RENEWAL OF RENTAL AGREEMENTS, PROVIDING FOR APPROVAL AND REMOVAL OF IMPROVEMENTS, PROVIDING FOR THE SECURITY OF DEPOSITS, PROVIDING FOR CAUSES OF ACTION TO ENFORCE RIGHTS, PROHIBITING RETALIATORY ACTS BY LANDLORDS, PROVIDING FOR PENALTIES, COSTS AND FEES, AND ESTABLISHING VENUE, AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 20, Title 55, Idaho Code, and to read as follows:

55-2001. SHORT TITLE. This chapter shall be known as and may be cited as the "Mobile Home Park Landlord-Tenant Act."

55-2002. GOOD FAITH. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

55-2003. DEFINITIONS. For purposes of this chapter:
(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord.
(2) "Mobile home lot" means a portion of a mobile home park
designated as the location of one (1) mobile home and its accessory buildings, and intended for the exclusive use of the occupants of that mobile home.

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two (2) or more mobile homes for the primary purpose of production of income.

(4) "Tenant" means any person, except a transient, who rents a mobile home lot.

(5) "Transient" means a person who rents a mobile home lot for a period of less than one (1) month.

55-2004. CHAPTER GOVERNS. This chapter shall regulate and determine legal rights, remedies and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot, except in those instances in which the landlord is renting both the lot and the mobile home to the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter.

55-2005. RENTAL AGREEMENT. (1) From and after the effective date of this chapter, any landlord offering mobile home lot for rent shall offer the prospective tenant a written rental agreement if the landlord or tenant so requests. The provisions of this chapter shall apply to all such agreements and to all other rental agreements to the extent applicable as set forth in this chapter.

(2) The requirement of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project; or

(b) An employer-employee relationship exists between a landlord and tenant.

(3) The provisions of this section shall apply to any tenancy in existence on the effective date of this act, but only after expiration of the term of any oral or written rental agreement governing such tenancy.

55-2006. RENT ADJUSTMENTS. (1) A landlord may increase or decrease rents only after ninety (90) days' written notice to the tenants.

(2) Rental increases shall be uniform throughout the mobile home park.

(3) Notwithstanding the foregoing provisions, a rental agreement may include an escalation clause for a pro rata share of any increase or decrease in the mobile home park's ad valorem taxes, utility assessments, or other services as included in the monthly rental charge. The landlord shall give thirty (30) days' written notice to a tenant before such an increase or decrease.

55-2007. REQUIRED PROVISIONS AND EXCLUSIONS. (1) Any rental agreement executed between the landlord and tenant shall contain:
(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;
(b) The rules of the park;
(c) The names and addresses of the manager of the mobile home park and the owner of the mobile home park or a person who resides in the county where the mobile home park is located who is authorized to act as agent for the owner; and
(d) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement.

(2) Any rental agreement executed between the landlord and tenant shall not contain:
(a) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; or
(b) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee."

55-2008. RULES. A rule of the park is enforceable against the tenant if it is part of the rental agreement signed by the tenant. A rule adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it or is given ninety (90) days' notice in writing if the tenant has dependent children or pets or is given sixty (60) days' notice in writing if the tenant has no dependent children or pets. Rules shall be fairly and uniformly enforced and shall be changed no more than four (4) times annually.

55-2009. SALES OF MOBILE HOMES AND TRANSFER OF MOBILE HOME SPACES. (1) No landlord shall deny any mobile home tenant who owns his mobile home the right to sell a mobile home on a rented space or require the tenant to remove the mobile home from the space solely on the basis of the sale.
(2) The landlord shall not exact a commission or fee for the sale of a mobile home on a rented space unless the landlord has acted as agent for the seller pursuant to a written agreement. The landlord may act as agent for the seller only upon the voluntary agreement of the seller.
(3) The landlord may require that a tenant give thirty (30) days' notice in writing prior to the sale of their mobile home on a rented space if the prospective purchaser of the mobile home desires to leave the mobile home on the rented space and become a tenant.
(4) A new rental agreement must be signed between the landlord and a prospective tenant prior to the sale, transfer, assignment or subletting of the mobile home if the mobile home is to remain in the park.
(5) The landlord shall approve or disapprove of the transfer, assignment or subletting of the mobile home space on the same basis
that the landlord approves or disapproves of any new tenant.

(6) No mobile home shall be removed by a tenant from any park until the rental payments, including the month when the mobile home is moved, are paid.

55-2010. TERMINATIONS. (1) Tenancy during the term of a rental agreement may be terminated by the landlord only for one or more of the following reasons:

(a) Substantial or repeated violation of the rules of the mobile home park. The tenant shall be given written notice to comply. If the tenant does not comply within three (3) days, the tenant may be given notice of a twenty (20) day period in which to vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in the termination.

(b) Nonpayment of rent or other charges specified in the rental agreement. The tenant shall be given written notice. If the tenant does not pay within three (3) days the tenant may be given notice of a twenty (20) day period in which to vacate.

(c) Cessation of the mobile home space rental operation, provided that the landlord gives the tenant not less than one hundred twenty (120) days' notice in writing prior to the date designated in the notice of termination.

(2) A landlord shall give the tenant no less than ninety (90) days' written notice of an intention not to renew the rental agreement.

(3) A tenant shall notify the landlord in writing thirty (30) days prior to the expiration of a rental agreement of an intention not to renew rental agreement.

(4) Any tenant who is a member of the armed forces may, without penalty, terminate a rental agreement with less than thirty (30) days' notice if he receives reassignment orders which do not allow greater notice.

(5) The tenant may terminate the rental agreement upon thirty (30) days' written notice whenever a change in the location of the tenant's employment requires a change in his residence.

55-2011. RENEWALS. Rental agreements shall be automatically renewed for the original term, except as provided in section 55-2010, Idaho Code.

55-2012. IMPROVEMENTS. (1) The landlord shall not restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior improvements on a mobile home lot.

(2) Improvements, except those fixed to the soil, the removal of which would significantly damage the landscape of the mobile home lot, shall remain the property of the tenant. In removing improvements on termination of the rental agreement, the tenant shall leave the mobile home lot in better or substantially the same condition as upon taking possession.
55-2013. DEPOSITS -- SECURITY. (1) Any payment, deposit, fee, or other charge which is required by the landlord in addition to periodic rent, utility charges or service fees, and is collected as prepaid rent or a sum to compensate for any tenant default is a deposit governed by the provisions of this section.

(2) The landlord shall maintain a separate record of the deposits.

(3) The provisions of sections 6-320 and 6-321, Idaho Code, shall apply to landlords and tenants governed by this chapter.

(4) Upon termination of the landlord's interest in the mobile home park, the landlord shall either transfer to his successor in interest that portion of the deposit remaining after making any deductions allowed under this section or return such portion to the tenant.

(5) The claim of the tenant to any deposit to which he is entitled by law takes precedence over the claims of any other creditor of the landlord.

55-2014. TENANT ACTION FOR DAMAGES -- SPECIFIC PERFORMANCE -- BOND. (1) A tenant may file an action against a landlord for damages and specific performance as provided for by section 6-320, Idaho Code, except that no tenant may file an action against a landlord for damages and specific performance for failure to provide reasonable waterproofing and weather protection of the premises.

(2) Before a tenant may file an action for damages or specific performance under the provisions of this chapter, the tenant shall place with the court, an indemnity bond or sufficient moneys to cover the landlord's legal expenses and court costs as nearly as can be estimated by the presiding judge. If the tenant is not awarded any damages or specific performance by the court, the tenant shall forfeit the indemnity bond or moneys. If any moneys remain after reimbursing the landlord for his legal expenses and court costs, the court shall return those moneys to the tenant. If the tenant is awarded any damages or specific performance by the court, the indemnity bond or moneys shall be returned to him along with any damages and court costs awarded by the court.

55-2015. RETALIATORY CONDUCT BY LANDLORD PROHIBITED. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services he normally supplies, or threaten to bring an action for repossession of a mobile home lot as retaliation against the tenant because the tenant has:

(a) Complained in good faith about a violation of a building, safety or health code or regulation pertaining to a mobile home park to the governmental agency responsible for enforcing the code or regulation.
(b) Complained to the landlord concerning the maintenance or condition of the park.
(c) Became a member of a tenant's league or similar organization.
(d) Retained counsel to represent his interests.
55-2016. PENALTIES. A person who violates a provision of this chapter shall be liable for actual damages, and judgment may be entered for three (3) times the amount at which actual damages are assessed. In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs.

55-2017. VENUE. Venue for any action arising under this chapter shall be in the district court of the county in which the mobile home lot is located.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 26, 1980.
taining to the judicial department of government as directed.

During the period that any such retired Supreme Court justice or district judge is serving and holding court pursuant to this section, he shall be entitled to receive all of his retirement benefits under the judges' retirement fund together with an additional sum as compensation for his services sufficient to amount to an aggregate sum of retirement benefits and additional compensation so as to be equal to the current salary of the judicial office from which such Supreme Court justice or district judge has retired. Such additional compensation, above the retirement benefits accruing to such retired justice or judge, shall be paid from the general fund as provided by the legislature.

When so serving outside of his county of residence, any such retired justice or judge shall receive and have paid to him his necessary traveling and subsistence expenses.

Any period of service so rendered by any retired justice or judge shall not in any way be computed for additional retirement benefits, and the state auditor shall not receive or deduct any sum from the salary of any such retired justice or judge for such services, for transfer to the judges' retirement fund.

Any justice or judge who voluntarily leaves full-time judicial employment prior to eligibility for retirement under section 1-2001, Idaho Code, may, while he remains capable, upon compliance with chapter 4, title 59, Idaho Code, sit with the Supreme Court and exercise the authority of a member thereof in any cause in which he is requested by that court to do so or sit as a judge of the district court or as a magistrate in any county upon the request and order of the chief justice. When so serving, any justice or judge not eligible for retirement under section 1-2001, Idaho Code, shall receive and have paid to him such compensation and expenses as may be authorized by the Supreme Court; provided, however, that such compensation shall not exceed the current salary of the judicial office vacated by such Supreme Court justice or district judge. Any period of service so rendered by any justice or judge not eligible for retirement under section 1-2001, Idaho Code, shall not in any way be computed for additional retirement benefits, and the state auditor shall not receive or deduct any sum from the salary of any such justice or judge for such services, for transfer to the judges' retirement fund.

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

Approved March 26, 1980.
CHAPTER 179
(S.B. No. 1330, As Amended in the House)

AN ACT
RELATING TO THE PUBLIC SCHOOL EDUCATION SUPPORT PROGRAM; REPEALING SECTIONS 33-1001, 33-1002, 33-1003C, 33-1007, AND 33-1009A, IDAHO CODE; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1001, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002, IDAHO CODE, TO PROVIDE THE METHOD OF CALCULATING THE EDUCATIONAL SUPPORT PROGRAM, INCLUDING CALCULATION OF SUPPORT UNITS AND DETERMINATION OF THE DISTRIBUTION FACTOR PER SUPPORT UNIT AND THE TOTAL DISTRICT SHARE; AMENDING SECTIONS 33-1003, 33-1003A AND 33-1003B, IDAHO CODE, TO REDESIGNATE THE SECTIONS, AND TO PROVIDE SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM TO DISTRICTS WHICH EXPERIENCE EXCESSIVE DECREASES IN ATTENDANCE, TO SEPARATE SCHOOLS WITHIN A DISTRICT TO REMOTE SCHOOLS AND TO DISTRICTS WHICH CHANGE BOUNDARIES; AMENDING SECTION 33-1004, IDAHO CODE, TO INCLUDE APPLICATION OF THE SECTION TO KINDERGARTEN STUDENTS; AMENDING SECTION 33-1005, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 33-1006, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 33-1006A, IDAHO CODE, TO REDESIGNATE THE SECTIONS, TO CORRECT TERMINOLOGY, AND TO STRIKE OBSOLETE PROVISIONS; AMENDING SECTION 33-1008, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 33-1009, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 33-1012, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 33-1010, IDAHO CODE, TO CHANGE DATES FOR APPORTIONING FUNDS FROM THE COUNTY SCHOOL FUND; AMENDING SECTION 33-1011, IDAHO CODE, TO REQUIRE CERTAIN REPORTS FOR THE CURRENT QUARTER; AMENDING SECTION 33-2004, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CONTRACTED SERVICES; AMENDING SECTION 33-2005, IDAHO CODE, TO CORRECT REFERENCES; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE DISTRIBUTION TO THE PUBLIC SCHOOL INCOME FUND; AND PROVIDING MINIMUM ALLOCATION TO SCHOOL DISTRICTS FOR 1981 FISCAL YEAR.

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

SECTION 1. That Sections 33-1001, 33-1002, 33-1003C, 33-1007, and 33-1009A, Idaho Code, be, and the same are hereby repealed.

SECTION 2. 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 33-1001, Idaho Code, and to read as follows:

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

1. "Administrative schools" mean and apply to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other
secondary schools of the district.

2. "Average daily attendance" or "pupils in average daily attend­ance" means 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.

3. "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades one (1) through six (6) inclusive, or any combination thereof.

4. "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

5. "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than school year, or summer kindergarten program.

6. "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

7. "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

8. "Separate elementary school" means a school 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 kindergarten" means a kindergarten which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest kindergarten 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.

10. "Separate secondary school" means any secondary school which is located more than fifteen (15) miles by all-weather road from any other secondary school operated by the district.

11. "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as provided in section 33-1007, Idaho Code.

12. "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

13. "Teacher" means 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 employed
requires certification as a teacher.

SECTION 3. 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 33-1002, Idaho Code, and to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

1. State and County Educational Support Funds. Add 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 determine the total state and county funds. From the total state and county funds subtract the amount needed for the state's share of transportation support program as provided in section 33-1006, Idaho Code, and the amount needed for the state's share of the exceptional education support program as provided in section 33-1007, Idaho Code, to secure the state and county educational support funds.

2. Local Districts' Contribution. The local districts' contribution shall be equal to the lesser of: (a) seventeen (17) mills times the total state adjusted assessed valuation for the previous year and seventeen (17) mills times the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code; or (b) the maximum ad valorem budget request allowed under the provisions of section 63-923 or 63-2220, Idaho Code, if less than seventeen (17) mills.

3. Educational Support Program Distribution Funds. Add the local districts' contribution and the state and county educational support program funds together to secure the total educational support program distribution funds.

4. Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. 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. Average daily attendance calculation shall be carried out to the nearest hundredth. 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. 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. For illness or accident that necessitates an absence from school for more than ten (10) consecutive school days, the school district may include home-bound students in its total attendance, provided that academic
instruction has been given by appropriate certified professional staff employed by the district.

5. Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of elementary support units, computation of secondary support units, computation of kindergarten support units, and computation of exceptional education support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

### COMPUTATION OF KINDERGARTEN SUPPORT UNITS

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### COMPUTATION OF ELEMENTARY SUPPORT UNITS

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### COMPUTATION OF SECONDARY SUPPORT UNITS

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### COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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<td>.25</td>
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In applying these tables to any given separate attendance unit, 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 table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education support units shall be applicable only for programs approved by the state department of education following the rules and regulations established by the state board of education.

6. State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations for border district approved contracts as provided in section 33-1403, Idaho Code, and exceptional child approved contracts as provided in section 33-2004 2, Idaho Code, by the total state support units to secure the state distribution factor per support unit.

7. District Share of State and County Funds for Educational Support Program. Ascertain a district's share of state and county funds for the educational support program as follows:

a. District Contribution Calculation. The district contribution calculation shall be equal to the lesser of:
   (1) seventeen (17) mills times the district's adjusted assessed valuation for the previous year and seventeen (17) mills times the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code; or
   (2) the maximum ad valorem budget request allowed under the provisions of sections 63-923 or 63-2220, Idaho Code, if less than seventeen (17) mills.

b. District Support Units. The number of support units for each school district in the state shall be determined as follows:
   (1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12. Calculations in application of this subsection shall be carried out to the nearest tenth.
   (2) Divide the combined totals of the actual average daily attendance of all kindergarten, elementary and secondary students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for the subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.
   (3) The total number of support units of the district shall be the sum, rounded to the nearest whole number, of the total support units for regular students, subsection 7b(1) of this section, and the support units allowance for the approved
exceptional child program, subsection 7b(2) of this section.
c. Border District Allowance. In any school district which abuts upon the border of another state, and the resident pupils of the district attend school in the 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 the students. The approved costs shall be allowed as a part of the district's total educational support program.
d. Exceptional Child Approved Contract Allowance. In any district where resident exceptional children are educated by contract as provided in section 33-2004 (2), Idaho Code, the state board of education shall determine the approved costs. The approved costs shall be allowed as a part of the district's total educational support program.
e. Total District Allowance Educational Program. Multiply the district's total number of support units, rounded to the nearest whole number, by the state distribution factor per support unit and to this product add the approved amount of border district contracts and the approved amount for the exceptional child contracts to secure the district's total allowance for the educational support program.
f. District Share. To secure the district's share of state and county apportionment, subtract the amount of the local district contribution calculation, subsection 7a of this section, from the amount of the total district allowance, subsection 7e of this section. The contract salary of every noncertificated teacher shall be subtracted from the district's share unless otherwise approved by the state board of education.

SECTION 4. That Sections 33-1003, 33-1003A, and 33-1003B, Idaho Code, be, and the same are hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF FOUNDATION EDUCATIONAL SUPPORT PROGRAM TO-SEPARATE-SCHOOLS--IN--DISTRICT. 1. Decrease in Average Daily Attendance. - For any school district which has a decrease in total average daily attendance of three percent (3%) of its average daily attendance but not less than ten (10) or more students in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program shall be based on the average daily attendance of the school year immediately preceding, less three percent (3%), or less ten (10) average daily attendance, whichever is greater.
2. Application of Support Program to Separate Schools in District.
a. Remote Separate Elementary School. -- Any remote separate elementary school as-defined-in-this-act; shall be allowed to participate in the state-and-county-foundation educational support programs as though such the school were the only elementary school operated by the district.
b. Hardship Remote Elementary School. — Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within such the school district, not otherwise qualifying, are entitled to be counted as a remote separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of such the school as a separate attendance unit and such the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of such the district's elementary grade school pupils.

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

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

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 the 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 support 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 ade­
quate funding in the case of a remote and necessary elementary school
shall be made by the state board of education.

33-1003B: --FOUNDA TION-PROGRAM-FOLLOWING-DISTRICT-CONSOLIDATION:
4. Support Program When District Boundaries are Changed.
a. In new districts formed by the division of a district, the
support program computed for the district divided in its last year
of operation, shall be apportioned to the new districts created by
the division, in the proportion that the average daily attendance
of pupils, elementary and secondary combined, residing in the area
of each new district so created, is to the average daily attend­
ance of all pupils, elementary and secondary combined, in the dis­
trict divided in its last year of operation before the division.
b. When boundaries of districts are changed by excision or annex­
ation of territory, the support program of any district from which
territory is excised for the last year of operation before such
excision shall be divided, and apportioned among the districts
involved, as prescribed in subsection 4a hereof.
c. In new districts formed by consolidation of former districts,
the support program allowance shall be the combined support pro­
gram allowances of the component districts in the last year of
operation before consolidation. Provided, however, the The board
of trustees of any Idaho school the new 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 financial unit factors for
the foundation educational support program of the consolidated
district. Such The 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 support unit
factors which were allowed the individual districts prior to con­
solidation to the sparsity support unit factors allowed the con­
solidated districts. Such The plan must use sparsity--factors
divisors 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 support unit 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 approves for special consideration of
sparsity support unit factors in the foundation support program
shall be allowed to use the approved sparsity factors for computa­
tion of its weighted-average-daily--attendance entitlement under
the foundation support program.

SECTION 5. That Section 33-1004, Idaho Code, be, and the same is
hereby amended to read as follows:
33-1004. PUPILS ATTENDING SCHOOL IN ANOTHER STATE. In any school district which abuts upon the border of another state, and the resident pupils of said district attend schools in such the other state as provided in section 33-1403, Idaho Code, the total number of such pupils shall be considered as being in attendance in a separate school of their home district, kindergarten, elementary or secondary as the case may be.

SECTION 6. That Section 33-1005, Idaho Code, be, and the same is hereby amended to read as follows:

33-1005. DISTRICTS RECEIVING FEDERAL FUNDS. In school districts which receive moneys for the maintenance and operation of the schools from agencies of the federal government, the foundation educational support program shall be computed on the basis of the average daily attendance of pupils as set forth in this chapter and without regard to the manner in which such allowance from the federal government may be computed.

SECTION 7. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. FOUNDATION TRANSPORTATION SUPPORT 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 support 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 support 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 is 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 support program shall be eighty-five percent (85%) of allowable transportation costs of the district for the next preceding year.

SECTION 8. That Section 33-1006A, Idaho Code, be, and the same is
hereby amended to read as follows:

**33-1006A33-1007. FOUNDATION EXCEPTIONAL EDUCATION SUPPORT PROGRAM.** The state board of education shall determine the allowable costs for providing approved programs of education for exceptional students, including allowable salaries of certified and approved ancillary personnel and approved teacher aides; salaries allowed for approved program directors and supervisors; salaries of certified teachers of homebound students; and allowable contract amounts.

The state board of education shall report annually to the legislature the status of the **foundation** exceptional education support program. Such the report shall include, but not be limited to, data concerning the number of persons served, both handicapped and gifted, the districts which operate programs and the nature of the program, the money distributed pursuant to the provisions of the **foundation** exceptional education support program, and estimated number of persons, both handicapped and gifted, requiring but not receiving services. The report shall be filed not later than the fifteenth day of the legislative session and may include recommendations of the board relating to administrations of the program.

The foundation exceptional education support program of a school district shall be based on an amount up to and including eighty percent (80%) of the allowable salaries of certified and approved ancillary personnel, approved teacher aides, and approved directors and supervisors of exceptional child programs as provided in section 33-2002A, Idaho Code; and approved contracts as provided in section 33-2004, Idaho Code.

**Section 9.** That Section 33-1008, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1008. FOUNDATION SUPPORT PROGRAM -- ELEMENTARY DISTRICT RECLASSIFIED.** Should any elementary school district which has met the qualifications required by law for reclassification as a secondary school district propose to be so reclassified and begin the establishment and maintenance of a secondary school, such the district shall be allowed a foundation support program for such the secondary school during the first year of its operation, computed as follows:

1. The educational foundation support program shall be reported in the annual report preceding the beginning of operation of the secondary school, as the aggregate of the products of the number of resident pupils of the district who attended secondary schools of other districts during such the preceding year, multiplied by the per-pupil state and county apportionments for the educational foundation support program to such the other districts as shown on the last approved tuition certificate of such the other districts, for secondary school pupils.
2. The transportation foundation support program shall be reported in the annual report preceding the beginning of operation of the secondary school, as the aggregate of the products of the number of pupils proposed to be transported to such the new secondary school who attended secondary schools in other districts during such the preceding year, multiplied by the per-pupil state and county apportionments for the transportation foundation support program to each such of the other districts for secondary school pupils as shown on the last approved tuition certificate issued to such the other district.

SECTION 10. 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 the fund for the preceding year; and it shall apportion to each school district that same ratio, but not to exceed forty percent (40%) on the fifteenth day of July and not to exceed twenty percent (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 distribution factor based on the total weighted average daily attendance for the first semester of the then current school year. Such The 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 The 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 the transportation support program and ancillary-personnel the exceptional education support program.

3. The state board of education shall annually compute for each county the total of:
   a. Other receipts required by law to be made a part of the county school fund;
   b. Any balance remaining in the county school fund,
unapportionable for the preceding year;
c. Any minus balance in the county school fund by reason of over-
draft or insufficient funds for the full, lawful apportionment to
school districts for the preceding school year;
In computing the proceeds of a, b, and c hereinabove, the state
board of education shall proceed as though any joint school district
were wholly situated 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 the county, and as though any joint district were wholly situ­
ate in that county which is its home county, its foundation support
program computed according to the provisions of this chapter; said the
amount from the public school income fund for each district to be com­
puted, as follows:
a. Calculate the percentage of the weighted average daily attend­
ance 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
the county is the home county.
c. From the total state and county funds due each district for
the foundation educational and transportation support programs,
subtract the county's share, as calculated in b, of this subsec­
tion.
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 sub­
section (1) of this section, in such amounts as will provide in full
for each district its foundation support 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 the deficiency
resulting therefrom shall be calculated in computing 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 the 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 11. 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 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 percent (60%) of the apportionment received by any district for the preceding school year. Not later than the fifteenth-day-of-February first day of March 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 first day of March.

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.

SECTION 12. That Section 33-1013, Idaho Code, be, and the same is hereby amended to read as follows:
33-1013. COUNTY TREASURER -- COUNTY AUDITOR -- DUTIES. In addition to other duties required by this chapter, the county treasurer shall keep a separate account with each school district situate in whole or in part in his county, placing to the credit of each all moneys received through the proceeds of school district tax levies, and any other moneys due the respective districts under the provisions of law. He shall on the first day of each month give notice to the clerk of the board of any elementary district, of the debits and credits made to the account of such district during the preceding current quarter and the balance on hand both at the beginning and at the end of the preceding quarter.

He shall keep an account of the county school fund, and of any other school funds arising from a county-wide tax levy for school purposes.

He shall pay over the moneys in any fund herein required to be kept, only upon the warrant of the county auditor.

In addition to other duties required of the county auditor by the provisions of this chapter, he shall, from time to time as required by law, draw his warrant upon any fund required to be disbursed to the treasurer of any school district.

SECTION 13. That Section 33-2004, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

2. For each resident student educated by contract by a rehabilitation center, hospital, corporation or state agency, the amount of the tuition rate certified for the sending district under the provisions of section 33-1405, Idaho Code, and the sum of state and county funds received for each child in weighted-average-daily-attendance as determined by the state board of education. Total allowance for an approved contract cannot be greater than the educational costs of the contract amount, but in no case may exceed a payment of four and
eight-tenths-(4\frac{8}{10})-times-the-determined-state-average-cost-factor--per weighted-student.

When--public-school-districts-contract-for-the-education-of-exceptional-children-residing-within-the-several-districts;--one--(i)--district--shall--be--designated-as-the-educating-district-for-the-purpose herein; sufficient state and county funds to pay the balance of the obligations of the contract as approved by the state board of education. Total allowance for an approved contract cannot be greater than the educational costs of the student.

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

When any rehabilitation center, hospital, or corporation or state agency shall have contracted for the education of any exceptional children as defined in this act chapter all such children shall be enrolled in the district of their residence; and the institution, hospital or corporation shall certify to the home school district the daily record of attendance of each such pupil. The home district shall be qualified--to-compute-the-average-daily-attendance-of-such-pupils; and-together-with-other-average-daily-attendance-of-exceptional--children--being--educated-in-the-district;--if-any, certify the same to the state board of education in the following annual report of the district eligible for reimbursement of the state and county amounts of the approved contracts as provided in section 33-1002, Idaho Code.

SECTION 14. That Section 33-2005, Idaho Code, be, and the same is hereby amended to read as follows:

33-2005. ANCILLARY PERSONNEL -- REIMBURSEMENT. Special educational services may be rendered by any school district or school districts for enrolled exceptional children, through contract for services or by the employment of full-time or part-time ancillary personnel in accordance with the regulations and standards prescribed by the state board of education. Whenever a school district or school districts provide such services and employ such personnel each district or designated district shall be reimbursed as provided in section 33-1007, Idaho Code.

SECTION 15. 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 and ten per cent (10%) is hereby appropriated and shall be paid from the sales tax account to the state treasurer for deposit into the public school income fund.

(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, except school districts, in the county as follows:

(i) 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, 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 minus 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 16. For fiscal year 1981 each school district shall receive an amount under the education support program, as described in section 3 of this act, which is at least 108.5% of the amount the district received under the educational foundation program for fiscal year 1980. Calculation of the minimum allowance for each school district shall be made by the state department of education not later than August 15, 1980. In making these calculations the state department of education shall not consider: amounts reimbursed for fiscal
year 1980 or the entitlement for fiscal year 1981 in the exceptional education support program; or the amount reimbursed for fiscal year 1980 or the entitlement for fiscal year 1981, based on fiscal year 1980 allowable costs, in the transportation support program.

Approved March 26, 1980.

CHAPTER 180
(S.B. No. 1455)

AN ACT
RELATING TO DECREASES IN THE AVERAGE DAILY ATTENDANCE OF SCHOOL DISTRICTS; AMENDING SECTION 33-1003, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1330, SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO PROVIDE PROCEDURES FOR CALCULATING ALLOWANCES FOR FUNDS WHEN THE AVERAGE DAILY ATTENDANCE OF A SCHOOL DISTRICT DECREASES.

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

SECTION 1. That Section 33-1003, Idaho Code, as enacted by Senate Bill No. 1330, Second Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. 1. Decrease in Average Daily Attendance. -

a. During fiscal year 1981-82, for any school district which has a decrease in total average daily attendance of one percent (1%) of its average daily attendance but not less than ten (10) or more students in the 1981-82 school year from the total average daily attendance used for determining the allowance in the educational support program for the school year 1980-81, the allowance of funds from the educational support program shall be based on the average daily attendance of the school year 1980-81, less one percent (1%), or less ten (10) average daily attendance, whichever is greater.

b. During fiscal year 1982-83, for any school district which has a decrease in total average daily attendance of two percent (2%) of its average daily attendance but not less than ten (10) or more students in the 1982-83 school year from the total average daily attendance used for determining the allowance in the educational support program for the school year 1981-82, the allowance of funds from the educational support program shall be based on the average daily attendance of the school year 1981-82, less two percent (2%), or less ten (10) average daily attendance, whichever is greater.

c. During any fiscal year which commences on or after July 1, 1983, for any school district which has a decrease in total average daily attendance of three percent (3%) of its average
daily attendance but not less than ten (10) or more students in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program shall be based on the average daily attendance of the school year immediately preceding, less three percent (3%), or less ten (10) average daily attendance, whichever is greater.

2. Application of Support Program to Separate Schools in District.
   a. Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.
   b. Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of the school as a separate attendance unit and the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils.
   c. Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.
   d. Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

3. 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. The 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 support 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.

4. Support Program When District Boundaries are Changed.
   a. In new districts formed by the division of a district, the support program computed for the district divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.
   b. When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in subsection 4a hereof.
   c. In new districts formed by consolidation of former districts, the support program allowance shall be the combined support program allowances of the component districts in the last year of operation before consolidation. Provided, however, the board of trustees of the new district may petition the state board of education for special consideration in determining financial unit factors for the educational support program of the consolidated district. The 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 support unit factors which were allowed the individual districts prior to consolidation to the support unit factor allowed the consolidated districts. The plan must use divisors 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 support unit 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 approves for special consideration of support unit factors in the support program shall be allowed to use the approved factors for computation of its entitlement under the support program.

Approved March 26, 1980.
CHAPTER 181
(S.B. No. 1425)

AN ACT
RELATING TO THE LEASE OF PROPERTY BY A COUNTY; AMENDING SECTION 31-1001, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE PERIOD OF TIME FOR WHICH A COUNTY MAY ENTER INTO A LEASE OF PROPERTY FOR CERTAIN COUNTY PURPOSES.

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

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

31-1001. ERECTION OF BUILDINGS -- FURNISHING OF OFFICES -- CONTRACTS -- LEASE OF PREMISES FOR COURTHOUSE OR JAIL -- BOOKS AND STATIONERY. The board must cause to be erected or furnished, a courthouse, jail and such other public buildings as may be necessary, and must, when necessary, provide offices with necessary furniture for the sheriff, clerk of the district court and ex officio auditor and recorder, county treasurer, prosecuting attorney, probate judge, county assessor and county surveyor, and must draw warrants in payment of the same: provided, that the contract for the erection of any such buildings must be let, after thirty (30) days' notice for proposals, to the lowest bidder who will give security for the completion of any contract he may make respecting the same; and, provided further, no contracts for the purchase of furniture must be let under the provisions of this section when the expenses thereunder will exceed one thousand dollars ($1000). And, provided further, that no part of the provisions of this section shall be construed to prevent the board of county commissioners, from entering into a lease for courthouse premises, rooms and jail for any period in their discretion, not to exceed twenty thirty (2030) years, and provided that the county commissioners may contract with responsible parties for the leasing of a courthouse, jail and hospital, or a combination of courthouse, jail and hospital, or fairground buildings and facilities, to be constructed upon premises owned by the county or otherwise, provided that said contract shall be let subject to the provisions of chapter 40 of this title; the contract also may provide that at the expiration of the term of the lease, upon full performance of such lease by the county, the said courthouse premises, rooms and jail, fairground buildings and facilities, or so much thereof as is leased, may become the property of the county. The board must also provide all necessary books of record for the county auditor and recorder, county treasurer, county assessor, and tax collector, clerk of the district court, probate court, county surveyor, county superintendent of public instruction, and the books and stationery for the use of the board, and so much as is necessary for the use of said county officers in the transaction of official business. Nothing herein shall be construed as limiting or otherwise affecting a lease or other transaction between the Idaho health
facilities authority and the board of county commissioners as provided in section 31-836, Idaho Code.

Approved March 26, 1980.

CHAPTER 182
(S.B. No. 1414)

AN ACT
RELATING TO EXPENSES OF COUNTY OFFICERS; AMENDING SECTION 31-3101, IDAHO CODE, TO PROVIDE THAT ALL EXPENSES INCURRED BY A COUNTY OFFICER OR DEPUTY SHALL BE CERTIFIED TO THE COUNTY AUDITOR, TO PROVIDE A METHOD OF EXPENSE REIMBURSEMENT, BY REMOVING THE FIXED AMOUNT AND SUBSTITUTING AUTHORITY TO DETERMINE AN AMOUNT BY THE COUNTY COMMISSIONERS FOR TRAVEL EXPENSE PER MILE OF A COUNTY OFFICER OR DEPUTY FOR USE OF HIS/HER PRIVATE CAR IN THE PERFORMANCE OF OFFICIAL DUTY, AND TO PROVIDE THAT ALL FEES COMING INTO THE HANDS OF A COUNTY OFFICER OR DEPUTY BE TURNED INTO THE COUNTY TREASURY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3101, Idaho Code, be, and the same is hereby amended to read as follows:

31-3101. OFFICERS TO RECEIVE SALARIES AND ACCOUNT FOR FEES. The salaries of county officers as full compensation for their services must be paid monthly from the county treasury, upon the warrants of the county auditor, and it shall not be necessary for the board of commissioners to allow or audit the claims for such salaries when the salaries of such officers are fixed by law or have been fixed or approved by action of the board of commissioners. No officer or deputy must retain out of any money in his hands belonging to the county any salary; but all actual and necessary expenses incurred by any county officer or deputy in the performance of his official duty shall be a legal charge against the county, and may be retained by him out of any fees which may come into his hands shall be certified by receipts to the county auditor. The county auditor shall then issue a county warrant in the amount so certified, payable to the officer or deputy submitting the certification, and the warrant paid shall be charged against said officer's budget. When any such officer or deputy shall use his private car as a means of travel in the performance of his official duty the actual and necessary expense of the use of such car shall be determined by the county commissioners of each county and allowance made therefor at a rate not to exceed fifteen cents ($0.15) per mile for each mile driven shall be applied uniformly to each officer or deputy in that county and such allowance shall be the full amount allowable for travel expense when such car is used. All fees
which may come into his hands from whatever source; over-and-above-his actual-and-necessary-expenses; shall be turned into the county treasury at-the-end-of-each-quarter daily, weekly, monthly, or quarterly as determined by the county commissioners. He shall, at the-end-of-each quarter least quarterly, file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all-expenses-incurred-and all fees received, which must be audited by the board as other accounts.

Approved March 26, 1980.
CHAPTER 183
(S.B. No. 1460)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF
FINANCE AND 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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through
June 30, 1981:
FOR:
Personnel Costs
Operating Expenditures
Capital Outlay
TOTAL

FROM:
General Account
State Cemetery Board Account
TOTAL

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, 1980,
through June 30, 1981:

<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>I. ADMINISTRATION: FROM: General Account</td>
<td>$ 59,100</td>
<td>$ 12,000</td>
<td></td>
<td>$ 71,100</td>
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<tr>
<td>II. SUPPORTING SERVICES: FROM: General Account</td>
<td>$142,900</td>
<td>$ 17,500</td>
<td></td>
<td>$160,400</td>
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<tr>
<td>III. BANKS: FROM: General Account</td>
<td>$172,300</td>
<td>$ 39,000</td>
<td>$6,000</td>
<td>$217,300</td>
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<td>IV. SAVINGS AND LOAN ASSOCIATIONS: FROM: General Account</td>
<td>$ 26,300</td>
<td>$ 3,500</td>
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<td>$ 29,800</td>
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<td>V. CREDIT UNIONS: FROM: General Account</td>
<td>$ 67,800</td>
<td>$13,800</td>
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<td>$ 81,600</td>
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### PROGRAMS

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>VII. SECURITIES:</td>
<td>General Account</td>
<td>$68,000</td>
<td>$14,900</td>
<td></td>
<td>$82,900</td>
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<td>VIII. COLLECTION AGENCIES:</td>
<td>General Account</td>
<td>$139,400</td>
<td>$21,300</td>
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<td>$160,700</td>
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<tr>
<td>IX. ENDOWED CARE CEMETERIES:</td>
<td>State Cemetery, Board Account</td>
<td>$1,400</td>
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<td></td>
<td>$1,400</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GRAND TOTAL $818,200</td>
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Approved March 26, 1980.
CHAPTER 184
(S.B. No. 1459)

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, 1980, THROUGH JUNE 30, 1981; 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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,700,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>807,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>535,700</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>3,964,200</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,008,400</strong></td>
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</table>

<table>
<thead>
<tr>
<th>FROM:</th>
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<tr>
<td>General Account</td>
<td>$2,221,100</td>
</tr>
<tr>
<td>Cross Country Skiing Account</td>
<td>25,100</td>
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<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td>372,800</td>
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<tr>
<td>Park &amp; Recreation Account</td>
<td>294,600</td>
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<tr>
<td>Waterways Improvement Account</td>
<td>442,400</td>
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<tr>
<td>Lucky Peak Concession Account</td>
<td>10,000</td>
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<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>489,300</td>
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<tr>
<td>Off-road Motor Vehicle Account</td>
<td>453,300</td>
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<tr>
<td>Motorbike Recreation Account</td>
<td>19,000</td>
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<tr>
<td>Parks and Recreational Federal Account</td>
<td>225,100</td>
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<tr>
<td>Coast Guard Boating Safety Account</td>
<td>100,000</td>
</tr>
<tr>
<td>Federal Pass Through Account</td>
<td>3,000,000</td>
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<tr>
<td>Federal Surcharge Account</td>
<td>323,500</td>
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<tr>
<td>Harriman State Park Account</td>
<td>32,200</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,008,400</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 from the listed accounts for the period July 1, 1980, through June 30, 1981:
<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>
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<tr>
<td>General Account</td>
<td>$ 286,300</td>
<td>$ 44,800</td>
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<td>$ 331,100</td>
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<tr>
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<td>$ 92,000</td>
<td>$ 83,600</td>
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<td>$ 175,600</td>
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<td>Federal Surcharge Account</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 378,300</td>
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<td>$ 506,700</td>
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<tr>
<td>B. PARK OPERATIONS:</td>
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</tr>
<tr>
<td>FROM:</td>
<td></td>
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</tr>
<tr>
<td>General Account</td>
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<tr>
<td>Park &amp; Recreation Capital</td>
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<tr>
<td>Improvement Account</td>
<td></td>
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</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>$ 85,200</td>
<td>$ 65,800</td>
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<td></td>
<td>$151,000</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Federal Account</td>
<td>$114,100</td>
<td>$ 70,500</td>
<td>$ 8,000</td>
<td></td>
<td>$192,600</td>
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<tr>
<td>Harriman State Park Account</td>
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<td>$ 32,200</td>
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<td>$2,290,900</td>
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<td>C. PARK DEVELOPMENT:</td>
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<tr>
<td>General Account</td>
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<td></td>
<td></td>
<td></td>
<td>$ 112,800</td>
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<tr>
<td>Park &amp; Recreation Capital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement Account</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>$ 9,900</td>
<td>$ 10,000</td>
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<td></td>
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<td>Lucky Peak Concession Account</td>
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<td>Park and Recreation Federal Account</td>
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<td>$ 27,500</td>
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<td>TOTAL</td>
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<tr>
<td>D. STATEWIDE RECREATION ASSISTANCE:</td>
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<td></td>
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</tr>
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<td>$ 42,400</td>
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<td>Park &amp; Recreation Account</td>
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<td></td>
<td>$ 8,400</td>
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<td>Waterways Improvement Account</td>
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<td></td>
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<td></td>
</tr>
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<td>Off-road Motor Vehicle Account</td>
<td>$ 30,300</td>
<td>$ 18,200</td>
<td></td>
<td></td>
<td>$ 48,500</td>
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<td>Motorbike Recreation Account</td>
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<td></td>
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<tr>
<td>Coastal Guard Boating Safety Account</td>
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<td>$440,800</td>
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<tr>
<td>Federal Pass Through Account</td>
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<td>Federal Surcharge Account</td>
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<td>$108,000</td>
</tr>
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<td>TOTAL</td>
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<td>$417,300</td>
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<tr>
<td>E. STATEWIDE RECREATION PLANNING:</td>
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<td></td>
</tr>
<tr>
<td>Cross-Country Skiing Account</td>
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<td>$ 4,600</td>
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<tr>
<td>Park &amp; Recreation Account</td>
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<td>$41,700</td>
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<tr>
<td>Federal Surcharge Account</td>
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<tr>
<td>TOTAL</td>
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<td>$ 49,700</td>
<td>$ 4,600</td>
<td>$ 20,000</td>
<td>$195,300</td>
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<tr>
<td>F. LAVA HOT SPRINGS FOUNDATION:</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
SECTION 3. Construction authorized under the provisions of this act, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of Section 67-5711, Idaho Code.

Approved March 26, 1980.
CHAPTER 185
(S.B. No. 1365, As Amended)

AN ACT
RELATING TO POWERS AND DUTIES OF BOARDS OF COUNTY COMMISSIONERS;
AMENDING SECTION 31-3501, IDAHO CODE, TO CLARIFY THE DECLARATION
OF POLICY REGARDING CARE OF INDIGENT PERSONS; AMENDING SECTION
31-3502, IDAHO CODE, TO DEFINE "COUNTY HOSPITAL" IN TERMS OF CARE
OF SICK PERSONS; AMENDING SECTION 31-3503, IDAHO CODE, TO AUTHORIZE
COUNTIES TO PROVIDE CARE FOR PERSONS IN SHELTER CARE FACILITIES
AND SHELTER HOMES; AMENDING SECTION 31-3513, IDAHO CODE, TO AUTHORIZ
ELECTIONS FOR ISSUANCE OF BONDS TO PROVIDE NURSING
HOMES, SHELTER HOMES AND SHELTER CARE FACILITIES; AND AMENDING
SECTION 31-3514, IDAHO CODE, TO PROVIDE APPLICATION OF MANAGEMENT
STANDARDS TO NURSING HOMES, SHELTER HOMES AND SHELTER CARE FACILITIES.

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

SECTION 1. That Section 31-3501, Idaho Code, be, and the same is hereby amended to read as follows:

31-3501. DECLARATION OF POLICY. In order to safeguard the public health, safety and welfare, and to provide suitable facilities and provisions for the care and hospitalization of indigent persons in this state, and, in the case of indigent persons, to provide for the payment thereof, the respective counties of this state shall have the duties and powers as hereinafter provided.

SECTION 2. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. DEFINITIONS. As used in this chapter, and chapter 34, title 31, Idaho Code, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Medically indigent" means any person who is in need of hospitalization and who, if an adult, together with his or her spouse, or whose parents or guardian if a minor, does not have income and other resources available to him from whatever source which shall be sufficient to enable the person to pay for necessary medical services.

(2) "Hospital" means a facility licensed as such in Idaho providing community service for in-patient, medical and/or surgical care of acute illness or injury and/or obstetrics, and excluding state institutions.

(3) "Dependent" means any person whom a taxpayer could claim as a dependent under the income tax laws of the state of Idaho.

(4) "Regular hospital charges" means charges normally and necessarily made by a hospital in connection with the care of a patient.

(5) "Board" means the board of county commissioners.
(6) "Sick" means any person affected with disease or who is unable to care for himself and who does not have the means to provide for his own support, but who does not necessarily require the services of a hospital as defined in subsection (2) of this section.

(7) "Indigent" means any person who is destitute of property and unable to provide for the necessities of life.

(8) "County hospital" means any county approved institution or facility for the care of indigent sick persons; sick or otherwise.

SECTION 3. That Section 31-3503, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503. POWERS AND DUTIES OF BOARDS OF COUNTY COMMISSIONERS. The boards of county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law:

(1) Care for and maintain the medically or otherwise indigent, and may provide for the care of other sick or otherwise-indigent persons of the county as herein provided in section 31-3514, Idaho Code, and for this purpose said boards are authorized to levy an ad valorem tax not to exceed five (5) mills on the dollar on all taxable property in the county.

(2) Have the jurisdiction and power to provide county hospitals and public general hospitals for the county and others who are sick, injured, maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer, maintain and improve hospitals, hospital grounds, nurses' homes, shelter care facilities and shelter homes as defined in section 39-3301, Idaho Code, superintendent's quarters, or any other necessary buildings, and to equip the same, and to replace equipment, and for this purpose said boards may levy an additional tax of not to exceed three (3) mills on the dollar. The terms public general hospitals as used in this subsection shall be construed to include nursing homes.

SECTION 4. That Section 31-3513, Idaho Code, be, and the same is hereby amended to read as follows:

31-3513. ELECTION FOR ISSUANCE OF BONDS. The county commissioners may, when they deem the welfare of their counties require it, or when petitioned thereto by a number of resident taxpayers of their respective counties equal to five per cent (5%) of the number of persons voting for the secretary of state of the state of Idaho, at the election next preceding the date of such petition, submit to the qualified electors of said county at any general election, or at a special election called for such purpose, the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing such hospital, hospital grounds, nurses' homes, nursing homes, shelter homes, shelter care facilities, superintendent's quarters, or any other necessary buildings, and equipment, and may on their own initiative submit to the qualified electors of the county at any general election the proposition whether negotiable coupon bonds of the county to the amount
stated in such proposition shall be issued and sold for the purpose of providing for the extension and enlargement of existing hospital, hospital grounds, nurses' homes, nursing homes, shelter homes, shelter care facilities, superintendent's quarters, or any other necessary buildings, and equipment, and when authorized thereto by two-thirds (2/3) vote at such election, shall issue and sell such coupon bonds and use the proceeds therefrom for the purposes authorized by such election. Said proposition may be submitted to the qualified electors at a special election called for the purpose if the board of county commissioners shall by resolution so determine. No person shall be qualified to vote at any election held under the provisions of this section unless he shall possess all the qualifications required of electors under the general laws of this state.

The board shall be governed in calling and holding such election and in the issuance and sale of such bonds, and in the providing for the payment of the principal and interest thereon by the provisions of sections 31-1901 through 31-1909, inclusive, Idaho Code, and by the provisions of chapter 2, title 57, Idaho Code; provided, however, that when such bonds have been issued and sold and a period of two (2) years or more has elapsed from the date of sale of said bonds and for any reason the proceeds from the sale of said bonds or other moneys appropriated for the purpose for which said bonds were issued, have not been used for the purpose for which they were appropriated or said bond issue made, the board may, with the written consent of all of the bondholders first having been obtained, submit to the qualified electors, as herein defined, the question of spending such moneys for a definite purpose. The purpose for which it is decided to spend such moneys shall be clearly and plainly stated on the ballot. If a majority of the qualified electors shall vote in favor of spending such moneys for the purpose stated, the board of county commissioners shall proceed in the same manner as if such different purpose had been the original purpose for such bond issue or appropriation. Provided, further that if less than a majority of the qualified electors shall vote in favor of spending such moneys for such different purpose, or if no such election should be had, when all of the bonds shall have been retired, such excess moneys shall be placed in the general fund.

SECTION 5. That Section 31-3514, Idaho Code, be, and the same is hereby amended to read as follows:

31-3514. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such hospital, nursing home, shelter home, or shelter care facility may suitably provide for and accept other patients and must charge and accept payments from such other patients as are able to make payments for services rendered and care given. The board of county commissioners may make suitable rules and regulations for the management and operation of such hospital property by a suitable board of control, or otherwise, or for carrying out such hospital uses and purposes under a lease of the same.

The boards or officers or lessees of such hospital property shall render accounts and reports to the county commissioners as may
be required by the board; and shall render accounts and deliver over any and all moneys received by them for the county to the county treasurer to be credited to the operation expense of hospitals and indigent sick and otherwise dependent poor of the county in such manner as provided by law for the handling of funds of this kind.

Said board of control may permit persons from out of the county where such hospital is located to be admitted for hospitalization to such hospital. As to such cases special rates for the use and service of such hospital shall be provided which rates shall apply equally to all such patients who do not pay taxes within the county where such hospital is located. The purpose of providing such special rates shall be to compel persons living out of the county where such hospital is located, and who receive hospitalization in such hospital, to bear a just burden of the cost of construction and maintenance of such hospital.

Approved March 26, 1980.

CHAPTER 186
(S.B. No. 1353, As Amended)

AN ACT
RELATING TO THE DIVERSION AND USE OF GROUND WATERS; AMENDING SECTION 42-226, IDAHO CODE, TO PROHIBIT USE OF GROUND WATER IN CERTAIN AMOUNTS OUTSIDE OF AN IMMEDIATE GROUND WATER BASIN WITHOUT THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES AND THE LEGISLATURE.

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

SECTION 1. That Section 42-226, Idaho Code, be, and the same is hereby amended to read as follows:

42-226. GROUND WATERS ARE PUBLIC WATERS. It is hereby declared that the traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources, but early appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the director of the department of water resources as herein provided. All ground waters in this state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same for beneficial use. All rights to the use of ground water in this state however acquired before the effective
date of this act are hereby in all respects validated and confirmed.

Provided, that any application for a water permit that involves transfer of ground water outside the immediate ground water basin as defined by the director of the department of water resources and which involves sufficient water to irrigate five thousand (5,000) or more acres on a continuing basis or a total volume in excess of ten thousand (10,000) acre feet per year must first be approved by the director of the department of water resources and after his approval also by the Idaho legislature. Each shall give due consideration to the local economic and ecological impact of the project or development so proposed.

Approved March 27, 1980.

CHAPTER 187
(H.B. No. 663)

AN ACT
RELATING TO THE DISSOLUTION OF LIBRARY DISTRICTS; AMENDING SECTION 33-2720, IDAHO CODE, TO PROVIDE THAT ALL PROPERTY AND ASSETS OF THE LIBRARY DISTRICT SHALL BE DISPOSED OF BY THE BOARD OF COUNTY COMMISSIONERS OF THE HOME COUNTY RATHER THAN THE STATE LIBRARY BOARD, AND RECEIPTS FROM THE SALE OF ASSETS SHALL BE PLACED IN THE RESPECTIVE COUNTY GENERAL EXPENSE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2720, Idaho Code, be, and the same is hereby amended to read as follows:

33-2720. DISSOLUTION OF LIBRARY DISTRICT. A library district may be dissolved according to procedures followed in its original organization, but not earlier than five (5) years after the date of its establishment. If the library district embraces territory in more than one (1) county, an election for its dissolution shall be deemed approved only if a majority of the votes cast in each such county were cast in the affirmative. If, upon the canvass of ballots, it be determined that the proposition has been approved, the board of county commissioners of the home county shall enter its order to that effect and transmit a copy of said order to the board of county commissioners in any other county affected, and said order shall by them be made a matter of record. When any library district is dissolved, all unpaid taxes shall, when collected, revert to the general expense fund of the county where levied, and all property and assets of the library district shall be disposed of by the state library board of county commissioners of the home county. Receipts from the sale of assets shall be apportioned to the counties embraced in the library district in
proportion to the assessed valuation of each which was included in the library district, and placed in the respective county general expense 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 27, 1980.
CHAPTER 188
(H.B. No. 694)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$6,586,500</td>
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<tr>
<td>Operating Expenditures</td>
<td>4,942,200</td>
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<tr>
<td>Capital Outlay</td>
<td>296,900</td>
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<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>371,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$12,196,600</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
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<tr>
<td>Miscellaneous Receipts Account</td>
<td>68,700</td>
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<tr>
<td>Scaling Practices Account</td>
<td>146,500</td>
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<tr>
<td>Forest &amp; Range Conservation Account</td>
<td>8,300</td>
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<tr>
<td>Land Commissioners Scaling Trust Account</td>
<td>450,500</td>
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<tr>
<td>Forest Management Account</td>
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<tr>
<td>U.S. Clark-McNary Account</td>
<td>977,500</td>
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<tr>
<td>Soil Erosion Control Account</td>
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</tr>
<tr>
<td>Insect Disease Control Account</td>
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<td>Clearwater Potlatch Timber Protection Association Account</td>
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<tr>
<td>Southern Idaho Timber Protection Association Account</td>
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<tr>
<td>10% Grazing Lease Account</td>
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</tr>
<tr>
<td>10% Recreation Lease Account</td>
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<td>10% Timber Lease Account</td>
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<tr>
<td>Lands Federal Account</td>
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<tr>
<td>Oil and Gas Commission Account</td>
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<tr>
<td>Pacific Northwest Regional Commission Account</td>
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<tr>
<td>Site Restoration Account</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$12,196,600</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Lands the following
amounts, to be expended for designated programs according to designated expense classes
from the listed accounts for the period July 1, 1980, through June 30, 1981:
### A. SUPPORTING SERVICES:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$660,400</td>
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<td>$9,200</td>
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<td>$898,200</td>
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<tr>
<td>Miscellaneous Receipts</td>
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<tr>
<td>Account</td>
<td>$22,800</td>
<td>$15,000</td>
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<td>37,800</td>
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<tr>
<td>U.S. Clark-McNary Account</td>
<td>163,100</td>
<td>24,100</td>
<td></td>
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<td>187,200</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>14,100</td>
<td>9,300</td>
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<td></td>
<td>23,400</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
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<td>5,500</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$837,600</strong></td>
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<td><strong>$24,200</strong></td>
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<td><strong>$1,152,100</strong></td>
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</table>

### B. FOREST & RANGE FIRE PROTECTION:

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<tr>
<th>PROGRAM</th>
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<tr>
<td>General Account</td>
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<tr>
<td>Forest &amp; Range Conservation Account</td>
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<tr>
<td>Forest Management Account</td>
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<td>1,341,700</td>
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<td>U.S. Clark-McNary Account</td>
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<td>Southern Idaho Timber Protection Association Account</td>
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### C. FOREST RESOURCES MANAGEMENT:

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<td>Miscellaneous Receipts Account</td>
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<td>Land Commissioners Scaling Trust Account</td>
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### D. LANDS AND RANGE RESOURCES MANAGEMENT:

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Approved March 27, 1980.
CHAPTER 189
(S.B. No. 1245, As Amended)

AN ACT
RELATING TO REFUNDS TO DISTRIBUTORS OF GASOHOL; AMENDING SECTION 63-2432, IDAHO CODE, TO PROVIDE THAT CLAIMS AGAINST THE MOTOR FUELS REFUND FUND SHALL BE PAID IN THE AMOUNT OF FIFTY PER CENT OF THE CLAIM AS ALLOWED, AND TRANSFERRING THE BALANCE OF THE REFUND AMOUNT TO THE GASOHOL REFUND ACCOUNT; AMENDING CHAPTER 24, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2432A, IDAHO CODE, TO CREATE THE GASOHOL REFUND ACCOUNT AND PROVIDE FOR PAYMENTS OF REFUNDS FROM THE ACCOUNT.

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

SECTION 1. 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) 1. An amount of money shall be transferred to the motor fuels refund fund, which is hereby created, sufficient to pay current refund claims; provided that during the period July 1, 1980, to June 30, 1984, subject to annual review by the legislature, each claim shall be treated as follows: (i) each claim shall be paid in the amount of fifty per cent (50%) of the claim as filed and allowed; and (ii) an amount equal to fifty per cent of the claims paid shall be transferred, no less frequently than quarterly, to the gasohol refund account, created in section 63-2432A, Idaho Code. All refunds authorized to be paid by this act shall be paid from the motor fuels refund fund.

2. At the end of each fiscal year, if claims against the gasohol refund account exceed the revenue in the account, an amount of money shall be transferred to the gasohol refund account from the motor fuels refund fund sufficient to pay outstanding claims against the account limited to the moneys which remain in 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 2. That Chapter 24, 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 63-2432A, Idaho Code, and to read as follows:

63-2432A. GASOHOL REFUND ACCOUNT. There is hereby created the gasohol refund account in the dedicated fund, to which shall be credited an amount of money transferred from the refund fund, created in section 63-2432, Idaho Code, equal to fifty percent (50%) of all refunds filed against the refund fund.

(a) Any licensed distributor of motor fuel may file claims against the gasohol refund account in the dedicated fund, in the amount of four cents ($0.04) per gallon of gasohol on which motor fuels tax has been paid, using forms and procedures prescribed by the state tax commission. Gasohol is defined for the purposes of this section as a motor fuel containing a minimum of ten per cent (10%) blend of anhydrous ethanol manufactured in the state of Idaho.

(b) On June 30, annually for the duration of this provision, any funds remaining in the account and not allocated to the payment of claims pursuant to subsection (a) of this section shall be distributed, in the full amount of the moneys remaining, in an amount propor-
tionate to the original claim, to each claimant under the provisions of section 63-2432(b), Idaho Code.

Approved March 28, 1980.

CHAPTER 190
(S.B. No. 1454)

AN ACT RELATING TO ISSUANCE OF HUNTING LICENSES TO JUVENILES; AMENDING SECTION 36-411, IDAHO CODE, TO PROVIDE THAT NO HUNTING LICENSE SHALL BE ISSUED TO A PERSON UNDER THE AGE OF FIFTEEN YEARS UNLESS SUCH PERSON HAS PREVIOUSLY HELD A VALID IDAHO HUNTING LICENSE OR HAS COMPLETED A HUNTER EDUCATION PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-411, Idaho Code, be, and the same is hereby amended to read as follows:

36-411. CERTIFICATE OF COMPETENCY IN HUNTER EDUCATION {EFFECTIVE JANUARY 1, 1980}. (a) No hunting license shall be issued to a person who is under the age of fifteen (15) years unless such person has previously held a valid Idaho hunting license or 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 28, 1980.

CHAPTER 191
(S.B. No. 1391)

AN ACT RELATING TO RECREATIONAL WATER AND/OR SEWER DISTRICTS; AMENDING SECTION 42-3202A, IDAHO CODE, TO PROVIDE THAT HOLDERS OF STATE LEASES SHALL BE CONSIDERED AS LANDOWNERS FOR THE PURPOSES OF THE CHAPTER; AND AMENDING SECTION 42-3202B, IDAHO CODE, TO PROVIDE
THAT THE HOLDER OF A STATE RECREATIONAL LEASE MAY BE AN ELECTOR FOR PURPOSES OF THE CHAPTER.

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 or state lessees in the district sought to be created reside within the district and at least fifty per cent (50%) of the land area of said district is in a natural state, or used for agricultural purposes.

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 or state lessees. 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 Section 42-3202B, Idaho Code, be, and the same is hereby amended 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, or is a lease holder of a state recreational lease and pays personal property tax on improvements on the lease area, 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.

Approved March 28, 1980.

CHAPTER 192
(S.B. No. 1383, As Amended)

AN ACT
RELATING TO BUSINESS IMPROVEMENT DISTRICTS; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 26, TITLE 50, IDAHO CODE, TO PROVIDE AUTHORIZATION TO ESTABLISH IMPROVEMENT DISTRICTS FOR STATED PURPOSES AND TO PERMIT THE LEVYING OF SPECIAL ASSESSMENTS; TO PROVIDE DEFINITIONS; TO PROVIDE FOR INITIATION PETITIONS AND THEIR CONTENTS; TO PROVIDE FOR A RESOLUTION OF INTENTION TO ESTABLISH A DISTRICT AND THE SUBSEQUENT HEARING; TO PROVIDE FOR NOTICE OF SUCH HEARING; TO PROVIDE FOR THE HEARING; TO PROVIDE FOR A CHANGE OF BOUNDARIES; TO PROVIDE FOR SPECIAL ASSESSMENTS; TO PROVIDE FOR THE BASIS OF SPECIAL ASSESSMENTS; TO PROVIDE FOR AN ORDINANCE TO ESTABLISH THE PROPOSED DISTRICT; TO PROVIDE FOR THE USE OF REVENUE DERIVED FROM THE SPECIAL ASSESSMENTS; TO PROVIDE RESTRICTIONS ON THE USE OF ASSESSMENT PROCEEDS; TO PROVIDE FOR COLLECTION OF ASSESSMENTS; TO PROVIDE FOR CHANGES IN ASSESSMENT RATES; TO PROVIDE BENEFIT ZONES; TO PROVIDE FOR ESTABLISHMENT, MODIFICATION AND DISESTABLISHMENT OF BENEFIT ZONES; TO PROVIDE AN EXEMPTION PERIOD FOR NEW BUSINESSES; TO PROVIDE FOR DISESTABLISHMENT OF A DISTRICT; TO PROVIDE FOR DISPOSITION OF THE ASSETS OF A DISTRICT UPON DISESTABLISHMENT; TO PROVIDE FOR COMPETITIVE BIDS; TO PROVIDE FOR COMPUTATION OF THE COST OF IMPROVEMENTS; TO PROVIDE THAT EXISTING LAWS SHALL NOT BE AFFECTED; AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 26, Title 50, Idaho Code, and to read as follows:

50-2601. AUTHORIZATION -- PURPOSES -- SPECIAL ASSESSMENTS. The legislature hereby authorizes all incorporated cities:
(1) To establish business improvement districts, hereafter referred to as district or districts, for the following purposes:
(a) The acquisition, construction or maintenance of parking
facilities for the benefit of the district;
(b) Physical improvement and decoration of any public space in the district;
(c) Promotion of public events which are to take place on or in public places in the district;
(d) The acquisition and operation of transportation services to promote retail trade activities within the district; and
(e) The general promotion of retail trade activities in the district.
(2) To levy special assessments on all businesses within the district and specially benefited by a business improvement district to pay the damages or costs incurred therein as provided in this chapter.

50-2602. DEFINITIONS. As used in this chapter:
(1) "Business" means all types of business, including professions.
(2) "Legislative authority" means the legislative authority of any city.

50-2603. INITIATION PETITION -- CONTENTS. For the purpose of establishing a business improvement district, an initiation petition may be presented to the legislative authority having jurisdiction of the area in which the proposed business improvement district is to be located. The initiation petition shall contain the following:
(1) A description of the boundaries of the proposed district;
(2) The proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof; and
(3) The estimated rate of levy of special assessment with a proposed breakdown by class of business if such classification is to be used.

The initiating petition shall also contain the signatures of the persons who operate businesses in the proposed district which would pay fifty percent (50%) of the proposed special assessments.

50-2604. RESOLUTION OF INTENTION TO ESTABLISH -- CONTENTS -- HEARING. The legislative authority, after receiving a valid initiation petition, shall adopt a resolution of intention to establish a district. The resolution shall state the time and place of a hearing to be held by the legislative authority to consider establishment of a district and shall restate all the information contained in the initiation petition regarding boundaries, projects and uses, and estimated rates of assessment.

50-2605. NOTICE OF HEARING. Notice of a hearing held under the provisions of this chapter shall be given by:
(1) One (1) publication of the resolution of intention in a newspaper of general circulation in the city; and
(2) Mailing a complete copy of the resolution of intention to each business in the proposed, or established district. Publication and mailing shall be completed at least ten (10) days prior to the
time of the hearing.

50-2606. HEARINGS. Whenever a hearing is held under this chapter, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed district which would pay a majority of the proposed special assessments.

50-2607. CHANGE OF BOUNDARIES. If the legislative authority decides to change the boundaries of the proposed district, the hearing shall be continued to a time at least fifteen (15) days after such decision and notice shall be given as prescribed in section 50-2605, Idaho Code, showing the boundary amendments, but no resolution of intention is required.

50-2608. SPECIAL ASSESSMENTS -- CLASSIFICATION OF BUSINESSES. For purposes of the special assessments to be imposed pursuant to this chapter, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

50-2609. SPECIAL ASSESSMENTS -- SAME BASIS OR RATE FOR CLASSES NOT REQUIRED -- FACTORS AS TO PARKING FACILITIES. The special assessments need not be imposed on different classes of business, as determined pursuant to section 50-2608, Idaho Code, on the same basis or the same rate: Provided, however, that the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the district shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the business improvement district, the assessed value of the land and improvements within the district, the total business volume generated within the district and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

50-2610. ORDINANCE TO ESTABLISH -- ADOPTION -- CONTENTS. If the legislative authority, following the hearing, decides to establish the proposed district, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention pursuant to which it was adopted;

(2) The time and place the hearing was held concerning the formation of such district;

(3) The description of the boundaries of such district;

(4) A statement that the businesses in the district established by the ordinance shall be subject to the provisions of the special assessments authorized by section 50-2601, Idaho Code;

(5) The initial or additional rate or levy of special assessment
to be imposed with a breakdown by classification of business, if such classification is used;

(6) A statement that a business improvement district has been established; and

(7) The uses to which the special assessment revenue shall be put; provided, however, that such use shall conform to the use as declared in the initiation petition presented pursuant to section 50-2603, Idaho Code.

50-2611. USE OF REVENUE -- CONTRACTS TO ADMINISTER OPERATION OF DISTRICT. The legislative authority of each city shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes; however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

The legislative authority may contract with a chamber of commerce or other similar business association operating primarily within the boundaries of the legislative authority to administer the operation of a business improvement district, including any funds derived pursuant thereto; provided, that such administration must comply with all applicable provisions of law including this chapter, with all county or city resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

50-2612. USE OF ASSESSMENT PROCEEDS RESTRICTED. The special assessments levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

50-2613. COLLECTION OF ASSESSMENTS. Collections of assessments imposed pursuant to this chapter shall be made in the manner to be determined by the concerned legislative authority.

50-2614. CHANGES IN ASSESSMENT RATES. Changes may be made in the rate or additional rate of special assessment as specified in the ordinance establishing the district, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment at least fifteen (15) days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing; provided, that proceedings to change the rate or impose an additional rate of special assessments shall terminate if protest is made by businesses in the proposed district which would pay a majority of the proposed increase or additional special assessments.

50-2615. BENEFIT ZONES -- AUTHORIZED -- RATES. The legislative authority may, for each of the purposes set out in section 50-2601, Idaho Code, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may
impose a different rate of special assessment within each such benefit zone.

50-2616. BENEFIT ZONES -- ESTABLISHMENT, MODIFICATION AND DISESTABLISHMENT OF DISTRICT PROVISIONS AND PROCEDURE TO BE FOLLOWED. All provisions of this chapter applicable to establishment or disestablishment of a district also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 50-2615, Idaho Code. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a business improvement district and the disestablishment shall follow the same procedure as provided for disestablishment of a district.

50-2617. EXEMPTION PERIOD FOR NEW BUSINESSES. Businesses established after the creation of a district within the district shall be exempted from the special assessments imposed pursuant to this chapter for a period of one (1) year from the date they commenced business in the district.

50-2618. DISESTABLISHMENT OF DISTRICT -- HEARING. (1) The legislative authority may disestablish a district by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the district at least fifteen (15) days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

(2) The legislative authority shall disestablish a district if the businesses in the district which pay a majority of the assessments, petition in writing for such disestablishment.

50-2619. DISESTABLISHMENT OF DISTRICT -- ASSETS AND LIABILITIES. Upon disestablishment of a district, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such district, shall be subject to disposition as the legislative authority shall determine; provided, however, any liabilities, either current or future, incurred as a result of action taken to accomplish the purposes of section 50-2601, Idaho Code, shall not be an obligation of the general fund or any special fund of the city, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 50-2601, Idaho Code, or from special assessments on the property specially benefited within the district.

50-2620. BIDS REQUIRED -- MONETARY AMOUNT. Any city authorized by this chapter to establish a business improvement district shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of five thousand dollars ($5,000).

50-2621. COMPUTING COST OF IMPROVEMENT FOR BID REQUIREMENT. The
cost of the improvement for the purposes of this chapter shall be aggregate of all amounts to be paid for the labor, materials and equipment on one (1) continuous or interrelated project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 50-2620, Idaho Code, is contrary to public policy and is prohibited.

50-2622. EXISTING LAWS NOT AFFECTED -- CHAPTER SUPPLEMENTAL -- PURPOSES MAY BE ACCOMPLISHED IN CONJUNCTION WITH OTHER METHODS. This chapter providing for business improvement districts shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of counties, and cities, but shall be supplemental thereto and concurrent therewith.

The purposes and functions of business improvement districts as set forth by the provisions of this chapter may be accomplished in part by the establishment of a district pursuant to this chapter and in part by any other method otherwise provided by law, including provisions for local improvements.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 28, 1980.

CHAPTER 193
(S.B. No. 1338)

AN ACT
RELATING TO BAIL PENDING APPEAL FROM CONVICTION IN A CRIMINAL LAW CASE; REPEALING SECTION 19-2905, IDAHO CODE; AMENDING CHAPTER 29, TITLE 19, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 19-2905, IDAHO CODE, TO AUTHORIZE BAIL ON APPEAL FROM CONVICTION IN A CRIMINAL CASE EXCEPT UNDER CERTAIN ENUMERATED FELONIES AND FOR CERTAIN ENUMERATED PUNISHMENTS.

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

SECTION 1. That Section 19-2905, Idaho Code, be, and the same is hereby repealed:

SECTION 2. That Chapter 29, 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 19-2905, Idaho Code, and to read as follows:
19-2905. BAIL PENDING APPEAL FROM CONVICTION IN A CRIMINAL CASE. Bail may be allowed to the defendant where good cause is shown, in all cases in which the appeal is from the trial, conviction or sentence for a criminal offense; except that no bail shall be allowed when the defendant has been sentenced for the said criminal offense to death, life imprisonment or for a term of incarceration exceeding five (5) years of where there has been an enhanced penalty imposed pursuant to sections 19-2520 or 19-2520A, Idaho Code.

Approved March 28, 1980.

CHAPTER 194
(S.B. No. 1334)

AN ACT RELATING TO CREDIT UNIONS; AMENDING SECTION 26-2119, IDAHO CODE, TO PROVIDE THAT FIRST MORTGAGE LOANS SHALL NOT EXCEED TEN PERCENT OF THE SHARES AND CERTIFICATES OF DEPOSIT OF THE CREDIT UNION, TO PROVIDE THAT FIRST MORTGAGE LOANS SHALL BE AMORTIZED IN FIFTEEN YEARS, AND TO PROVIDE THAT SECOND MORTGAGE LOANS SHALL NOT EXCEED SEVEN AND ONE-HALF PERCENT OF THE SHARES AND CERTIFICATES OF DEPOSIT OF THE CREDIT UNION.

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

SECTION 1. That Section 26-2119, Idaho Code, be, and the same is hereby amended to read as follows:

26-2119. LOANS TO MEMBERS. A credit union may loan to members for a provident or productive purpose and upon such security as the bylaws may provide, and the credit committee or loan officer shall approve. If permitted by law the borrowing members may be charged for the cost of filing fees on security instruments in connection with the transaction. Every application for a loan shall be made upon a form, which the credit committee prescribes and the board approves, which shall state the purpose for which the loan is desired and the security, if any, offered. Every loan shall be evidenced by a written instrument. No secured or unsecured loan shall be made to any member in excess of the limits set by written board policy. No loan shall be made unless it has been approved in writing by a loan officer or has received majority approval of the members of the credit committee present when the loan was considered, which members present shall constitute at least a majority of the credit committee.

Loans may be made to, cosigned, endorsed, or guaranteed by members of the board, credit committee, and supervisory committee under the same general terms and conditions as to other members of the credit union. Any loan made to, cosigned, endorsed or guaranteed by members
of the official family shall require the additional two-thirds (2/3) written agreement of all members of the board and credit committee where such loan exceeds the unsecured loan limit of the credit union plus the unencumbered share balance of the borrowing official.

Loans may be granted to members of the credit union, secured by a first mortgage on improved real estate. Such loans shall not exceed eighty percent (80%) of the appraised value of the real estate made by an independent qualified appraiser and such loans shall provide additionally substantial equal monthly payments for the payment of insurance premiums and taxes assessed against the security, or in lieu of, the credit union may accept the assignment of a savings passbook. The total outstanding balance of all first mortgage loans on real estate shall not exceed ten percent (10%) of the outstanding shares and certificates of deposit of the credit union, and shall be amortized in monthly payments for a maturity of not more than ten fifteen (1015) years. A credit union may advance funds secured by a second mortgage on real estate not to exceed fifty percent (50%) of the difference between the appraised value and the balance owing on the first real estate mortgage. Total second mortgage loans on real estate shall not exceed five seven and one-half percent (57 1/2%) of the outstanding shares and certificates of deposit of the credit union. At the time a loan secured by a second mortgage is granted the credit union must have an appraisal performed by an independent qualified appraiser. A credit union may not borrow money to make loans secured by a first or second mortgage on real property.

A credit union may loan to members under the provisions of title I of the national housing act and such insurance on these loans shall be deemed adequate security. The terms of such loans shall be as defined by the credit committee or under the provisions of title I of the national housing act.

In addition to generally accepted types of security, the assignment of shares in a manner consistent with the laws of Idaho, shall be deemed security within the meaning of this chapter and the adequacy of all securities shall be within the determination of the credit committee or loan officer subject to the provisions of this chapter and the bylaws. A member may pay the whole or any part of his loan on any day in which the credit union office is open for business.

The credit committee, or when authorized, the loan officer, may approve in advance upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extension of credit. Where an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee shall, at least once a year, review all extensions of credit and any extension of credit shall expire if the member becomes more than sixty (60) days delinquent in his obligations to the credit union.

Approved March 28, 1980.
CHAPTER 195
(S.B. No. 1329)

AN ACT
RELATING TO FEES OF THE DEPARTMENT OF WATER RESOURCES; AMENDING
SECTION 42-1713, IDAHO CODE, TO ESTABLISH A FEE SCHEDULE FOR THE
COST OF DAM INSPECTIONS AND FOR NEW CONSTRUCTION AND MODIFICATION
OR REPAIR OF EXISTING DAMS.

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

SECTION 1. That Section 42-1713, Idaho Code, be, and the same is
hereby amended to read as follows:

42-1713. FEES. Fees provided for in this act shall be required of
all enumerated in the definition of owner. Fees for an enlargement to
an existing dam or mine tailings impoundment structure shall be based
upon the increase in storage capacity or tailings storage capacity.
Fees for alterations or repairs of an existing dam or mine tailings
impoundment structure shall be based on an estimate, made by the
director, of costs of inspections to be made, however, in no case
shall such fees exceed that which would be required by the fee sched­
ule for construction of the dam or mine tailings impoundment struc­
ture.

(a) For one thousand (1,000) acre-feet capacity or less, five ten
dollars ($5,0010.00) for each ten (10) acre-feet or part thereof.
(b) For over one thousand (1,000) acre-feet capacity but not
exceeding ten thousand (10,000) acre-feet capacity, five-hundred one
thousand dollars ($5001,000) plus fifty-cents one dollar (58$1.00)
for each ten (10) acre-feet or part thereof over the first one thou­
sand (1,000) acre-feet capacity.
(c) For storage in excess of ten thousand (10,000) acre-feet,
nine-hundred-fifty one thousand nine hundred dollars ($9581,900) plus
ten twenty cents (1020¢) for each ten (10) acre-feet or part thereof
over the first ten thousand (10,000) acre-feet capacity. In no case,
however, shall the fee be more than three six thousand dollars
($3,0006,000).

All plans, drawings and specifications shall not be considered by
the department until the filing fee is received. All moneys received
by the department under the provisions of this chapter shall be depos­
it in the water administration fund created under section 42-238a,
Idaho Code, and shall be available to the department in carrying out
provisions of this act. Fees submitted shall not be refunded.

Approved March 28, 1980.
CHAPTER 196
(S.B. No. 1315)

AN ACT
RELATING TO IRRIGATION OPERATING COMPANIES; AMENDING SECTION 42-2201, IDAHO CODE, TO PROVIDE FOR ADMINISTRATIVE CHARGES AND TO MAKE THESE CHARGES ENFORCEABLE BY LIENS.

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

SECTION 1. That Section 42-2201, Idaho Code, be, and the same is hereby amended to read as follows:

42-2201. MAINTENANCE CHARGES -- RIGHT TO COLLECT -- BASIS OF ASSESSMENT -- LIEN. Any corporation heretofore organized or any corporation that shall hereafter be organized for the operation, control or management of an irrigation project or canal system, or for the purpose of furnishing water to its shareholders, and not for profit or hire, the control of which is actually vested in those entitled to the use of the water from such irrigation works for the irrigation of the lands to which the water from such irrigation works is appurtenant, shall have the right to levy and collect from the holders or owners of all land to which the water and water rights belonging to or diverted by said irrigation works are dedicated or appurtenant regardless of whether water is used by such owner or holder, or on or for his land; and also from the holders or owners of all other land who have contracted with such company, corporation or association of persons to furnish water on such lands, regardless of whether such water is used or not from said irrigation works, reasonable administrative charges, tolls, assessments and charges for the purpose of maintaining and operating such irrigation works and conducting the business of such company, corporation or association and meeting the obligations thereof, which tolls, assessments and charges shall, after projecting the revenue to be derived from an administrative charge of not to exceed ten dollars ($10.00) to be levied against each holder of a stock certificate of the company, be equally and ratably levied and may be based upon the number of shares or water rights held or owned by the owner of such land as appurtenant thereto or may be based upon the amount of water used; and such company, corporation or association of persons shall have a first and prior lien, except as to the lien of taxes, upon the land to which such water and water rights are appurtenant, or upon which it is used, said lien to be perfected, maintained and foreclosed in the manner set forth in this chapter: provided, that any right to levy and collect tolls, administrative charges, assessments and charges by any person, company of persons, association or corporation, or the right to a lien for the same, which does or may hereafter otherwise exist, is not impaired by this chapter.

Approved March 28, 1980.
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IDAHO SESSION LAWS

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CHAPTER 197
(S.B. No. 1275)

AN ACT

RELATING TO CORPORATIONS; AMENDING SECTIONS 30-1-2, 30-1-14 AND 30-1-19A, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 30-1-28, IDAHO CODE, TO PROVIDE FOR THE CALLING OF SPECIAL MEETINGS OF A BOARD OF DIRECTORS; AMENDING SECTION 30-1-41, IDAHO CODE, TO PROVIDE PROPER PUNCTUATION; AMENDING SECTIONS 30-1-52, 30-1-65, 30-1-77 AND 30-1-82, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 30-1-105, IDAHO CODE, TO PROVIDE FOR AN ADDITIONAL REMEDY FOR SURVIVAL AFTER DISSOLUTION; AMENDING SECTION 30-1-121, IDAHO CODE, TO PROVIDE ADDITIONAL CONDITIONS TO REVOKE A CERTIFICATE OF AUTHORITY; AMENDING SECTION 30-1-126, IDAHO CODE, TO PROVIDE A DATE FOR FILING AN ANNUAL REPORT; AMENDING SECTION 30-1-127, IDAHO CODE, TO STRIKE OBSOLETE MATERIAL; AMENDING SECTION 30-1-128, IDAHO CODE, TO PROVIDE A FEE FOR FILING ARTICLES OF INCORPORATION OF A FOREIGN CORPORATION; AMENDING CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-129A, IDAHO CODE, TO PROVIDE A DEFINITION OF CORPORATION; AMENDING SECTION 30-308, IDAHO CODE, TO PROVIDE FOR POWERS OF A NONPROFIT CORPORATION; AMENDING SECTION 30-314, IDAHO CODE, TO PROVIDE FOR DIRECTORS OF NONPROFIT CORPORATIONS; AMENDING SECTION 30-318, IDAHO CODE, TO PROVIDE THAT OFFICERS OF NONPROFIT CORPORATIONS MAY BE ELECTED BY MEMBERS OF THE CORPORATION IF PERMITTED IN THE BYLAWS; AMENDING SECTION 30-323, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE ARTICLES OF A NONPROFIT CORPORATION; AMENDING SECTION 8, CHAPTER 105, LAWS OF 1979, BY PROVIDING CLARIFICATION OF EFFECTIVE DATES; AMENDING SECTION 30-1-83, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE VOLUNTARY DISSOLUTION OF A CORPORATION; AMENDING SECTION 30-1-92, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE DISSOLUTION OF A CORPORATION; AND AMENDING CHAPTER 3, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-308A, IDAHO CODE, TO PROVIDE FOR ASSESSMENTS UPON MEMBERSHIP OF NONPROFIT CORPORATIONS; AMENDING SECTIONS 16-1506, 26-2415, 31-1434, 41-307, 41-332, 41-2804, 41-2805, 41-3906 AND 42-2401, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES, AND TO STRIKE OBSOLETE REFERENCES TO THE REQUIREMENTS FOR FILING ARTICLES OF INCORPORATION; AMENDING SECTION 30-310, IDAHO CODE, TO CLARIFY CALLING OF SPECIAL MEETINGS BY MEMBERS OF NONPROFIT CORPORATIONS; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 30-1-2, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-2. DEFINITIONS. As used in this act, unless the context otherwise requires, the term:
(a) "Corporation" or "domestic corporation" means a 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 (1) fiscal year, the corporation must neither be actually engaged in any business other than mining nor own any producing mines at any time during the entire fiscal year.

SECTION 2. That Section 30-1-14, Idaho Code, be, and the same is hereby amended to read as follows:

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 report 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.

SECTION 3. That Section 30-1-19A, Idaho Code, be, and the same is hereby amended to read as follows:

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:

(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 credited 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 pur-
chased 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 por-
tion 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 effec-
tual 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 publi-
cation must begin anew.

(p) No action may be sustained to recover shares sold for delin-
quent 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 inter-
est 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 prin-
cipal 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.

SECTION 4. That Section 30-1-28, Idaho Code, be, and the same is
hereby amended to read as follows:

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 of at least one-fifth (1/5) of all the shares entitled to vote at the meeting or such smaller proportion as may be prescribed by the articles of incorporation, or such other persons as may be authorized in the articles of incorporation or by the bylaws.

SECTION 5. That Section 30-1-41, Idaho Code, be, and the same is hereby amended to read as follows:

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.

SECTION 6. That Section 30-1-52, Idaho Code, be, and the same is hereby amended to read as follows:

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, bylaws, 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.

SECTION 7. That Section 30-1-65, Idaho Code, be, and the same is hereby amended to read as follows:

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 applica-
ble 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 (1) 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.

SECTION 8. That Section 30-1-77, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-77. MERGER, CONSOLIDATION OR EXCHANGE OF SHARES BETWEEN DOMESTIC AND FOREIGN CORPORATIONS. One (1) or more foreign corporations and one (1) 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 jurisdiction 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 jurisdiction 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 jurisdiction 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.

SECTION 9. That Section 30-1-82, Idaho Code, be, and the same is hereby amended to read as follows:

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 one of 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.

SECTION 10. That Section 30-1-105, Idaho Code, be, and the same is hereby amended to read as follows:

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 corpora-
tion as provided in this act, or (3) by expiration of its period of
duration, or (4) by operation of law pursuant to section 30-1-138,
Idaho Code, 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 share­
holders, directors and officers shall have power to take such corpo­
rate 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.

SECTION 11. That Section 30-1-121, Idaho Code, be, and the same
is hereby amended to read as follows:

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 regis­
tered 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 an 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; or
(e) The corporation has continued to exceed or abuse the author­
ity conferred upon it by law or its certificate of authority.
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 corpora­
tion 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.

SECTION 12. That Section 30-1-126, Idaho Code, be, and the same
is hereby amended to read as follows:

30-1-126. FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN COR­
PORATIONS [EFFECTIVE JULY 1, 1981]. 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 between the 1st day of July and the 30th day of November of the state fiscal year (July 1 - June 30) next succeeding the state fiscal year in which its certificate of incorporation or its certificate of authority, as the case may be, was 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.

SECTION 13. That Section 30-1-127, Idaho Code, be, and the same is hereby amended to read as follows:

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.

SECTION 14. That Section 30-1-128, Idaho Code, be, and the same is hereby amended to read as follows:

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, or for filing a certified copy of the articles of incorporation of a foreign insurance company, 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).

SECTION 15. That Chapter 1, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 30-1-129A, Idaho Code, and to read as follows:

30-1-129A. CORPORATION DEFINED. For the purposes of sections 30-1-130 to 30-1-139, Idaho Code, only, the term "corporation" shall be construed to mean either a domestic or a foreign corporation.

SECTION 16. That Section 30-308, Idaho Code, be, and the same is hereby amended to read as follows:

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 and the powers generally reserved to members shall be vested in the corporation or church or religious association which has authority to elect the directors pursuant to subsections (b) or (e) of section 30-314, Idaho Code.

(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.
SECTION 17. That Section 30-314, Idaho Code, be, and the same is hereby amended to read as follows:

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 the 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.

(f) The articles of incorporation may provide that the existing directors may elect successor directors.

(g) The exclusive methods for election of the directors of corporations which have no members shall be as provided in subsections (b) and (e) of this section.

SECTION 18. That Section 30-318, Idaho Code, be, and the same is hereby amended to read as follows:

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. The bylaws shall provide that officers be elected either by the board of directors or by the members, as provided in the articles of incorporation or the bylaws. Elections shall be held 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.

SECTION 19. That Section 30-323, Idaho Code, be, and the same is hereby amended to read as follows:

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, and the name and post-office address of the corporation or church or religious association which has the authority to elect the directors pursuant to subsection (b) or (e) of section 30-314, Idaho Code.

(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 names and addresses of the 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.

SECTION 20. That Section 8, Chapter 105, Laws of 1979, be, and the same is hereby amended to read as follows:

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 for corporation income tax years ending on and after July 1, 1980.

(c) The following parts of Section 2 of this act, Sections 30-1-125, 30-1-126, 30-1-130, 30-1-131, 30-1-132, 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.

SECTION 21. That Section 30-1-83, Idaho Code, be, and the same is hereby amended to read as follows:

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. The corporation 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.

SECTION 22. That Section 30-1-92, Idaho Code, be, and the same is hereby amended to read as follows:

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.

(g) A statement that the dissolution has received the unanimous written consent of the shareholders or that the dissolution is pursuant to a resolution to dissolve adopted in the manner required by section 30-1-84, Idaho Code.

SECTION 23. That Chapter 3, 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 30-308A, Idaho Code, and to read as follows:

30-308A. ASSESSMENTS. The articles of incorporation may authorize assessments to be levied upon all members or classes of membership alike, or in different amounts or proportions or upon a different basis upon different members or classes of membership, and may exempt some members or classes of membership from assessments. The articles of incorporation may fix the amount and method of collection of assessments, or may authorize the board of directors to fix the amount
thereof from time to time, and make them payable at such times or
intervals, and upon such notice, and by such methods as the directors
may prescribe. Assessments may be made enforceable by action or by the
forfeiture of membership, or both, upon notice given in writing twenty
(20) days before commencement of such action or such forfeiture. If
the articles of incorporation so provide, assessments may be secured
by a lien upon real property to which membership rights are appurte-
nant, if appropriate.

SECTION 24. That Section 16-1506, Idaho Code, be, and the same is
hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. Proceedings to adopt a child
shall be commenced by the filing of a petition together with a copy
thereof. Said petition shall be initiated by the person or persons
proposing to adopt the child and shall be filed with the district
court of the county in which said person or persons reside and have
residence. The petition shall set forth the name and address of the
petitioner or petitioners, the name of the child proposed to be
adopted and the name by which it shall be known if and when adopted,
the degree of relationship of the child, if any, to the petitioner or
petitioners and the names of any person or agency whose consent to
said adoption is necessary. At the time fixed for hearing such peti-
tion the person adopting a child, and the child adopted, and the
spouse of petitioner if a natural parent of the child, must appear
before the court of the county where the person adopting resides.
Petitioner shall at such time execute an agreement to the effect that
the child shall be adopted and treated in all respects as his own
lawful child should be treated. Any person or persons whose consent is
required shall execute such consent in writing, and acknowledge the
same before any officer authorized by the laws of this or any other
state to take acknowledgment of deeds, which consent being filed in
the court where the application is made, shall be deemed a sufficient
appearance on the part of such person or persons. If any adoptive
parent, or a person not a minor being adopted by a resident adult
under the provisions of section 16-1501, Idaho Code, is a member of
the armed services and is unable to attend the hearing, his appearance
and testimony shall be received by means of deposition, which shall be
filed in the court at the time of the hearing.

Upon the filing of a petition to adopt a minor child by a person
unrelated to the child or unmarried to a natural parent of the child
and at the discretion of the court upon the filing of any other peti-
tion for adoption, a copy of such petition, together with a statement
containing the full names and permanent address of the child and the
petitioners, shall be served by the court receiving the petition
within five (5) days on the director of the department of health and
welfare by registered mail or personal service. It shall then be the
duty of the said director, through the personnel of the department or
through such qualified child-placing agency incorporated under chapter
3 of title 30, Idaho Code, as the director may designate, to
verify the allegations of the petition, and as soon as possible not
exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter and report his findings in writing to the court, and return therewith the petition, statement and all other papers, records or files relating to said adoption to the court. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with.

SECTION 25. That Section 26-2415, Idaho Code, be, and the same is hereby amended to read as follows:

26-2415. DISSOLUTION. The corporation may upon the affirmative vote of two-thirds (2/3) of the votes to which the stockholders shall be entitled and two-thirds (2/3) of the votes to which the members shall be entitled dissolve said corporation as provided by *chapter-3; title-30 sections 30-1-82 through 30-1-93, Idaho Code, insofar as said *chapter-3-is those sections are not in conflict with the provisions of this act. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

SECTION 26. That Section 31-1434, Idaho Code, be, and the same is hereby amended to read as follows:

31-1434. CONTINUATION OF EXISTING DISTRICTS -- VALIDATING ACTS OF OFFICERS. Nothing in this act shall be construed as impairing the legality or organization of any fire protection district heretofore organized pursuant to law, nor the legality of any act of such district done in accordance with the prior law, nor shall it be deemed to affect the legality of the election of any officer of any such existing fire protection district, and all directors and officers duly elected, qualified and holding office at the time of the taking effect of this act, shall continue to serve in such office until the expiration of their present terms; Provided, however, that such fire protection districts as have existed heretofore shall comply with the provisions of this act as soon as they can conveniently do so and thereafter be governed by the provisions of this act. Nor shall anything in this act be deemed in any way to affect the existing indebtedness of any fire protection district created under and by virtue of the provisions of chapter 30 3, title 30, Idaho Code Annotated. All such existing fire protection districts, and the lawful acts of their officers and agents, are hereby declared prima facie lawful as de facto fire protection districts; Provided, however, that such districts shall comply with the provisions of this act as soon as they can conveniently do so and thereafter be governed by the provisions of this act.
SECTION 27. That Section 41-307, Idaho Code, be, and the same is hereby amended to read as follows:

41-307. AUTHORIZATION FOR INVESTMENT PURPOSES ONLY. A foreign insurer may make investments in this state without certificate of authority as provided by sections 38-518 and 38-519 30-1-106, Idaho Code. Such an insurer shall not be subject to any other provision of this code.

SECTION 28. That Section 41-332, Idaho Code, be, and the same is hereby amended to read as follows:

41-332. FOREIGN INSURERS EXEMPT FROM CORPORATION LAWS GOVERNING ADMISSION OF FOREIGN CORPORATIONS. A foreign insurer authorized to transact insurance in this state and fully complying with this code shall be exempt from complying with the provisions of sections 38-507 30-1-106 through 38-508 30-1-124, Idaho Code.

SECTION 29. That Section 41-2804, Idaho Code, be, and the same is hereby amended to read as follows:

41-2804. INCORPORATION. (1) This section applies to stock and mutual insurers hereafter incorporated in this state.

(2) Incorporators. Seven (7) or more individuals who are citizens of this state may incorporate a stock insurer; ten (10) or more of such individuals may incorporate a mutual insurer.

(3) Articles of incorporation. The incorporators shall prepare and execute in quadruplicate triplicate articles of incorporation in accordance with the applicable provisions of chapters 1, 9, 16, and 32 of Title 3, Title 30, Idaho Code, known as the "General Business Corporation" Laws of this state, but subject to the following requirements:

(a). In addition to matters required or permitted under such General Business Corporation Laws which are not inconsistent with this provision or this code, the articles of incorporation shall set forth:

(i) The name of the corporation, which shall comply with section 41-311 of this code, Idaho Code. If to be a mutual insurer, the word "mutual" must be a part of the name.

(ii) The kinds of insurance, as defined in this code, which the corporation is formed to transact.

(iii) If a stock corporation, its authorized capital stock, the number of shares of stock into which divided and the par value of each such share, which par value shall be at least one dollar ($1.00). The articles shall provide for but one class of stock, which class must be voting common stock with uniform par value and rights throughout such class. Shares without par value shall not be authorized.

(iv) If a stock corporation, the extent, if any, to which shares of its stock are subject to assessment.

(v) If a mutual corporation, the maximum contingent liabil-
ity of its members, for payment of losses and expenses incurred, other than as to nonassessable policies issued as permitted under section 41-2849, Idaho Code; such liability shall be as stated in the articles of incorporation, but shall not be less than one (1) nor more than six (6) annual premiums for the member's policy.

(vi) The name and residence address of each incorporator, and whether each such incorporator is a citizen of this state.

(b) Articles of incorporation shall be filed as provided in section 41-2805, Idaho Code.

SECTION 30. That Section 41-2805, Idaho Code, be, and the same is hereby amended to read as follows:

41-2805. FILING OF ARTICLES. (1) The incorporators shall submit the executed articles of incorporation of a proposed stock or mutual insurer in quadruplicate triplicate to the director for review. If the director finds the articles to be in compliance with this code he shall deliver an original thereof to the attorney general for examination. After examining the articles, the attorney general shall return them to the director accompanied by his opinion certifying as to whether or not he has found the articles to be in accordance with the laws of this state and not inconsistent with the constitution of this state. If the attorney general has found the articles to be in accordance with law, the director shall, upon payment of the fees prescribed by law therefor, and except as provided in subsection (2) below, certify his approval upon each of the four-(4) three (3) originals of the articles, file one (1) of such originals in his office, file one (1) of such originals with the secretary of state, and deliver two-(2) one (1) of such originals to the incorporators --The incorporators--shall--file-one-(1)-of-such-originals-for-record-in-the office-of-the-county-recorder-of-the-county-in-which-the-corporation's registered-office-is-to-be-located;--and-the-remaining-original--shall, to be retained by the corporation as part of its corporate records.

(2) If a permit as to the offer of securities or receipt of funds is to be required with respect to the proposed insurer, as provided for in section 41-2806, Idaho Code, the director shall not in any event approve the articles of incorporation until the permit has been issued.

(3) If upon reviewing or examining the articles of incorporation as hereinabove provided, the director or the attorney general finds that the articles do not comply with this code or are not in accordance with the laws of this state, or are inconsistent with the constitution of this state, as the case may be, or that the permit referred to in subsection (2) above will not be issued, the director shall refuse to approve the articles and shall return all originals of the articles to the incorporators accompanied by a written statement of the defects in the articles or reasons upon which his refusal is based. The director shall at the same time refund any unearned filing fees.
(4) The secretary of state shall not permit the filing with him or in his office of any such articles of incorporation unless the same bear the director's approval endorsed thereon as hereinabove provided. The director's approval, when so endorsed, shall be deemed to relate only to the form of the articles of incorporation, and shall not be deemed to constitute an approval or commitment by the director as to any other aspect or operation of the proposed insurer.

(5) The director and the attorney general shall perform all duties required of them under this section within a reasonable time after the articles of incorporation have been submitted to the director as in subsection (1) above provided.

SECTION 31. That Section 41-3906, Idaho Code, be, and the same is hereby amended to read as follows:

41-3906. APPLICATION FOR CERTIFICATE OF AUTHORITY. (1) Any person believing itself to be qualified therefor may apply to the director for a certificate of authority as a health maintenance organization. Every health maintenance organization already in operation in this state on the effective date [July 1, 1974] of this act shall apply for such a certificate of authority within sixty (60) days after such effective date, and may continue to operate until the director acts upon the application. If the application is denied, the applicant shall thenceforth be treated as a health maintenance organization whose certificate of authority has been revoked.

(2) The application for certificate of authority shall be in writing in the form prescribed by the director. It shall be verified by an officer of an applicant corporation or association, or member of an applicant firm, or by the applicant if an individual. The application shall set forth or be accompanied by:

(a) a copy of the basic organizational document of the applicant, such as articles of incorporation or of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) a copy of the by-laws, rules and regulations, or similar document regulating conduct of the applicant's internal affairs;

(c) a listing of the names, addresses, principal occupations, and official positions of the individuals who are to be responsible for the conduct of applicant's affairs, including all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers in the case of a corporation, and the partners or members in the case of a partnership or association;

(d) if applicant is a foreign corporation, proof that it has complied with chapter 5, title 30 sections 30-1-106 through 30-1-120, Idaho Code, and any other applicable law;

(e) a copy of any contract made or to be made between the applicant and any provider, and the applicant and any person named in subsection (c) hereof;

(f) a statement generally describing the health maintenance organization, its health care plan or plans, facilities, and per-
sonnel;
(g) a copy of each form of health maintenance contract proposed to be issued;
(h) financial statements showing the applicant's audited assets, liabilities, and sources and amount of financial support. A copy of the applicant's most recent regular certified financial statement shall be deemed to satisfy this requirement unless the director directs that additional or more recent financial information is required for proper administration of this act;
(i) a financial plan, which includes a three (3) year projection of initial operating results anticipated, and a statement as to the sources of working capital as well as any other source of funding;
(j) a description of the proposed method of marketing the plan;
(k) a statement of the geographic area or areas to be served;
(l) a description of the complaint procedures as required under section 41-3918, Idaho Code;
(m) a description of the system and procedures for monitoring health care as required by section 41-3905(6)(a), Idaho Code;
(n) a description of the mechanism by which enrollees will be given opportunity to participate in matters of policy and operation as required by section 41-3916, Idaho Code;
(o) if the applicant is not domiciled in this state, a power of attorney duly executed by the applicant and irrevocably appointing the director and his successors in office as applicant's attorney upon whom may be served all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising in this state;
(p) such other information as the director may reasonably require as to the applicant's qualifications as a health maintenance organization; and
(q) the fees required under section 41-3922, Idaho Code, for filing the application, and for issuance of the certificate of authority, if issued.

SECTION 32. That Section 42-2401, Idaho Code, be, and the same is hereby amended to read as follows:

42-2401. ADDITIONAL RIGHTS AND POWERS GRANTED IRRIGATION OR CANAL COMPANIES. Any corporation heretofore organized or any corporation that shall hereafter be organized for the operation, control or management of an irrigation project or canal system, or for the purpose of furnishing water to its shareholders and not for profit or hire, shall have and exercise all the rights, powers, and privileges in addition to those already granted and existing.
1. To divide into districts the territory included in such project or system and to change from time to time the number and boundaries of such districts.
2. To elect its directors from such districts by a vote in which all the stockholders of the corporation may participate, determine the number of directors to be elected from each district, fix their terms
of office and prescribe the times and manner of choosing their successors.

3. To hold regular annual meetings at which the stockholders who are represented in person or by proxy shall constitute a quorum for the transaction of business and shall have the power by a majority vote of the stock so represented to elect directors and transact any other business of the corporation proper to be done.

4. To provide for the appointment of an executive committee from the board of directors, to be composed of not less than three (3) thereof. Such committee shall have all the powers, rights and privileges of the board of directors and may meet at such times and places as the by-laws may provide or the board of directors may determine, and the acts of such committee shall in all matters be valid as against the corporation.

5. To provide by amendment to its articles of incorporation or by adopting new articles of incorporation for the treatment and eradication of noxious weeds growing on the lands within the boundaries of said irrigation project and adjacent thereto and to drain excess water from said lands.

6. To change or amend its articles of incorporation or by-laws or adopt new articles or new by-laws, by a two-thirds (2/3) vote of the stock represented, at any regular meeting of the stockholders, or at any special meeting duly called for that purpose in accordance with the provisions of sections 30-310 and 30-311, Idaho Code: provided, that any proposed changes in the articles of incorporation or by-laws or any new articles of incorporation or by-laws shall be either proposed at a meeting of the stockholders or approved by at least one-third (1/3) of the board of directors; and before being finally adopted the board of directors shall cause such proposed articles, by-laws, or changes therein (or a summary of them) to be published in a newspaper of general circulation published in the county in which the main office of the canal company is situated, for at least once each week for four (4) weeks prior to the meeting at which such articles, by-laws, or changes therein are finally adopted and said notice shall state the time and place at which the vote on final adoption will be taken.

7. To prohibit any officer, director, manager or employee of the corporation from acting as proxy for any other person at any meeting of the stockholders.

8. To prescribe by its articles of incorporation or by-laws the manner in which the powers given by law shall be exercised.

SECTION 33. That Section 30-310, Idaho Code, be, and the same is hereby amended to read as follows:

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 meetings 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, by the board of directors, by members having at least one-tenth (1/10) of the votes entitled to be cast at such meeting or such smaller proportion as may be prescribed by the articles of incorporation, or by such other officer or persons as may be provided in the articles of incorporation or bylaws.

SECTION 34. (1) Section 1 and sections 3 through 33 of this act shall be in full force and effect on and after July 1, 1980.

(2) Section 2 of this act shall be in full force and effect on and after July 1, 1981.

Approved March 28, 1980.

CHAPTER 198
(S.B. No. 1267)

AN ACT
RELATING TO GOVERNMENT OF SCHOOLS; AMENDING SECTION 33-512, IDAHO CODE, TO CLARIFY CONDITIONS UNDER WHICH THE BOARD OF TRUSTEES MAY EXCLUDE PUPILS FROM SCHOOL.

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

SECTION 1. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNMENT OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:
1. To determine the length of the school term which in no case
shall be less than nine (9) months;

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

3. To provide, or require pupils to be provided with, suitable textbooks and supplies;

4. To protect the morals and health of the pupils;

5. To exclude from school, children not of school age;

6. To prescribe rules for the disciplining of unruly or insubordinate pupils;

7. To exclude from school, pupils with contagious or infectious diseases or who are under quarantine as provided in section 39-313, Idaho Code, who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities as provided in section 39-315, Idaho Code;

8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during the inclement weather, when the school is in session.

11. To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

Approved March 28, 1980.
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 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 fifty per cent (50%) of the contract amount, solely for the protection of persons supplying labor or materials, or renting, leasing, or otherwise supplying equipment 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 con-
tracting 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.

SECTION 2. That Section 54-1927, Idaho Code, be, and the same is hereby amended to read as follows:

54-1927. CLAIMS FOR LABOR OR MATERIAL FURNISHED OR EQUIPMENT SUPPLIED -- SUIT ON CONTRACTOR'S PAYMENT BOND -- PROCEDURE -- LIMITATION. Every claimant who has furnished labor or material or rented, leased, or otherwise supplied equipment in the prosecution of the work provided for in such contract in respect of which a payment bond is furnished under this act, and who has not been paid in full therefor before the expiration of a period of ninety (90) days after the day on which the last of the labor was done or performed by him or material or equipment was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute such action to final judgment for the sum or sums justly due him and have execution thereon; provided, however, that any such claimant having a direct contractual relationship with a subcontractor of the contractor furnishing such payment bond but no contractual relationship expressed or implied with such contractor shall not have a right of action upon such payment bond unless he has given written notice to such contractor within ninety (90) days from the date on which such claimant performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the person to whom the material or equipment was furnished or supplied or for whom the labor was done or performed. Each notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business or at his residence.
The contracting body and the agent in charge of its office, is authorized and directed to furnish, to anyone making application therefor who submits an affidavit that he has supplied labor, equipment, or materials for such work and payment therefor has not been made or that he is being sued on any such bond, or that it is the surety thereon, a certified copy of such bond and the contract for which it was given, which copy shall be prima-facie evidence of the contents, execution, and delivery of the original. Applicants shall pay for such certified copies such reasonable fees as the contracting body or the agent in charge of its office fixes to cover the actual cost of the preparation thereof.

Every suit instituted on the aforesaid payment bond shall be brought in appropriate court in any county in which the contract was to be performed and not elsewhere; provided, however, that no such suit shall be commenced after the expiration of one (1) year from the date on which the claimant performed the last of the labor or furnished or supplied the last of the material or equipment for which such suit is brought, except, that if the claimant is a subcontractor of the contractor, no such suit shall be commenced after the expiration of one (1) year from the date on which final payment under the subcontract became due.

Approved March 28, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Activity</th>
<th>FOR</th>
<th>FROM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$6,072,700</td>
<td>$1,789,500</td>
<td>$7,715,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,337,700</td>
<td>5,667,900</td>
<td>7,715,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>36,400</td>
<td>257,600</td>
<td>294,000</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>268,200</td>
<td>257,600</td>
<td>525,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,715,000</strong></td>
<td><strong>$7,715,000</strong></td>
<td><strong>$7,715,000</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$194,500</td>
<td>$72,200</td>
<td></td>
<td>$100,000</td>
<td>$266,700</td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>32,700</td>
<td>2,000</td>
<td></td>
<td></td>
<td>34,700</td>
</tr>
<tr>
<td>Rural Rehabilitation Account</td>
<td>14,900</td>
<td>2,000</td>
<td></td>
<td>$100,000</td>
<td>166,900</td>
</tr>
<tr>
<td>Plant-Federal Account</td>
<td>4,400</td>
<td>3,200</td>
<td></td>
<td></td>
<td>7,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$266,500</strong></td>
<td><strong>$77,400</strong></td>
<td></td>
<td><strong>$100,000</strong></td>
<td><strong>$423,900</strong></td>
</tr>
</tbody>
</table>

<p>| B. ANIMAL INDUSTRY:      |                     |                             |                    |                               |       |
| General Account          | $193,000            | $198,600                    | $12,100            | $403,700                      |
| Livestock Disease Control &amp; T.B. Indemnity Account | 188,100 | 127,600 | | 315,700 |
| Livestock Dealer License Account | 2,000 | 2,000 | | | 4,000 |
| Animal-Federal           |                     |                             |                    |                               |       |</p>
<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account</td>
<td>28,100</td>
<td>328,200</td>
<td>12,100</td>
<td></td>
<td>751,500</td>
</tr>
</tbody>
</table>

C. FEDERAL-STATE INSPECTIONS:
FROM:
Agriculture Department  
Inspection Account $ 47,300 $ 11,100 $ 3,200 $ 61,600
Fresh Fruit and Vegetable  
Inspection Account 3,579,300 283,700 $ 16,000 165,000 4,044,000
TOTAL $3,626,600 $ 294,800 $ 16,000 $ 168,200 $4,105,600

D. PLANT INDUSTRY:
FROM:
General Account $ 303,900 $ 188,400 $ 492,300
Agriculture Department  
Inspection Account 154,900 38,200 193,100
Bee Inspection Account 12,000 12,000
Plant-Federal Account 88,400 32,000 120,400
Commercial Feed and Fertilizer Account 151,800 64,100 $ 8,300 224,200
Pesticide Account 59,100 18,400 77,500
TOTAL $ 770,100 $ 341,100 $ 8,300 $1,119,500

E. MARKETING:
FROM:
General Account $ 475,200 $ 130,900 $ 606,100
Agriculture Department  
Inspection Account 146,500 22,000 168,500
Dairy Industry and Egg Inspection Account 141,700 33,900 175,600
Egg and Poultry Inspection Account 59,600 15,100 74,700
Public Livestock  
Market Account 2,100 3,000 5,100
Wheat Statistics Account 2,400 500 2,900
TOTAL $ 906,600 $ 224,900 $1,131,500

F. SHEEP COMMISSION:
FROM:
General Account $ 8,200 $ 12,500 $ 20,700
Sheep Commission Account 103,200 51,600 154,800
TOTAL $ 111,400 $ 64,100 $175,500

G. HONEY ADVERTISING COMMISSION:
FROM:
Idaho Honey Advertising Account $ 300 $ 7,200 $ 7,500
GRAND TOTALS $6,072,700 $1,337,700 $36,400 $268,200 $7,715,000

Approved March 28, 1980.
CHAPTER 201
(S.B. No. 1470)

AN ACT
RELATING TO SALARIES OF THE INDUSTRIAL COMMISSION, THE STATE TAX COMMISSION AND THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 59-510, IDAHO CODE, TO INCREASE THE SALARIES OF INDUSTRIAL COMMISSIONERS, STATE TAX COMMISSIONERS, AND PUBLIC UTILITIES COMMISSIONERS.

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

SECTION 1. That Section 59-510, Idaho Code, be, and the same is hereby amended to read as follows:

59-510. SALARIES OF THE INDUSTRIAL COMMISSION, THE STATE TAX COMMISSION, AND THE PUBLIC UTILITIES COMMISSION. Each member of the industrial commission, the state tax commission, and the public utilities commission shall devote full time to the performance of his duties and shall each receive an annual salary to wit: industrial commissioners and state tax commissioners, twenty-six-thousand thirty thousand and thirty dollars ($26,888,300), and public utilities commissioners, twenty-eight-thousand thirty-two thousand, three hundred and forty dollars ($28,000,340).

Approved March 28, 1980.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE SUPREME COURT FOR DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; 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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR MAJOR PROGRAMS:</th>
<th>FROM GENERAL ACCOUNT</th>
<th>FROM MISCELLANEOUS RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$1,435,200</td>
<td>$15,000</td>
<td>$1,450,200</td>
</tr>
<tr>
<td>Law Library</td>
<td>183,100</td>
<td>183,100</td>
<td></td>
</tr>
<tr>
<td>District Court</td>
<td>2,268,700</td>
<td>2,268,700</td>
<td></td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>2,379,800</td>
<td>2,379,800</td>
<td></td>
</tr>
<tr>
<td>Judicial Council</td>
<td>30,500</td>
<td>30,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,297,300</td>
<td>$15,000</td>
<td>$6,312,300</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, 1980, through June 30, 1981:

<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:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 951,000</td>
<td>$476,700</td>
<td>$ 7,500</td>
<td>$1,435,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TOTAL</td>
<td>$ 951,000</td>
<td>$491,700</td>
<td>$ 7,500</td>
<td>$1,450,200</td>
</tr>
<tr>
<td>B. LAW LIBRARY:</td>
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<tr>
<td>General Account</td>
<td>$ 89,700</td>
<td>$ 49,400</td>
<td>$ 44,000</td>
<td>$ 183,100</td>
</tr>
<tr>
<td>C. DISTRICT COURT:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>General Account</td>
<td>$2,173,600</td>
<td>$ 95,100</td>
<td></td>
<td>$2,268,700</td>
</tr>
<tr>
<td>D. MAGISTRATES DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,262,800</td>
<td>$117,000</td>
<td></td>
<td>$2,379,800</td>
</tr>
</tbody>
</table>
SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 1, may be used at the discretion of the Chief Justice to assist in defraying expenses relating to or resulting from the discharge of his official duties and the official duties of the Supreme Court. Such moneys shall be accounted for solely on the itemized certificate of the Chief Justice and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 28, 1980.
CHAPTER 203  
(S.B. No. 1466)  

AN ACT  

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

SECTION 1. There is hereby appropriated from the General Account the following moneys, to be deposited in the Public Health Trust Account for the designated purpose for the period July 1, 1980 through June 30, 1981:

FOR:  
Public Health District Programs  
FROM:  
General Account  

$2,196,900

SECTION 2. There is hereby appropriated out of the Public Health Trust Account, the following moneys for the designated purpose for the period July 1, 1980 through June 30, 1981:

FOR:  
Public Health District Programs  
FROM:  
Public Health Trust Account  

$2,196,900

Approved March 28, 1980.

CHAPTER 204  
(S.B. No. 1436)  

AN ACT  
RELATING TO ADOPTION OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5202, IDAHO CODE, TO STRIKE REQUIREMENTS FOR PROMULGATION OF RULES DESCRIBING ALL FORMS AND INSTRUCTIONS USED BY AN AGENCY.

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

SECTION 1. That Section 67-5202, Idaho Code, be, and the same is hereby amended to read as follows:

67-5202. ADOPTION OF RULES -- AVAILABILITY OF RULES AND ORDERS.  
(a) In addition to other rule-making requirements imposed by law, each agency shall:
(1) adopt rules of practice setting forth the nature and require-
ments of all formal and informal procedures available— including
a description of all forms and instructions used by the agency;
(2) make available for public inspection all rules and all other
written statements of policy or interpretations formulated,
adopted, or used by the agency in the discharge of its functions;
(3) make available for public inspection all final orders, deci-
sions and opinions.
(b) No agency rule, order, or decision is valid or effective
against any person or party, nor may it be invoked by the agency for
any purpose, until it has been made available for public inspection as
herein required. This provision is not applicable in favor of any
person or party who has actual knowledge thereof.

Approved March 28, 1980.

CHAPTER 205
(S.B. No. 1463)

AN ACT
AMENDING CHAPTER 114, LAWS OF 1979, RELATING TO THE BONDING LIMITS OF
ELEMENTARY SCHOOL DISTRICTS, TO SPECIFY IN THE TITLE WHICH ELEME-
N TARY SCHOOL DISTRICTS MAY ISSUE BONDS IN AN AMOUNT OF TWENTY-FIVE
PER CENT OF THE ASSESSED VALUATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 114, Laws of 1979, be, and the same is
hereby amended to read as follows:

AN ACT
RELATING TO THE BONDING LIMITS OF ELEMENTARY SCHOOL DISTRICTS; AMEND-
ING SECTION 33-1103, IDAHO CODE, BY INCLUDING DISTRICTS OPERATING
ONLY AN ELEMENTARY SCHOOL WITH OTHER DISTRICTS PROVIDING THAT DIS-
TRICTS OPERATING ONLY AN ELEMENTARY SCHOOL AND EMPLOYING NOT LESS
THAN SIX TEACHERS BE 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 -- ELEC-
TIONS 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.

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

Approved March 28, 1980.
CHAPTER 206
(S.B. No. 1449)

AN ACT
RELATING TO THE BOND FOR SURFACE MINING; AMENDING SECTION 47-1512, IDAHO CODE, BY CHANGING THE AMOUNT OF THE BOND FROM $500 TO $750, BY STRIKING THE RESTRICTION TO CORPORATE SURETY BONDS.

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

SECTION 1. That Section 47-1512, Idaho Code, be, and the same is hereby amended to read as follows:

47-1512. PERFORMANCE BOND -- REQUISITES. (a) Prior to conducting any surface mining operations on a mine panel covered by an approved reclamation plan, an operator shall submit to the board a bond meeting the requirements of this section. The penalty of the initial bond filed prior to conducting any surface mining operations on a mine panel shall be in the amount necessary to insure the performance of the duties of the operator under this act as to the acreage of affected land designated by the operator pursuant to section 47-1506(a)(1)(vi) of--this--act, Idaho Code, but in no event shall any bond submitted pursuant to this act exceed five seven hundred fifty dollars ($58750) for any given acre of such affected land. In lieu of any bond required hereunder, the operator may deposit cash and governmental securities with the board, in an amount equal to that of the required bond, on the conditions as prescribed in this section.

(b) Prior to the time that lands designated to become affected lands on a mine panel, in addition to those designated pursuant to section 47-1506(a)(1)(vi) of--this--act, Idaho Code, become affected land, the operator shall submit to the board a bond as to such lands meeting the requirements of section 47-1512(c) of--this--act, Idaho Code, and the penalty of such bond shall be in the amount necessary to insure the performance of the duties of the operator under this act as to such affected lands, but in no event shall such amount exceed five seven hundred fifty dollars ($58750) for any given acre of such affected land.

(c) Any bond required under this act to be filed with the board shall be in such form as the board prescribes, payable to the state of Idaho, conditioned that the operator shall faithfully perform all requirements of this act and comply with all rules and regulations of the board in effect as of the date of approval of the reclamation plan approved for said lands made in accordance with the provisions of this act. Such bond shall be signed by the operator as principal, and by--a good--and--sufficient--corporate--surety--authorized--to--do--business--in--the state of Idaho as a surety: An operator may at any time file a single bond in lieu of separate bonds filed or to be filed pursuant to this act, provided that the penalty of such single bond shall be equal to the total of the penalties of the separate bonds being combined into a single bond.
(d) A bond filed as above prescribed shall not be canceled by the surety, except after not less than ninety (90) days' notice to the board.

(e) If the license to do business in this state of any surety, upon a bond filed with the board pursuant to this act, shall be suspended or revoked, the operator, within thirty (30) days after receiving notice thereof from the board, shall substitute for such surety a good and sufficient corporate surety licensed to do business in this state or other surety acceptable to the board. Upon failure of the operator to make substitution of surety, the board shall have the right to enjoin the operator from conducting operations upon the lands covered by such bond until such substitution has been made.

(f) When an operator shall have completed all requirements under the provisions of this act as to any affected land, he shall notify the board. Within thirty (30) days after the receipt of such notice, the board shall notify the operator as to whether or not the reclamation performed meets the requirements of the reclamation plan pertaining to the land in question. Upon the determination by the board that the requirements of the reclamation plan in question have been met as to said lands, the amount of bond in effect as to such lands shall be reduced by an amount designated by the board to reflect the reclamation done.

(g) An operator may withdraw any land previously designated as affected land within a mine panel, provided that it is not already affected land, and in such event, he shall notify the board and the amount of the bond in effect as to the lands in that mine panel shall be reduced by an amount designated by the board as the amount which would have been necessary to reclaim such lands.

Approved March 28, 1980.
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, 1980, THROUGH JUNE 30, 1981; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE ON AGING, TO BE EXPENDED FOR THE DESIGNATED PURPOSES FOR THE PERIOD SPECIFIED; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office on Aging the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Account</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>$59,500</td>
<td>$47,500</td>
<td>$350,000</td>
<td>$457,000</td>
</tr>
<tr>
<td>Office on Aging Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic Opportunity Account</td>
<td>258,200</td>
<td>638,200</td>
<td>2,350,100</td>
<td>2,700,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$317,700</td>
<td>$685,700</td>
<td>$2,700,100</td>
<td>$3,703,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Office of the Governor for the Office on Aging from the General Account the following amount, to be expended for the designated purposes for the period from the effective date of this act through June 30, 1981.

FOR: Nutrition, Transportation, and Homemaker Services Programs $250,000

FROM: General Account $250,000

SECTION 3. This act shall be in full force and effect on and after July 1, 1980, except for section 2 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 2 shall be in full force and effect on and after passage and approval of this act.

Approved March 28, 1980.
CHAPTER 208
(S.B. No. 1404)

AN ACT
RELATING TO THE ABATEMENT OF WATER POLLUTION; AMENDING SECTION
39-3601, IDAHO CODE, TO INCLUDE SOIL CONSERVATION DISTRICTS AS AN
ENTITY OF GOVERNMENT ELIGIBLE TO RECEIVE FINANCIAL ASSISTANCE TO
AID IN THE ABATEMENT AND PREVENTION OF WATER POLLUTION; AMENDING
SECTION 39-3602, IDAHO CODE, TO INCLUDE ADDITIONAL DEFINITIONS FOR
THE PURPOSES OF THE CHAPTER; AMENDING SECTION 39-3603, IDAHO CODE,
TO INCLUDE SOIL CONSERVATION DISTRICT PROJECTS AS ELIGIBLE TO
RECEIVE GRANTS, AND RESERVING AN ADDITIONAL AMOUNT OF THE WATER
POLLUTION CONTROL ACCOUNT FOR ADMINISTRATION; AMENDING
SECTION 39-3604, IDAHO CODE, TO PROVIDE FOR AGREEMENTS BETWEEN SOIL
CONSERVATION DISTRICTS AND THE DEPARTMENT OF HEALTH AND WELFARE;
AND AMENDING SECTION 39-3906, IDAHO CODE, TO PROVIDE THAT MONEYS
IN THE WATER POLLUTION CONTROL ACCOUNT ARE AVAILABLE FOR THE PUR-
POSES OF THE CHAPTER.

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

SECTION 1. That Section 39-2601, Idaho Code, be, and the same is
hereby amended to read as follows:

39-3601: DECLARATION OF POLICY -- DESIGNATION OF DIRECTOR. The
legislature, recognizing that water is one (1) of the state's most
valuable natural resources and, realizing that some waters of the
state of Idaho are becoming polluted to an intolerable degree, which
is inconsistent with the public interest of the state of Idaho, has
adopted water quality standards and authorized the director of the
department of health and welfare to implement these standards.
In order to provide and maintain maximum water quality in the state for
domestic, industrial, agricultural (irrigation and stockwatering),
mining, manufacturing, electric power generation, municipal, fish cul-
ture, artificial groundwater recharge, transportation and recreational
purposes at the earliest possible date, and to conform to the
expressed intent of congress to abate pollution of streams and lakes,
the legislature declares the purpose of this act is to enhance
and preserve the quality and value of the water
resources of the state of Idaho and to assist in the prevention, con-
trol, and abatement of water pollution. In consequence of the benefits
resulting to the public health, welfare and economy it is hereby
declared to be the policy of the state of Idaho to protect this natu-
ral resource by assisting in preventing and controlling water pollu-
tion; to support and aid technical research leading to the prevention
and control of water pollution, and to provide financial assistance to
municipalities and soil conservation districts in the abatement, and
prevention of water pollution. The director of the department of
health and welfare shall administer this act and nothing herein shall
be construed as impairing or in any manner affecting the statutory
authority or jurisdiction of municipalities in providing domestic water, sewage collection and treatment.

SECTION 2. That Section 39-3602, Idaho Code, be, and the same is hereby amended to read as follows:

39-3602. DEFINITIONS. A. "Sewage treatment works" means any facility for the purpose of collecting, treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

B. "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of sewage treatment works or best management practices, preliminary planning to determine the economic and engineering feasibility of sewage treatment works or best management practices, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of sewage treatment works or best management practices, and the inspection and supervision of the construction of sewage treatment works or best management practices.

C. "Eligible project" means a project for construction of sewage treatment works or for a project for the application of best management practices as set forth in the approved state water quality plan, in related project areas:

1. For which approval of the Idaho board of health and welfare is required under section 39-118, Idaho Code;
2. Which is, in the judgment of the Idaho board of health and welfare, eligible for water pollution abatement assistance, whether or not federal funds are then available therefor;
3. Which conforms with applicable rules and regulations of the Idaho board of health and welfare;
4. Which is, in the judgment of the Idaho board of health and welfare, necessary for the accomplishment of the state's policy of water purity as stated in section 39-3601, Idaho Code; and
5. Which is needed, in the judgment of the Idaho board of health and welfare, to correct existing water pollution problems or public health hazards and to provide reasonable reserve capacity to prevent future water pollution problems or public health hazards.

D. "Municipality" means any county, city, special service district or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.

E. "Board" means the Idaho board of health and welfare.
F. "Department" means the Idaho department of health and welfare.
G. "Director" means the director of the Idaho department of
H. "Nondomestic wastewater" means wastewater whose source of contamination is not principally human excreta.

I. "Best management practice" means practices, techniques or measures identified in the state water quality plan which are determined to be the most effective, practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

J. "Soil conservation district" means an entity of state government as defined in section 22-2717, Idaho Code.

K. "Soil conservation commission" means an agency of state government as created by section 22-2718, Idaho Code.

L. "Nonpoint source pollution" means water pollution from many varied, nonspecific and diffused sources categorized by the general land disturbing activity that causes the pollution.

SECTION 3. That Section 39-3603, Idaho Code, be, and the same is hereby amended to read as follows:

39-3603. AUTHORIZATION OF GRANTS -- DESIGNATION OF ADMINISTERING AGENCY -- RESERVATION OF FUNDS FOR ADMINISTRATION -- CRITERIA -- PRIORITY PROJECTS -- ELIGIBLE PROJECTS. A. The state of Idaho is hereby authorized to make grants, as funds are available, to any municipality or soil conservation district to assist said municipality or soil conservation district in the construction of sewage treatment works or application of best management practices.

B. The Idaho board of health and welfare shall be the agency for administration of funds granted by this state, and may reserve up to twenty four percent (24%) of the moneys accruing annually to the water pollution control fund account to be appropriated annually for the purpose of administering the grants program established pursuant to this section.

C. In allocating state grants under this act, the Idaho board of health and welfare shall give consideration to water pollution control needs and protection of public health.

D. Pursuant to subsection C the Idaho board of health and welfare shall establish a list of priority municipal projects and it shall be used as a. The Idaho board of health and welfare with the approval of the Idaho soil conservation commission shall establish a list of priority projects for control of agricultural nonpoint source pollution. These priority lists shall be used as the method for allocation of funds granted under this act.

SECTION 4. That Section 39-3604, Idaho Code, be, and the same is hereby amended to read as follows:

39-3604. PAYMENTS BY STATE BOARD OF HEALTH AND WELFARE -- CONTRACTS WITH MUNICIPALITIES OR SOIL CONSERVATION DISTRICTS -- RULES AND REGULATIONS -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. A. The Idaho board of health and welfare may make payments not to exceed
ninety percent (90%) of the estimated reasonable cost of the eligible project.

B. The Idaho board of health and welfare may, in the name of the state of Idaho, enter into contracts with municipalities or soil conservation districts, and any such municipality or soil conservation district may enter into a contract with the Idaho board of health and welfare, concerning eligible projects. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of the project as determined by the Idaho board of health and welfare.
2. An agreement by the municipality, binding for the actual service life of the sewage treatment works:
   a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to section 39-118, Idaho Code.
   b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the board of health and welfare.
   c. To operate and maintain the sewage treatment works in accordance with applicable provisions, rules and regulations of the board.
   d. To make available on an equitable basis the services of the sewage treatment works to the residents and commercial and industrial establishments of areas it was designed to serve.
   e. To provide for the payment of the municipality's share of the cost of the project.
   f. To develop and to secure the approval of the department of plans for the operation and maintenance of the sewage treatment works; and of plans and programs for the recovery of the capital costs and operating expenses of the works.
   g. To allow the state to give grants of up to ninety percent (90%) of the estimated reasonable cost of an eligible project to a municipality which does not have a nondomestic wastewater source which (1) contributes ten percent (10%) or more of the organic or hydraulic loading of the works or (2) requires the installation of special treatment processes which add an increment of ten percent (10%) or more to the capital cost of the works. The state may make grants of up to twenty-five percent (25%) of the estimated reasonable cost of an eligible project to a municipality which has such a nondomestic wastewater source; and
   h. To provide for the accumulation of funds through the use of taxing powers, through charges made for services, through revenue bonds, or otherwise, for the purposes of (1) capital replacement and (2) future improvement, betterment, and extension of such works occasioned by increased wastewater loadings on the works.

3. The terms under which the Idaho board of health and welfare
may unilaterally terminate the contract and/or seek repayment from the municipality or soil conservation district of sums already paid pursuant to the contract for noncompliance by the municipality or soil conservation district with the terms and conditions of the contract and the provisions of this subsection.

4. An agreement by the soil conservation district, binding for the life of the eligible project:
   a. To develop water quality plans for landowners in the project areas and provide cost-share payments to landowners for installation of best management practices.
   b. To determine cost-share rates in conjunction with the state soil conservation commission for best management practices.
   c. In conjunction with the state soil conservation commission establish a method for project administration and provisions for technical assistance to landowners.
   d. To allow the state to give grants of up to ninety percent (90%) of the estimated reasonable cost for best management practices installation, technical assistance and project administration of an eligible project.
   e. To develop and to secure the approval of the department and the state soil conservation commission of plans for operation of the eligible project.
   f. To ensure that the local matching share of the cost of the project is provided.
   g. To assure an adequate level of landowner participation and application of best management practices to insure water quality goals are met.

C. The board may adopt rules and regulations necessary for the making and enforcing of contracts hereunder and establishing procedures to be followed in applying for state grants herein authorized as shall be necessary for the effective administration of the grants program.

D. All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by law on vouchers approved by the director.

SECTION 5. That Section 39-3606, Idaho Code, be, and the same is hereby amended to read as follows:

39-3606. APPROPRIATION OF WATER POLLUTION CONTROL FUND ACCOUNT — PURPOSE OF ACT. Sewage-treatment-works-construction All moneys in the water pollution control fund account are hereby perpetually appropriated for the purposes of this chapter. The purposes of this chapter are:

1. To provide the state's matching share of grants made under the provisions of this chapter.
2. To provide revenue for the payment of general obligation bonds issued pursuant to section 39-3607, Idaho Code, and general obligation refunding bonds issued pursuant to chapter 115, 1973 laws of the state
of Idaho.

3. To provide for the administration of the grants program established pursuant to this chapter.

Approved March 28, 1980.

CHAPTER 209
(S.B. No. 1390)

AN ACT
RELATING TO WELL DRILLERS; AMENDING SECTION 42-230, IDAHO CODE, TO LIMIT THE DEFINITION OF WELL DRILLER, AND TO DEFINE OPERATOR.

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

SECTION 1. That Section 42-230, Idaho Code, be, and the same is hereby amended to read as follows:

42-230. DEFINITIONS. (a) "Ground water" is all water under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(b) "Well" is an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water is sought or obtained.

(c) "Well driller" is any person or group of persons who excavate or open a well or wells for compensation or otherwise upon the land of the well driller or upon other land. Well driller does not include those persons who construct a well on their own property for their own use without the aid of any power driven mechanical equipment.

(d) "Domestic purposes" is water for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. For the purposes of the exception in section 42-227, Idaho Code, "domestic purposes" shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

(e) "Water right" is the legal right, however acquired, to the use of water for beneficial purposes.

(f) "Operator" is the employee of the well driller who, through his work at the drilling site, causes the well to be drilled.

Approved March 28, 1980.
CHAPTER 210
(S.B. No. 1380, As Amended)

AN ACT
RELATING TO AN ADMINISTRATION FEE FOR DUTIES RELATING TO VEHICLE LICENSURE; AMENDING CHAPTER 1, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-158, IDAHO CODE, TO AUTHORIZE COLLECTION OF A FEE FOR VEHICLE LICENSURE ADMINISTRATION, AND PROVIDING A METHOD FOR SETTING THE AMOUNT OF THE FEE, AND TO PROVIDE THE FEE SHALL BE APPLIED AS A PROPORTIONAL REDUCTION OF CURRENT EXPENSE AD VALOREM TAX CHARGES.

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

SECTION 1. That Chapter 1, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-158, Idaho Code, and to read as follows:

49-158. ADMINISTRATIVE FEE FOR VEHICLE LICENSURE -- PLACED IN COUNTY CURRENT EXPENSE FUND. An administrative fee of not more than one dollar and fifty cents ($1.50) shall be collected in addition to each motor vehicle registration tax or fee amount collected under the provisions of sections 49-126 and 49-127, Idaho Code, and shall be paid to the county treasurer where the vehicle is registered and be placed in the county current expense fund. The amount of the administrative fee to be collected on each motor vehicle registration shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of motor vehicle licensure, and said administrative fee shall be applied as a proportional reduction of the current expense ad valorem tax charges of the county.

Approved March 28, 1980.

CHAPTER 211
(S.B. No. 1349, As Amended)

AN ACT
RELATING TO PURCHASING PROCEDURES AND CONTRACTS FOR PORT DISTRICTS; AMENDING SECTION 70-1612, IDAHO CODE, TO PROVIDE THAT A CONTRACT FOR EMERGENCY REPAIRS OR EQUIPMENT, WHICH WOULD BE NECESSARY TO KEEP THE PORT DISTRICT FROM CEASING OPERATIONS, NEED NOT BE LET FOR PUBLIC BID.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 70-1612, Idaho Code, be, and the same is hereby amended to read as follows:

70-1612. PURCHASING PROCEDURES -- CONTRACTS. (1) Upon all purchases and/or works involving five thousand dollars ($5,000) or less, based upon the liability assumed by a port district thereon, all material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such purchases and/or works involving in excess of five thousand dollars ($5,000), as so measured, shall be let upon contract in the manner herein provided. All such contracts shall be let at public bidding upon notice published at least once in a newspaper in the district at least ten (10) days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may also call for bids on such work or material based upon plans and specifications submitted by the bidder.

(2) Should emergency repairs to, or replacements of any equipment or other property owned or operated by any port district, become necessary in order to keep the port from ceasing operations, the port commission may, upon passing a resolution declaring such emergency, cause such repairs or replacements to be made without the necessity of compliance with subsection (1) of this section.

Approved March 28, 1980.

CHAPTER 212
(S.B. No. 1276, As Amended)

AN ACT
RELATING TO PROCEDURE FOR ADOPTION OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5203, IDAHO CODE, TO DESCRIBE CONTENTS OF NOTICE OF A PROPOSED RULE, TO PRESCRIBE PUBLICATION REQUIREMENTS, TO REQUIRE AN ECONOMIC IMPACT POLICY, TO CLARIFY EMERGENCY RULE-MAKING REQUIREMENTS AND TO CLARIFY PROCEDURE FOR AMENDING PROPOSED RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5203A, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH AN AGENCY MAY INCORPORATE MATERIALS BY REFERENCE IN THE RULES OF THE AGENCY; AND AMENDING SECTION 67-5217, IDAHO CODE, TO SPECIFY THE CONTENT OF THE AGENCY STATEMENT TO ACCOMPANY RULES TRANSMITTED FOR LEGISLATIVE ACTION.

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

SECTION 1. That Section 67-5203, Idaho Code, be, and the same is hereby amended to read as follows:

67-5203. PROCEDURE FOR ADOPTION OF RULES. (a) Prior to the adop-
tion, amendment, or repeal of any rule, the agency shall:

(1) give at least twenty (20) days' notice of its intended action as provided for in section 60-109, Idaho Code. The notice shall refer to the statutory authority under which the action is proposed and, insofar as possible, refer to the particular code section or other provision of law which is being implemented, interpreted or made specific, and shall include a statement in nontechnical language of substance of the intended action and the principal issues involved, and the time when, the place where, and the manner in which interested persons may represent their views thereon. The notice shall be mailed to all persons who have made timely request in writing of the agency for advance notice of its rule-making proceedings and shall be published in some newspaper or newspapers published in and having general circulation throughout the state sufficient to provide public notice;

(2) ten (10) days prior to notice specified in subsection (1), transmit notice of intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, as well as a statement of the substance of the intended action, to the director of the legislative council. The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the agency within twenty (20) days as specified in the notice. If a public hearing is held the record shall remain open for ten (10) days thereafter for further written comments from the germane joint subcommittee;

(3) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested in writing no later than five (5) days before the date of the intended action by twenty-five (25) persons, by a governmental subdivision or agency, or by an association presenting a petition with signatures of not less than twenty-five (25) members of the organization. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(b) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than twenty-four (24) days' notice than required by subsection (a) of this section, and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred
twenty (120) days; but the adoption of an identical rule under unless during that time the agency provides for regular promulgation, notice, and hearings as required by subsections (a)(1); (a)(2); and (a)(3); and (c) of this section is not precluded. In the event that subsequent regular rule-making is initiated but not completed within one hundred twenty (120) days, the emergency rule may be extended by an additional emergency adoption not to exceed sixty (60) days.

(c) Notwithstanding any other provisions of this section, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with this section if:

(1) Notice is given by including the intended action in the official written agenda for a regularly-scheduled meeting of the board, and the agenda is available for public inspection at the central office of the board not less than five (5) days prior to the meeting; and

(2) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative council at the time notice is given under subsection (1). The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the board prior to the time for receiving comment as provided in subsection (4); and

(3) The intended action is discussed but not acted upon during the regularly-scheduled meeting for which the agenda was prepared, but instead is held for final action at the next regularly-scheduled or later meeting of the board; and

(4) At least fifteen (15) days prior to the scheduled date for final action, the board shall mail to all persons who have made timely request in writing of the agency and shall cause to be published in some newspaper published in and having general circulation throughout the state a brief description of the intended action, and shall note the time when, the place where, and the manner in which interested persons may present their views thereon; and

(5) Upon adoption of a rule, the board, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(d) A rule which is adopted, amended or repealed may vary in content from that which was originally proposed if the subject matter of the rule remains the same and the original notice was written so as to assure that members of the public were reasonably notified of the subject of agency action in order for them to determine whether their interests could be affected by agency action on that subject.

(e) The agency shall develop a policy regarding the economic impact of proposed rules. The policy shall encourage the exchange of
economic information between the agency and the individuals or industry expected to be affected by the proposed rules.

(f) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the rule.

SECTION 2. That Chapter 52, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5203A, Idaho Code, and to read as follows:

67-5203A. INCORPORATION BY REFERENCE. An agency may incorporate by reference in its rules all or any part of a code, standard or regulation which has been adopted by an agency of the state or of the United States or by any nationally recognized organization or association, without republication of the incorporated material, but shall:

(a) State on the face of or as a notation to regulations making such adoptions by reference the places where copies of referred publications may be procured;

(b) Make copies of such referred publications available for public inspection and copying along with its other regulations; and

(c) Provide one (1) copy of the referred publication to the state law library and to the director of the legislative council.

If the agency subsequently wishes to incorporate amendments to referred publications, it shall comply with notice and hearing provisions governing the original adoption.

SECTION 3. That Section 67-5217, Idaho Code, be, and the same is hereby amended to read as follows:

67-5217. TRANSMITTAL OF RULES FOR LEGISLATIVE ACTION -- REFERRAL TO APPROPRIATE LEGISLATIVE COMMITTEE. All rules heretofore or hereafter authorized or promulgated by any state agency, including all rules kept and maintained by the state law library, as provided in chapter 52, title 67, Idaho Code, shall be transmitted to the secretary of the senate and the chief clerk of the house of representatives by the law librarian of the state law library before the first day of the regular session of the legislature next following the promulgation or publication thereof. A statement, separate from the rules, shall be prepared by the promulgating agency and shall accompany each new rule or amendment to an existing rule adopted during the preceding year. The statement shall enumerate each new rule or amendment, the date of adoption, and an explanation of each change made and the effect thereof. The statement shall also indicate whether the rule or amendment was adopted as an emergency rule, and shall indicate whether on any new rule or amendment hearings were held prior to adoption. The promulgating agency is required to prepare and submit the statement include: (a) the full text of the rule prepared so as to indicate words added or deleted from the presently effective text, if any; (b)
an explanation of each change made and the effect thereof; (c) the
date of adoption; (d) whether the rule was adopted as an emergency
rule; and (e) whether hearings were held prior to adoption. The law
librarian of the state law library shall similarly file during any
regular session of the legislature all rules promulgated, and the
required statement, between the first day of the session and adjourn­
ment sine die thereof. The secretary of the senate and the chief clerk
of the house of representatives shall lay all such rules before the
senate and house of representatives, respectively, and the same shall
be referred to the respective standing committees in the same manner
as bills are referred to the committees.

Approved March 28, 1980.

CHAPTER 213
(S.B. No. 1437)

AN ACT
RELATING TO DEFINITIONS OF THE ADMINISTRATIVE PROCEDURE ACT; AMENDING
SECTION 67-5201, IDAHO CODE, TO PROVIDE ADDITIONAL EXCEPTIONS TO
THE DEFINITION OF A "RULE" FOR CERTAIN FUNCTIONS OF THE STATE
BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF
IDAHO.

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

SECTION 1. That Section 67-5201, Idaho Code, be, and the same is
hereby amended to read as follows:

67-5201. DEFINITIONS. As used in this act:
(1) "agency" means each state board, commission, department or
officer authorized by law to make rules or to determine contested
cases, except those in the legislative or judicial branch, the state
militia and the state board of corrections;
(2) "contested case" means a proceeding, including but not
restricted to ratemaking and licensing, in which the legal rights,
duties, or privileges of a party are required by law to be determined
by an agency after an opportunity for hearing;
(3) "license" includes the whole or part of any agency permit,
certificate, approval, registration, charter, or similar form of
permission required by law, but it does not include a license required
solely for revenue purposes;
(4) "licensing" includes the agency process respecting the grant,
denial, renewal, revocation, suspension, annulment, withdrawal, or
amendment of a license;
(5) "party" means each person or agency named or admitted as a
party, or properly seeking and entitled as of right to be admitted as
a party;
(6) "person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(7) "rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include (A) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, or (B) declaratory rulings issued pursuant to section 67-5208, Idaho Code, or (C) intra-agency memoranda, or (D) statements of the state board of education and board of regents of the University of Idaho which relate to the curriculum of public educational institutions, to students attending or applicants to such institutions, or to the use and maintenance of land, equipment and buildings controlled by the respective institutions.

Approved March 28, 1980.

CHAPTER 214
(S.B. No. 1453)

AN ACT
AMENDING SECTION 1, CHAPTER 308, LAWS OF 1979, RELATING TO APPROPRIATION OF MONEYS OUT OF THE WATER POLLUTION CONTROL ACCOUNT TO THE STATE DEPARTMENT OF EDUCATION TO BE APPORTIONED AND PAID TO CERTAIN SCHOOL DISTRICTS, BY AUTHORIZING SUBSEQUENT PAYMENTS IF AUDITS REVEAL THAT ADJUSTMENTS ARE NECESSARY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 308, Laws of 1979, be, and the same is hereby amended to read as follows:

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. Provided that if subsequent audits reveal that adjustments are necessary, and such adjustments are allowed, a warrant in the allowed amount may be drawn prior to June 30, 1980.

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

Approved March 28, 1980.

CHAPTER 215
(S.B. No. 1317)

AN ACT
RELATING TO HOSPITAL AND PROFESSIONAL SERVICE CORPORATIONS; AMENDING SECTION 41-3423, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT A SERVICE CORPORATION KEEP ITS DEPOSIT IN BANKS OR TRUST COMPANIES IN THIS STATE.

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

SECTION 1. That Section 41-3423, Idaho Code, be, and the same is hereby amended to read as follows:

41-3423. INVESTMENTS. (1) A service corporation shall invest and have invested its funds in the following investments only:

(a) Cash on deposit or in savings accounts in banks or trust companies in this state;
(b) Deposits in or shares of such savings and loan associations as are insured by an instrumentality of the United States government, and not in excess of the amount of such insurance in any one such institution; and
(c) Public obligations, as provided under section 41-707 (public obligations).
(d) Corporate obligations, as provided under section 41-711 (corporate obligations).
(e) Real estate for use as a home office, at a cost not exceeding
ten per cent (10\%) of the corporation's assets at the time of investment, unless a larger amount has been approved by the director.

(2) The following sections shall likewise apply as to the investments of service corporations, to the extent so applicable, and for the purposes of such application a service corporation shall be deemed to be an "insurer":

(a) Section 41-702 (eligible investments);
(b) Section 41-703 (general qualifications);
(c) Section 41-704 (authorization of investments);
(d) Section 41-705 (record of investments);
(e) Section 41-706(1) (diversification of investments -- one person);
(f) Section 41-729 (time limit for disposal of real estate); and
(g) Section 41-730 (disposal of ineligible property and securities).

Approved March 28, 1980.
convicts, for the reception and detention, care, maintenance and employment of all females convicted of a felony in any of the courts of Idaho and sentenced to a term of imprisonment therefor.

(2) If, in the opinion of the board of corrections, the facilities at State Hospital North are not suitable for housing a certain female prisoner or prisoners, the board shall enter into a contract with the authorities of some other state having a state prison, state penitentiary, women's reformatory or prison or other penal institution provided with a woman's ward or division or department for the confinement and detention of female convicts for the housing of that certain prisoner or prisoners.

SECTION 3. That Chapter 5, 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 20-502, Idaho Code, and to read as follows:

20-502. CONVEYANCE TO PRISON. All females convicted of a felony in any court of this state shall be committed to the custody of the board of correction for incarceration at the facilities at State Hospital North in Orofino or at the facility named in the contract provided for in subsection (2) of section 20-501, Idaho Code, there to be confined until their respective sentences shall have expired or until they shall be otherwise discharged by law.

Approved March 28, 1980.

CHAPTER 217
(H.B. No. 707)

AN ACT
RELATING TO THE SALARY OF CERTAIN PROSECUTING ATTORNEYS; PROVIDING AN EXCEPTION FOR THE ANNUAL SALARY OF THE PROSECUTING ATTORNEY OF PAYETTE COUNTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding the provisions of section 31-3113, Idaho Code, the rate of the annual salary of the prosecuting attorney for Payette County shall be ten thousand dollars ($10,000) through the month of April, 1980, and thereafter during fiscal year 1979-80 shall be at the annual rate of fifteen thousand dollars ($15,000).

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 28, 1980.
CHAPTER 218
(H.B. No. 519)

AN ACT
RELATING TO TORT LIABILITY OF A GOVERNMENTAL ENTITY; AMENDING SECTION 6-903, IDAHO CODE, BY PROVIDING THAT A GOVERNMENTAL ENTITY AND ITS EMPLOYEES SHALL BE LIABLE ONLY FOR THE PRO RATA SHARE OF THE TOTAL DAMAGES AWARDED TO A CLAIMANT WHICH IS ATTRIBUTABLE TO THE NEGLIGENT OR OTHERWISE WRONGFUL ACTS OR OMISSIONS OF THE GOVERNMENTAL ENTITY OR ITS EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 6-903, Idaho Code, be, and the same is hereby amended to read as follows:

6-903. LIABILITY OF GOVERNMENTAL ENTITIES -- DEFENSE OF EMPLOYEES. (a) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho, provided that the governmental entity is subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the negligent or otherwise wrongful acts or omissions of the governmental entity or its employees.

(b) A governmental entity shall provide a defense to its employee and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the course and scope of his employment; provided that the governmental entity and its employee shall be subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the act or omission of the employee; provided, however, further, that to the extent there is valid and collectible, applicable insurance or any other right to defense or indemnification legally available to and for the protection of such employee, the governmental entity's duty hereunder to indemnify and/or defend such claim on behalf of such employer employee shall be secondary to the obligation of such insurer or indemnitor, whose obligation shall be primary and provided finally, this paragraph shall not be construed to alter or relieve any such indemnitor or insurer of any legal obligation to such employee or to any governmental entity vicariously liable on account of or legally responsible for damages due to the allegedly wrongful error, omissions, conduct, act or deed of such employee.

(c) The defense of its employee by the governmental entity shall be undertaken whether the claim and civil lawsuit is brought in Idaho district court under Idaho law or is brought in a United States court.
under federal law. The governmental entity may refuse a defense or
disavow and refuse to pay any judgment for its employee if it is
determined that the act or omission of the employee was not within the
course and scope of his employment or included malice or criminal
intent.

(d) A governmental entity shall not be entitled to contribution
or indemnification, or reimbursement for legal fees and expenses from
its employee unless a court shall find that the act or omission of the
employee was outside the course and scope of his employment or
included malice or criminal intent. Any action by a governmental
entity against its employee and any action by an employee against the
governmental entity for contribution, indemnification, or necessary
legal fees and expenses shall be tried to the court in the same civil
lawsuit brought on the claim against the governmental entity or its
employee.

(e) For the purposes of this act and not otherwise, it shall be a
rebuttable presumption that any act or omission of an employee within
the time and at the place of his employment is within the course and
scope of his employment and without malice or criminal intent.

(f) Nothing in this act shall enlarge or otherwise adversely
affect the liability of an employee or a governmental entity. Any
immunity or other bar to a civil lawsuit under Idaho or federal law
shall remain in effect. The fact that a governmental entity may
relieve an employee from all necessary legal fees and expenses and any
judgment arising from the civil lawsuit shall not under any circum­
stances be communicated to the trier of fact in the civil lawsuit.

SECTION 2. This act shall apply to all claims under this act for
money damages which accrue or which arise out of any negligent or
otherwise wrongful acts or omissions of any governmental entity or its
employees occurring on or after July 1, 1980.

Approved March 28, 1980.

CHAPTER 219
(H.B. No. 748)

AN ACT
RELATING TO EXEMPTIONS FROM TAXATION; AMENDING CHAPTER 1, TITLE 63,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-105DD, IDAHO CODE,
TO PROVIDE FOR A LIMITED EXEMPTION FROM TAXATION ON RESIDENTIAL
IMPROVEMENTS THAT ARE OWNER-OCUPIED AND ARE USED AS THE PRIMARY
DWELLING PLACE OF THE OWNER, TO PROVIDE FOR CONDITIONS BEFORE THE
EXEMPTION IS ALLOWED, TO PROVIDE FOR DUTIES OF THE OWNER, TO PRO­
VIDE THAT THE EXEMPTION MUST BE TAKEN BEFORE APPLICATION CAN BE
MADE FOR CIRCUIT BREAKER REDUCTION IN TAXES, AND TO PROVIDE A
LEGISLATIVE DECLARATION; 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 63-105DD, Idaho Code, and to read as follows:

63-105DD. PROPERTY EXEMPT FROM TAXATION -- RESIDENTIAL IMPROVEMENTS. (1) During tax year 1980 only, the first ten thousand dollars ($10,000) of the market value of residential improvements, or twenty percent (20%) of the market value of residential improvements, whichever is the lesser, shall be exempt from ad valorem taxation, if the residential improvements are owner-occupied and used as the primary dwelling place of the owner, and if the tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have in fact been appraised uniformly so as to secure a just valuation for all property within the county. In order for this exemption to be granted, the owner must certify to the county assessor by July 15 that:

(a) He is making application for the exemption allowed by this section;
(b) That the residential improvements are his primary dwelling place; and
(c) That he has not made application in any other county for the exemption, and has not made application for the exemption on any other residential improvements in the county.

(2) The exemption allowed by this section must be taken before the reduction in taxes provided by sections 63-117 through 63-125, Idaho Code, is applied for.

(3) The legislature declares that this exemption is necessary and just.

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, 1980.

Approved March 28, 1980.

CHAPTER 220
(H.B. No. 570)

AN ACT
RELATING TO BEER LICENSES; REPEALING SECTIONS 23-1038 THROUGH 23-1041, IDAHO CODE; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1038, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION, REVOCATION AND REFUSAL TO RENEW BEER LICENSES; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 23-1038 through 23-1041, Idaho Code, be, and the same are hereby repealed.

SECTION 2. 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 23-1038, Idaho Code, and to read as follows:

23-1038. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES. When the director shall make a determination to revoke, to suspend, or to refuse grant of renewal of 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, 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 67, Idaho Code.

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

Approved March 28, 1980.

CHAPTER 221
(H.B. No. 574)

AN ACT
RELATING TO WINE LICENSES; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE FOR THE AUTHORIZATION OF A MONETARY PENALTY IN LIEU OF LICENSE SUSPENSION, AND LIMITING SUCH PENALTY TO ONE TIME ONLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1331, Idaho Code, be, and the same is hereby amended to read as follows:

23-1331. SUSPENSIÓN, REVOCATION, AND REFUSAL TO RENEW LICENSES AND PERMITS -- MONETARY PENALTY. (1) 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. 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 47A, Idaho Code.

(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) hereof.

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

Approved March 28, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

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<tr>
<td>Personnel Costs</td>
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<td>Operating Expenditures</td>
<td>Law Enforcement Drug Suspense Account</td>
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<td>Capital Outlay</td>
<td>Liquor Law Enforcement Account</td>
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<td>Trustee and Benefit Payments</td>
<td>Motor Vehicle Account</td>
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<td>TOTAL</td>
<td>Idaho State Horse Racing Commission Account</td>
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<td>Alcohol Safety Action Program Account</td>
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<td>Medicaid Fraud Account</td>
</tr>
<tr>
<td></td>
<td>55 MPH Compliance Account</td>
</tr>
<tr>
<td></td>
<td>Law Enforcement Planning Commission Account</td>
</tr>
<tr>
<td></td>
<td>Weighing and Inspection Account</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>$12,180,700</td>
<td>$ 2,239,700</td>
</tr>
<tr>
<td>4,377,300</td>
<td>16,000</td>
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<td>11,162,400</td>
</tr>
<tr>
<td>$19,790,900</td>
<td>187,900</td>
</tr>
<tr>
<td></td>
<td>908,600</td>
</tr>
<tr>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>716,100</td>
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<tr>
<td></td>
<td>103,300</td>
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<tr>
<td></td>
<td>383,500</td>
</tr>
<tr>
<td></td>
<td>3,083,200</td>
</tr>
<tr>
<td></td>
<td>367,700</td>
</tr>
<tr>
<td></td>
<td>$19,790,900</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:
## FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL

### I. CENTRAL ADMINISTRATION:

<table>
<thead>
<tr>
<th>FROM</th>
<th>General Account</th>
<th>Motor Vehicle Account</th>
<th>Training Account</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>$60,100</td>
<td></td>
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</tr>
<tr>
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<td>$317,000</td>
<td>$1,228,300</td>
<td>$103,300</td>
<td></td>
<td>$4,083,200</td>
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</table>

### II. CRIME CONTROL:

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<tr>
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<th>Motor Vehicle Account</th>
<th>Liquor Law Enforcement Account</th>
<th>Medicaid Fraud Account</th>
<th>Law Enforcement Drug Suspense Account</th>
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</tr>
</thead>
<tbody>
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<td></td>
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<td></td>
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<td></td>
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<td>$49,500</td>
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<td>358,300</td>
<td>164,200</td>
<td>16,000</td>
<td>$2,855,300</td>
</tr>
</tbody>
</table>

### III. REGULATION OF HIGHWAY TRAFFIC:

<table>
<thead>
<tr>
<th>FROM</th>
<th>General Account</th>
<th>Motor Vehicle Account</th>
<th>Alcohol Safety Action Account</th>
<th>55 Mph Compliance Account</th>
<th>Weighing and Inspection Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,840,900</td>
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<td>$508,500</td>
<td>$169,500</td>
<td>$367,700</td>
<td>$6,189,700</td>
</tr>
<tr>
<td></td>
<td>$1,066,500</td>
<td>$508,500</td>
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<tr>
<td></td>
<td>$5,400</td>
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<td>716,100</td>
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<td>367,700</td>
<td>$8,094,500</td>
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</tbody>
</table>

### IV. IDAHO STATE POLICE DIVISION:

<table>
<thead>
<tr>
<th>FROM</th>
<th>Motor Vehicle Account</th>
<th>Alcohol Safety Action Account</th>
<th>55 Mph Compliance Account</th>
<th>Weighing and Inspection Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5,144,000</td>
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<td>$367,700</td>
<td>$6,627,200</td>
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<td>175,900</td>
<td>135,700</td>
<td></td>
<td>$6,627,200</td>
</tr>
<tr>
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<td>$477,000</td>
<td>31,700</td>
<td>78,300</td>
<td>367,700</td>
<td>$6,627,200</td>
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### V. BRAND INSPECTION:

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<thead>
<tr>
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<th>State Brand Board Account</th>
<th>Brand Recording Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td></td>
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<td></td>
<td>$1,008,600</td>
</tr>
</tbody>
</table>

### VI. HORSE RACING COMMISSION:

<table>
<thead>
<tr>
<th>FROM</th>
<th>Idaho State Horse Racing Commission Account</th>
<th>GRAND TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
<td></td>
<td>$677,900</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,555,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$19,790,900</td>
</tr>
</tbody>
</table>

Approved March 28, 1980.
AN ACT
RELATING TO LIQUOR BY THE DRINK LICENSES; REPEALING SECTION 23-933, IDAHO CODE; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES, PROVIDING FOR A MONETARY PENALTY IN LIEU OF LICENSE SUSPENSION FOR ONE TIME ONLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-933, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-933, Idaho Code, and to read as follows:

23-933. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES.
(1) The director may suspend, revoke, or refuse to renew a 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. 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 67, Idaho Code.

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

Approved March 28, 1980.

CHAPTER 224
(H.B. No. 722)

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 Human Rights Commission the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
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<tr>
<td>Human Rights Account</td>
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<tr>
<td>TOTAL</td>
<td>$139,300</td>
<td>$79,000</td>
<td>$4,300</td>
</tr>
</tbody>
</table>

Approved March 28, 1980.
CHAPTER 225
(H.B. No. 577)

AN ACT
RELATING TO PRODUCT LIABILITY; AMENDING TITLE 6, IDAHO CODE, BY THE
ADDITION OF A NEW CHAPTER 13, TITLE 6, IDAHO CODE, TO PROVIDE FOR
THE SCOPE OF THE ACT, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE
MAXIMUM LENGTH OF TIME PRODUCT SELLERS ARE SUBJECT TO LIABILITY,
TO PROVIDE FOR COMPARATIVE RESPONSIBILITY, TO DEFINE CERTAIN CON-
DUCT AFFECTING COMPARATIVE RESPONSIBILITY, TO PROVIDE STANDARDS OF
RELEVANCE FOR CERTAIN EVIDENCE, TO DEFINE INDIVIDUAL RIGHTS AND
RESPONSIBILITIES OF PRODUCT SELLERS OTHER THAN MANUFACTURERS, TO
PROVIDE FOR THE CONTENTS OF A COMPLAINT AND THE AMOUNT OF RECOV-
ERY, TO PROVIDE A SHORT TITLE; TO PROVIDE SEVERABILITY; AND TO
PROVIDE AN EFFECTIVE DATE.

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 13, Title 6, Idaho Code, and to read as follows:

CHAPTER 13
PRODUCT LIABILITY

6-1301. SCOPE. The previous existing applicable law of this state
on product liability is modified only to the extent set forth in this
act.

6-1302. DEFINITIONS. (1) "Product seller" means any person or
entity that is engaged in the business of selling products, whether
the sale is for resale, or for use or consumption. The term includes a
manufacturer, wholesaler, distributor, or retailer of the relevant
product. The term also includes a party who is in the business of
leasing or bailing such products. The term "product seller" does not
include:

(a) A provider of professional services who utilizes or sells
products within the legally authorized scope of its professional
practice. A nonprofessional provider of services is not included
unless the sale or use of a product is the principal part of the
transaction, and the essence of the relationship between the
seller and purchaser is not the furnishing of judgment, skill, or
services;

(b) A commercial seller of used products who resells a product
after use by a consumer or other product user, provided the used
product is in essentially the same condition as when it was
acquired for resale; and

(c) A finance lessor who is not otherwise a product seller. A
"finance lessor" is one who acts in a financial capacity, who is
not a manufacturer, wholesaler, distributor, or retailer, and who
leases a product without having a reasonable opportunity to inspect and discover defects in the product, under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

(2) "Manufacturer" includes a product seller who designs, produces, makes, fabricates, constructs, or remanufactures the relevant product or component part of a product before its sale to a user or consumer. It includes a product seller or entity not otherwise a manufacturer that holds itself out as a manufacturer. A product seller acting primarily as a wholesaler, distributor, or retailer of a product may be a "manufacturer" but only to the extent that it designs, produces, makes, fabricates, constructs, or remanufactures the product before its sale.

(3) "Product" means any object possessing intrinsic value, capable of delivery either as an assembled whole or as a component part or parts, and produced for introduction into trade or commerce. Human tissue and organs, including human blood and its components, are excluded from this term. The "relevant product" under this chapter is that product, or its component part or parts, which gave rise to the product liability claim.

(4) "Claimant" means a person or entity asserting a product liability claim, including a wrongful death action, and, if the claim is asserted through or on behalf of an estate, the term includes claimant's decedent. "Claimant" includes any person or entity that suffers harm.

(5) "Reasonably anticipated conduct" means the conduct which would be expected of an ordinary reasonably prudent person who is likely to use the product in the same or similar circumstances.

6-1303. LENGTH OF TIME PRODUCT SELLERS ARE SUBJECT TO LIABILITY.

(1) Useful safe life.

(a) Except as provided in subsection (1) (b) hereof, a product seller shall not be subject to liability to a claimant for harm under this chapter if the product seller proves by a preponderance of the evidence that the harm was caused after the product's "useful safe life" had expired.

"Useful safe life" begins at the time of delivery of the product and extends for the time during which the product would normally be likely to perform or be stored in a safe manner. For the purposes of this chapter, "time of delivery" means the time of delivery of a product to its first purchaser or lessee who was not engaged in the business of either selling such products or using them as component parts of another product to be sold.

(b) A product seller may be subject to liability for harm caused by a product used beyond its useful safe life to the extent that the product seller has expressly warranted the product for a longer period.

(2) Statute of repose.

(a) Generally. In claims that involve harm caused more than ten (10) years after time of delivery, a presumption arises that the harm
was caused after the useful safe life had expired. This presumption may only be rebutted by clear and convincing evidence.

(b) Limitations on statute of repose.
1. If a product seller expressly warrants that its product can be utilized safely for a period longer than ten (10) years, the period of repose, after which the presumption created in subsection (2) (a) hereof arises, shall be extended according to that warranty or promise.
2. The ten (10) year period of repose established in subsection (2) (a) hereof does not apply if the product seller intentionally misrepresents facts about its product, or fraudulently conceals information about it, and that conduct was a substantial cause of the claimant's harm.
3. Nothing contained in subsection (2) of this section shall affect the right of any person found liable under this chapter to seek and obtain contribution or indemnity from any other person who is responsible for harm under this chapter.
4. The ten (10) year period of repose established in subsection (2) (a) hereof shall not apply if the harm was caused by prolonged exposure to a defective product, or if the injury-causing aspect of the product that existed at the time of delivery was not discoverable by an ordinary reasonably prudent person until more than ten (10) years after the time of delivery, or if the harm, caused within ten (10) years after the time of delivery, did not manifest itself until after that time.

(3) Statute of limitation. No claim under this chapter may be brought more than two (2) years from the time the cause of action accrued as defined in section 5-219, Idaho Code.

6-1304. COMPARATIVE RESPONSIBILITY. Comparative responsibility shall not bar recovery in an action by any person or his legal representative to recover damages for product liability resulting in death or injury to person or property, if such responsibility was not as great as the responsibility of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of responsibility attributable to the person recovering.

6-1305. CONDUCT AFFECTING COMPARATIVE RESPONSIBILITY. (1) Failure to discover a defective condition.
(a) Claimant's failure to inspect. A claimant is not required to have inspected the product for a defective condition. Failure to have done so does not render the claimant responsible for the harm caused or reduce the claimant's damages.
(b) Claimant's failure to observe an obvious defective condition. When the product seller proves by a preponderance of the evidence that the claimant, while using the product, was injured by a defective condition that would have been obvious to an ordinary reasonably prudent person, the claimant's damages shall be subject to reduction.
(c) A nonclaimant's failure to inspect for defects or to observe an obvious defective condition. A nonclaimant's failure to inspect for a defective condition or to observe a defective condition that would
have been obvious to an ordinary reasonably prudent person, shall not reduce claimant's damages.

(2) Use of a product with a known defective condition.
(a) By a claimant. When the product seller proves, by a preponderance of the evidence, that the claimant knew about the product's defective condition, and voluntarily used the product or voluntarily assumed the risk of harm from the product, the claimant's damages shall be subject to reduction to the extent that the claimant did not act as an ordinary reasonably prudent person under the circumstances.
(b) By a nonclaimant product user. If the product seller proves by a preponderance of the evidence that a product user, other than the claimant, knew about a product's defective condition, but voluntarily and unreasonably used or stored the product and thereby proximately caused claimant's harm, the claimant's damages shall be subject to apportionment.

(3) Misuse of a product.
(a) "Misuse" occurs when the product user does not act in a manner that would be expected of an ordinary reasonably prudent person who is likely to use the product in the same or similar circumstances.
(b) When the product seller proves, by a preponderance of the evidence, that product misuse by a claimant, or by a party other than the claimant or the product seller has proximately caused the claimant's harm, the claimant's damages shall be subject to reduction or apportionment to the extent that the misuse was a proximate cause of the harm.

(4) Alteration or modification of a product.
(a) "Alteration or modification" occurs when a person or entity other than the product seller changes the design, construction, or formula of the product, or changes or removes warnings or instructions that accompanied or were displayed on the product. "Alteration or modification" of a product includes the failure to observe routine care and maintenance, but does not include ordinary wear and tear.
(b) When the product seller proves, by a preponderance of the evidence, that an alteration or modification of the product by the claimant, or by a party other than the claimant or the product seller has proximately caused the claimant's harm, the claimant's damages shall be subject to reduction or apportionment to the extent that the alteration or modification was a proximate cause of the harm.

This subsection shall not be applicable if:
1. The alteration or modification was in accord with the product seller's instructions or specifications;
2. The alteration or modification was made with the express or implied consent of the product seller; or
3. The alteration or modification was reasonably anticipated conduct, and the product was defective because of the product seller's failure to provide adequate warnings or instructions with respect to the alteration or modification.

6-1306. RELEVANCE OF INDUSTRY CUSTOM, SAFETY OR PERFORMANCE STANDARDS, AND TECHNOLOGICAL FEASIBILITY. (1) Evidence of changes in (a) a product's design, (b) warnings or instructions concerning the product,
(c) technological feasibility, (d) "state of the art," or (e) the custom of the product seller's industry or business, occurring after the product was manufactured and delivered to its first purchaser or lessee who was not engaged in the business of either selling such products or using them as component parts of another product to be sold, is not admissible for the purpose of proving that the product was defective in design or that a warning or instruction should have accompanied the product at the time of manufacture. The provisions of this section shall not relieve the product seller of any duty to warn of known defects discovered after the product was designed and manufactured.

(2) If the court finds outside the presence of a jury that the probative value of such evidence substantially outweighs its prejudicial effect and that there is no other proof available, this evidence may be admitted for other relevant purposes, including but not limited to proving ownership or control, or impeachment.

(3) For purposes of this section, "custom" refers to the practices followed by an ordinary product seller in the product seller's industry or business.

(4) For purposes of this section, "technological feasibility" means the technological, mechanical and scientific knowledge relating to product safety that was reasonably feasible for use, in light of economic practicality, at the time of manufacture.

6-1307. INDIVIDUAL RIGHTS AND RESPONSIBILITIES OF PRODUCT SELLERS OTHER THAN MANUFACTURERS. (1) In the absence of express warranties to the contrary, product sellers other than manufacturers shall not be subject to liability in circumstances where they do not have a reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, reveal the existence of the defective condition which is in issue; or where the product seller acquires the product in a sealed package or container and sells the product in the same sealed package or container. The liability limitation of this subsection shall not apply if:

(a) The product seller had knowledge or reason to know of the defect in the product;

(b) The product seller altered, modified, or installed the product, and such alteration, modification or installation was a substantial proximate cause of the incident giving rise to the action, was not authorized or requested by the manufacturer and was not performed in compliance with the directions or specifications of the manufacturer;

(c) The product seller provided the plans or specifications for the manufacturer or preparation of the product and such plans or specifications were a substantial cause of the product's alleged defect.

(d) The product seller is a wholly-owned subsidiary of the manufacturer, or the manufacturer is a wholly-owned subsidiary of the product seller.

(e) The product seller sold the product after the expiration date placed on the product or its package by the manufacturer.
(2) In an action where the liability limitation of subsection (1) applies, any manufacturer who refuses to accept a tender of defense from the product seller, shall indemnify the product seller for reasonable attorney's fees and costs incurred by the product seller in defending such action.

(3) In any product liability action, the manufacturer of the product shall be indemnified by the product seller of the product for any judgment rendered against the manufacturer and shall also be reimbursed for reasonable attorney's fees and costs incurred in defending such action:

(a) If the product seller provided the plans or specifications for the manufacture or preparation of the product;
(b) If such plans or specifications were a substantial cause of the product's alleged defect; and
(c) If the product was manufactured in compliance with and according to the plans or specifications of the seller.

The provisions of this subsection shall not apply if the manufacturer had knowledge or with the exercise of reasonable and diligent care should have had knowledge of the defect in the product.

(4) A product seller, other than a manufacturer, is also subject to the liability of manufacturer if:

(a) The manufacturer is not subject to service of process under the laws of the claimant's domicile; or
(b) The manufacturer has been judicially declared insolvent in that the manufacturer is unable to pay its debts as they become due in the ordinary course of business; or
(c) The court outside the presence of a jury determines that it is highly probable that the claimant would be unable to enforce a judgment against the product manufacturer.

6-1308. CONTENTS OF COMPLAINT -- AMOUNT OF RECOVERY. In any product liability action no dollar amount or figure shall be included in the complaint. The complaint shall pray for such damages as are reasonable in the premises. The complaint shall include a statement reciting that the jurisdictional amount established for filing the action is satisfied.

6-1309. SHORT TITLE. This act shall be known and may be cited as the "Idaho Product Liability Reform Act."

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 3. This act shall be effective with regard to all product liability actions filed on or after July 1, 1980.

Approved March 28, 1980.
C. 226 '80

CHAPTER 226
(H.B. No. 522, As Amended)

AN ACT
RELATING TO PREPAYMENT OF AD VALOREM TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 63, IDAHO CODE; TO PROVIDE FOR A DECLARATION OF INTENT; TO PROVIDE FOR A PETITION FOR PERMISSION TO PREPAY TAXES; TO PROVIDE FOR A HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS, AND TO PROVIDE FOR AN ORDER BY THE BOARD OF COUNTY COMMISSIONERS; TO PROVIDE FOR THE FORMATION OF A LOCAL IMPACT COMMITTEE, ITS MEMBERSHIP, POWERS AND DUTIES; TO CREATE A LOCAL IMPACT FUND, AND TO PROVIDE CONDITIONS FOR THE RECEIPT INTO AND EXPENDITURES FROM THE LOCAL IMPACT FUND; TO PROVIDE THAT PREPAYMENT OF AD VALOREM TAXES SHALL BE OPTIONAL ON THE PART OF THE TAXPAYER; TO PROVIDE A CREDIT AGAINST TAX LIABILITY FOR PREPAID TAXES; AND TO PROVIDE FOR THE LAPSE OF UNUSED CREDITS FOR PREPAID TAXES.

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

SECTION 1. That Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 16, Title 63, Idaho Code, and to read as follows:

CHAPTER 16
PREPAYMENT OF TAXES

63-1601. DECLARATION OF INTENT. It is the intent of the legislature to make provisions available for the prepayment of a portion of certain taxpayers' ad valorem taxes to minimize the impact on public facilities caused by new business operations within a county.

63-1602. PETITION FOR PERMISSION TO PREPAY TAXES. In order to minimize the impact on public facilities as a result of new business operations and to permit affected taxing districts to use prepaid ad valorem taxes for planning, construction, expansion, or operation of public facilities, any taxpayer seeking to prepay ad valorem taxes shall petition the board of county commissioners in the applicable county. The petition, in addition to such information as the taxpayer may choose to present, shall contain the following:

(a) A statement that the taxpayer intends to engage or is engaged in new business operations and that such operations will have an impact on public facilities in the county;

(b) A declaration that the taxpayer has or will have taxable property in the county and taxing districts during the term of the impact period, which shall not exceed ten (10) years;

(c) A request that the taxpayer be allowed to prepay a portion, but not to exceed fifty percent (50%) of the estimated ad valorem taxes that will be due during the first one-half of the term of the impact period, which shall not exceed ten (10) years; and
(d) A request that a local impact committee be organized.

63-1603. HEARING AND ORDER. (1) On receipt of a petition from a taxpayer pursuant to section 63-1602, Idaho Code, the board of county commissioners shall:

(a) Within five (5) days of receipt of such petition, forward a copy of the petition to the chairman of the governing board of each taxing district in which any part of the property of the taxpayer is or will be situated during the term of the impact period; and

(b) Within thirty (30) days of receipt of such petition hold one or more public hearings at which the taxpayer, all taxing districts to which the petition was forwarded, and interested persons may appear and be heard relative to the impact on public facilities in such county and the matters contained in the taxpayer's petition.

(2) Within fifteen (15) days after the close of the hearings, the board shall enter an order either granting or denying the petition.

(a) If the petition is denied, the taxpayer may not reapply or file a new petition until the start of the next tax year.

(b) If the petition is granted, the board shall enter an order declaring:

(i) That the taxpayer intends to engage in or is engaged in new business operations in the county and that such operations will have an impact on public facilities in the county;

(ii) That the taxpayer has or will have taxable property in the county and taxing districts during the term of the impact period;

(iii) That the taxpayer be allowed to prepay a portion, but not to exceed fifty percent (50%) of the estimated ad valorem taxes that will accrue during the term of the impact period, and receive ad valorem tax credits for such prepaid taxes, in accordance with the provisions of this chapter; and

(iv) That a local impact committee be created.

63-1604. LOCAL IMPACT COMMITTEE. If a local impact committee is ordered pursuant to section 63-1603, Idaho Code, the board of county commissioners shall appoint the members of the committee. The committee shall consist of a member of the governing board of each taxing district in which any part of the property of the taxpayer is or will be situated during the term of the impact period, the county assessor, and the chairman of the board of county commissioners, who shall be the permanent chairman of the local impact committee. The board of county commissioners, with the advice of the committee, shall:

(1) Work with the taxpayer to determine the impact on public facilities for a period of not to exceed ten (10) years;

(2) Develop a plan for construction, expansion, or operation of public facilities for a period of not to exceed ten (10) years;

(3) Estimate the total amount of ad valorem taxes that the taxpayer will become obligated to pay for a period of not to exceed ten (10) years, and the estimated amount of taxes that may be prepaid.
during the first one-half of the impact period;

(4) Determine the priority of public facilities that are to be funded from prepaid ad valorem taxes, the taxing districts which will receive such prepaid ad valorem taxes, the dollar amount of such taxes, and the taxing districts which need to provide a credit during the term of the impact period to the taxpayer for prepaid ad valorem taxes.

63-1605. LOCAL IMPACT FUND. In each county in which a local impact committee is formed, under the provisions of this chapter, there is hereby created and established in the county treasury a local impact fund to which all prepaid ad valorem taxes shall be credited as received.

Moneys in the local impact fund may be expended or transferred to a taxing district only upon the approval of the board of county commissioners with the advice of the local impact committee, any other provisions of law notwithstanding.

The preparation of a budget for the moneys in the fund shall be controlled by the provisions of this chapter, any other provision of law notwithstanding.

The expenditure of moneys from the fund, or the transfer of moneys in the fund to a taxing district, shall be exempt from the provisions of chapter 16, title 31, Idaho Code, from the provisions of section 63-923, Idaho Code, and from the provisions of section 63-2220, Idaho Code.

The moneys received by any taxing district from the local impact fund shall be exempt from the provisions of sections 63-923 and 63-2220, Idaho Code.

63-1606. PREPAYMENT OPTIONAL. Prepayment of ad valorem taxes under the provisions of this chapter shall be optional and voluntary on the part of the taxpayer, unless an agreement has been entered into with a local impact committee, in which case the terms of the agreement shall be binding.

63-1607. CREDIT FOR PREPAID TAXES. During the last one-half of the impact period, each taxpayer who has prepaid taxes shall be allowed a credit for such taxes paid during the first one-half of the impact period. The credit shall be allowed against the actual taxes assessed to the taxpayer by the taxing district which received prepaid taxes from the local impact fund, and shall be calculated to provide an approximately equal credit during each year that the credit is allowed.

63-1608. LAPSE OF UNUSED CREDIT. If for any reason during the impact period the taxpayer should cease business operations and the credits accumulated for prepaid ad valorem taxes have not been completely set off against taxes due, the balance of the unused credit shall be forfeited, and the county and taxing districts shall be under no obligation to pay off the unused credits.

Approved March 28, 1980.
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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account $ 4,199,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>General Interaccount Account $ 2,844,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Permanent Building Account $ 262,700</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Personnel Commission Account $ 7,546,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL $14,853,300</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Administration the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DEPARTMENTAL ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 116,200</td>
<td>$ 51,600</td>
<td>$ 4,600</td>
<td></td>
<td>$ 172,400</td>
</tr>
<tr>
<td>II. FISCAL OPERATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount</td>
<td>$ 177,500</td>
<td>$ 53,900</td>
<td>$ 5,200</td>
<td></td>
<td>$ 236,600</td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III. GENERAL 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>$ 188,400</td>
<td>$ 69,500</td>
<td>$ 9,100</td>
<td></td>
<td>$ 267,000</td>
</tr>
</tbody>
</table>
### General Interaccount Account

<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>$910,000</td>
<td>$900,600</td>
<td>$97,900</td>
<td>$3,249,300</td>
<td>$5,057,800</td>
</tr>
</tbody>
</table>

### IV. PUBLIC WORKS:

**FROM:**

<table>
<thead>
<tr>
<th>General Account</th>
<th>$683,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Interaccount Account</td>
<td>$975,500</td>
</tr>
<tr>
<td>Permanent Building Account</td>
<td>$404,800</td>
</tr>
</tbody>
</table>

#### TOTAL $998,400 $970,100 $107,000 $3,249,300 $5,324,800

### V. PURCHASING:

**FROM:**

<table>
<thead>
<tr>
<th>General Account</th>
<th>$223,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Interaccount Account</td>
<td>$66,600</td>
</tr>
<tr>
<td>Federal Revolving Account</td>
<td>$158,500</td>
</tr>
</tbody>
</table>

#### TOTAL $448,100 $280,200 $120,200 $2,247,500 $4,764,400

### VI. INTERNS:

**FROM:**

| General Account | $12,000 |

#### TOTAL $14,100

### VII. GROUP INSURANCE:

**FROM:**

| Employee Group Insurance Account | $79,900 |

#### TOTAL $144,300

### VIII. RISK MANAGEMENT:

**FROM:**

| Risk Retention Account | $82,800 |

#### TOTAL $2,188,700

### IX. PERSONNEL COMMISSION:

**FROM:**

| Personnel Commission Account | $904,400 |
| General Interaccount Account | $235,600 |

#### TOTAL $1,144,500

**GRAND TOTAL** $4,199,600 $2,844,200 $262,700 $7,546,800 $14,853,300

Approved March 28, 1980.
CHAPTER 228
(H.B. No. 658, As Amended)

AN ACT
RELATING TO THE SALARIES OF COUNTY OFFICERS; AMENDING SECTION 31-3106, IDAHO CODE, TO PROVIDE A TIME BY WHICH THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE A RECOMMENDATION FOR THE SALARIES OF COUNTY COMMISSIONERS AND THE PROSECUTING ATTORNEY FOR THE CURRENT YEAR.

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

SECTION 1. That Section 31-3106, Idaho Code, be, and the same is hereby amended to read as follows:

31-3106. SALARIES OF COUNTY OFFICERS. It shall be the duty of the board of county commissioners of each county at its annual meeting in April of each year to fix the annual salaries of the several county officers, except county commissioners and prosecuting attorneys, as of and from October 1 for the next ensuing year. Provided however, that the board shall make a recommendation to the legislature by resolution not later than January 30 for the current year 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 reduce the recommendation for the county commissioners' salaries or prosecuting attorney's salary.

Approved March 28, 1980.

CHAPTER 229
(H.B. No. 664)

AN ACT
RELATING TO THE ELECTION OF COMMISSIONERS OF A FIRE PROTECTION DISTRICT; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1410A, IDAHO CODE, TO PROVIDE THAT IF, AFTER THE EXPIRATION OF THE DATE FOR FILING WRITTEN NOMINATIONS FOR THE OFFICE OF COMMISSIONER, IT APPEARS THAT ONLY ONE QUALIFIED CANDIDATE HAS BEEN NOMINATED FOR EACH POSITION TO BE FILLED, IT SHALL NOT BE NECESSARY TO HOLD AN ELECTION, AND THE BOARD OF COMMISSIONERS SHALL DECLARE SUCH CANDIDATE ELECTED AS COMMISSIONER.

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

SECTION 1. That Chapter 14, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-1410A, Idaho Code, and to read as follows:
31-1410A. BOARD OF COMMISSIONERS -- ONE NOMINATION -- NO ELECTION. In any election for fire protection commissioners if, after the expiration of the date for filing written nominations for the office of commissioner, it appears that only one (1) qualified candidate has been nominated for each position to be filled, it shall not be necessary to hold an election, and the board of commissioners shall within three (3) days after expiration of the date for filing written nominations declare such candidate elected as commissioner, and 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 fire protection district election.

Approved March 28, 1980.

CHAPTER 230
(H.B. No. 727)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and Supervision</td>
<td>$1,116,900</td>
</tr>
<tr>
<td>General Programs</td>
<td>4,164,300</td>
</tr>
<tr>
<td>Post Secondary Programs</td>
<td>10,876,600</td>
</tr>
<tr>
<td>Advisory Council</td>
<td>99,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,257,700</td>
</tr>
</tbody>
</table>

BY EXPENDITURE CLASSIFICATION TO BE EXPENDED FOR ALL PROGRAMS:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$978,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>232,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,200</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>15,040,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,257,700</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$13,222,400</td>
</tr>
<tr>
<td>Vocational Education Act of 1963 Account</td>
<td>2,935,400</td>
</tr>
<tr>
<td>Vocational Education Advisory Council Account</td>
<td>99,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,257,700</td>
</tr>
</tbody>
</table>

Approved March 28, 1980.
AN ACT
RELATING TO BOARDS OF TRUSTEES OF LIBRARY DISTRICTS; REPEALING SECTION 33-2710, IDAHO CODE; AND AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2710, IDAHO CODE, TO PROVIDE FOR THE PROCEDURE FOR THE NOMINATION AND ELECTION OF TRUSTEES OF A LIBRARY DISTRICT.

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

SECTION 1. That Section 33-2710, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 27, 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 33-2710, Idaho Code, and to read as follows:

33-2710. BOARD OF TRUSTEES -- NOMINATION AND ELECTION. The procedure for nomination and election of trustees of a library district shall be as provided for the nomination and election of trustees of a school district. This shall include notice requirements, conduct of election, qualifications of electors, provision for absentee voting, nominations, uniform date of election, and declaration and filling of vacancies.

Approved March 28, 1980.

CHAPTER 232
(H.B. No. 627)

AN ACT
RELATING TO THE ELECTION OF TRUSTEES OF A LIBRARY DISTRICT; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2710A, IDAHO CODE, TO PROVIDE THAT IF, AFTER THE EXPIRATION OF THE DATE FOR FILING WRITTEN NOMINATIONS FOR THE OFFICE OF TRUSTEE, IT APPEARS THAT ONLY ONE QUALIFIED CANDIDATE HAS BEEN NOMINATED FOR EACH POSITION TO BE FILLED, IT SHALL NOT BE NECESSARY TO HOLD AN ELECTION, AND THE BOARD OF TRUSTEES SHALL DECLARE SUCH CANDIDATE ELECTED AS TRUSTEE.

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

SECTION 1. That Chapter 27, 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 33-2710A, Idaho Code, and to read as follows:
33-2710A. BOARD OF TRUSTEES -- ONE NOMINATION -- NO ELECTION. In any election for trustees if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for each position to be filled, it shall not be necessary to hold an election, and the board of trustees shall within three (3) days after expiration of the date for filing written nominations declare such candidate elected as trustee, and 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 library district election.

Approved March 28, 1980.

CHAPTER 233
(H.B. No. 728)

AN ACT
APPROPRIATING $188,000 FROM THE PERMANENT BUILDING FUND TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated $188,000, or so much thereof as may be necessary, from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Division of Public Works for the purposes specified.

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Len B. Jordan Building roof and exterior wall repair</td>
<td>$99,500</td>
</tr>
<tr>
<td>Purchase of Odiaga Property in Capitol Mall</td>
<td>$88,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$188,000</strong></td>
</tr>
</tbody>
</table>

FROM:

Permanent Building Fund  $188,000

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 28, 1980.
CHAPTER 234
(H.B. No. 736)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES; 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, 1980, THROUGH JUNE 30, 1981; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE POSITION "SAFETY AND LABOR RELATIONS BUREAU CHIEF."

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, 1980 through June 30, 1981.

FOR:
Personnel Costs $2,702,500
Operating Expenditures 603,500
Capital Outlay 1,800
Trustee and Benefit Payments 3,000
TOTAL $3,310,800

FROM:
General Account $497,200
Miscellaneous Receipts Account 9,000
Electrical Board Account 1,577,800
Plumbing Board Account 578,000
Idaho Building Code Account 645,800
General Interaccount Account 3,000
TOTAL $3,310,800

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, 1980, through June 30, 1981:
<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><strong>FROM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$53,200</td>
<td>$4,600</td>
<td>$300</td>
<td></td>
<td>$57,800</td>
</tr>
<tr>
<td>Electrical Board Account</td>
<td>$47,700</td>
<td>$4,100</td>
<td></td>
<td></td>
<td>$52,100</td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>$55,400</td>
<td>$4,700</td>
<td>300</td>
<td></td>
<td>$60,400</td>
</tr>
<tr>
<td>Plumbing Board Account</td>
<td>$34,300</td>
<td>$2,900</td>
<td>100</td>
<td></td>
<td>$37,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$9,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$190,600</td>
<td>$28,300</td>
<td>$700</td>
<td></td>
<td>$219,600</td>
</tr>
<tr>
<td><strong>B. UNIFORM BUILDING BUREAU:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>$457,300</td>
<td>$128,100</td>
<td></td>
<td></td>
<td>$585,400</td>
</tr>
<tr>
<td><strong>C. ELECTRICAL BUREAU:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Board Account</td>
<td>$1,258,700</td>
<td>$267,000</td>
<td></td>
<td></td>
<td>$1,525,700</td>
</tr>
<tr>
<td><strong>D. PLUMBING BUREAU:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbing Board Account</td>
<td>$447,200</td>
<td>$90,300</td>
<td>$200</td>
<td>$3,000</td>
<td>$540,700</td>
</tr>
<tr>
<td><strong>E. SAFETY AND LABOR RELATIONS BUREAU:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FROM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$348,700</td>
<td>$89,800</td>
<td>$900</td>
<td></td>
<td>$439,400</td>
</tr>
<tr>
<td><strong>GRAND TOTAL:</strong></td>
<td>$2,702,500</td>
<td>$603,500</td>
<td>$1,800</td>
<td>$3,000</td>
<td>$3,310,800</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that no General Account moneys from the appropriation made by Section 2 of this act shall be used to fund the position of "Safety and Labor Relations Bureau Chief."

Approved March 28, 1980.
CHAPTER 235
(H.B. No. 620)

AN ACT
RELATING TO CIRCUIT BREAKER TAX RELIEF; AMENDING SECTION 63-117, IDAHO CODE, TO EXCLUDE CAPITAL GAINS AND MEDICAL EXPENSES NOT COVERED BY INSURANCE FROM THE DEFINITION OF HOUSEHOLD INCOME, TO REDUCE THE RESIDENCY REQUIREMENT FROM THREE YEARS TO ONE YEAR, TO PROVIDE THAT ALL THOSE RECOGNIZED AS DISABLED UNDER THE FEDERAL SOCIAL SECURITY ACT ARE ENTITLED TO RELIEF, AND TO EXCLUDE FROM ELIGIBILITY VETERANS OF THE INDIANS WARS, THE SPANISH AMERICAN WAR AND WORLD WAR I; AMENDING SECTION 63-120, IDAHO CODE, TO PROVIDE A NEW SCHEDULE OF AMOUNTS FOR TAX REDUCTION ON AD VALOREM TAXES, AND TO PROVIDE A NEW SCHEDULE OF INCOME LIMITS FOR CLAIMANTS; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION 63-120A, IDAHO CODE, DIRECTING THE STATE TAX COMMISSION TO ANNUALLY ADOPT INCOME LIMITATIONS AND TAX REDUCTION AMOUNTS TO REFLECT CERTAIN FLUCTUATIONS IN SOCIAL SECURITY BENEFITS; AMENDING SECTION 63-121, IDAHO CODE, TO PROVIDE THAT THE COUNTY ASSESSOR SHALL DETERMINE WHETHER CLAIMS ARE IN CONFORMITY WITH SECTION 63-117, IDAHO CODE, AND TO ELIMINATE ESTIMATION OF THE AMOUNT OF TAX RELIEF BASED UPON THE PREVIOUS YEAR'S LEVIES; AMENDING SECTION 63-122, IDAHO CODE, TO PROVIDE FOR THE USE OF ONE PROPERTY TAX REDUCTION ROLL AND TO ALLOW A CLAIMANT WHOSE CLAIM HAS BEEN DENIED BY THE STATE TAX COMMISSION TO FILE FOR AN ORDINARY HARDSHIP EXEMPTION UNDER SECTIONS 63-105BB AND 63-107, IDAHO CODE; AMENDING SECTION 63-124, IDAHO CODE, TO EXTEND THE TIME BY WHICH THE STATE TAX COMMISSION MUST CERTIFY THE TOTAL DOLLAR AMOUNT FOR ALL CLAIMS FOR EACH COUNTY TO THE RESPECTIVE COUNTIES; AMENDING SECTION 63-107, IDAHO CODE, TO PROVIDE THAT CLAIMANTS WHOSE CLAIMS HAVE BEEN DISAPPROVED BY THE STATE TAX COMMISSION MAY FILE FOR AN ORDINARY HARDSHIP EXEMPTION BETWEEN THE FOURTH MONDAY OF NOVEMBER AND THE FIRST MONDAY OF DECEMBER, AND THAT THE BOARD OF EQUALIZATION MUST ACT UPON SUCH CLAIMS BY THE FIRST MONDAY OF DECEMBER; DECLARING AN EMERGENCY AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE FOR CERTAIN SECTIONS OF THIS ACT, AND PROVIDING AN EFFECTIVE DATE FOR A CERTAIN SECTION OF THIS ACT.

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 capital gains, gifts from nongovernmental sources, or inheritances, or medical expenses as defined by section 213(e)(1)(A)(B) of the Internal Revenue Code, incurred by the household. Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission. "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 II, a disabled person who is receiving disability benefits pursuant to 42 USC 423, 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 percent (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 USC 1701 who was or is entitled
to receive benefits because he is known to have been taken by a
hostile force as a prisoner, hostage, or otherwise, or
(vii) blind.

SECTION 2. That Section 63-120, Idaho Code, be, and the same is
hereby amended to read as follows:

63-120. AMOUNT OF TAX REDUCTION. (1) Each claimant qualifying for
and applying for a reduction in taxes under the provisions of sections
63-117 through and including 63-125, Idaho Code, shall be allowed a
reduction in taxes for the current year only, in the amounts provided
by subsection (5)(4) of this section.

(2) All taxes continue to be the responsibility of the individual
taxpayer, all taxes continue to be liens against the property against
which assessed, and all taxes may be collected and enforced in the
usual manner, if the taxpayer does not receive any tax reduction as
provided under the provisions of sections 63-117 through and including
63-125, Idaho Code, or if the taxpayer receives less tax reduction
than the whole amount of taxes he is charged with.

(3) The amount of tax reduction that each claimant may receive
shall be initially estimated by the county assessor by estimating the
amount of taxes due for the current year by applying the previous
year's mill levies to the current year's assessed value of the property
of the claimant. The estimate shall be used for determining the
amount of state reimbursement to the county under Section 63-124;
Idaho Code; but shall not determine the final amount of the claimant's
tax reduction.

(4) The claimant property owner's tax reduction shall be based
upon the current year's assessed value and the current year's levy.

(5)(4) Tax reductions qualified under this act shall be allowed
as follows:

When the claimant's household income is: The reduction may be:

$37,001, or under $400, or actual taxes, whichever is less;

$37,001; but not more than $37,500 $375; or actual taxes, whichever is less;

$37,501; but not more than $40,000 $350; or actual taxes, whichever is less;

$40,001; but not more than $47,500 $325; or actual taxes, whichever is less;

$47,501; but not more than $50,000 $250; or actual taxes, whichever is less;

$50,001; but not more than $55,000 $200; or actual taxes, whichever is less;

$55,001; but not more than $60,000 $150; or actual taxes, whichever is less;

$60,001; but not more than $67,000 $100; or actual taxes, whichever is less;

$67,001; but not more than $75,000 $75; or actual taxes;
$3,501, but not more than $3,650
$3,651, but not more than $3,800
$3,801, but not more than $3,950
$3,951, but not more than $4,100
$4,101, but not more than $4,250
$4,251, but not more than $4,400
$4,401, but not more than $4,550
$4,551, but not more than $4,700
$4,701, but not more than $4,850
$4,851, but not more than $5,000
$5,001, but not more than $5,150
$5,151, but not more than $5,300
$5,301, but not more than $5,450
$5,451, but not more than $5,600
$5,601, but not more than $5,750
$5,751, but not more than $5,900
$5,901, but not more than $6,050
$6,051, but not more than $6,200
$6,201, but not more than $6,350
$6,351, but not more than $6,500
$6,501, but not more than $6,650
$6,651, but not more than $6,800
$6,801, but not more than $6,950
$6,951, but not more than $7,100
$7,101, but not more than $7,250

whichever-is-less:
$390, or actual taxes, whichever is less;
$380, or actual taxes, whichever is less;
$370, or actual taxes, whichever is less;
$360, or actual taxes, whichever is less;
$350, or actual taxes, whichever is less;
$340, or actual taxes, whichever is less;
$330, or actual taxes, whichever is less;
$320, or actual taxes, whichever is less;
$310, or actual taxes, whichever is less;
$300, or actual taxes, whichever is less;
$290, or actual taxes, whichever is less;
$280, or actual taxes, whichever is less;
$270, or actual taxes, whichever is less;
$260, or actual taxes, whichever is less;
$250, or actual taxes, whichever is less;
$240, or actual taxes, whichever is less;
$230, or actual taxes, whichever is less;
$220, or actual taxes, whichever is less;
$210, or actual taxes, whichever is less;
$200, or actual taxes, whichever is less;
$190, or actual taxes, whichever is less;
$180, or actual taxes, whichever is less;
$170, or actual taxes, whichever is less;
$160, or actual taxes, whichever is less;
$150, or actual taxes, whichever is less;
$7,251, but not more than $7,400
$7,401, but not more than $7,550
$7,551, but not more than $7,700
$7,701, but not more than $7,850
$7,851, but not more than $8,000
$8,001, but not more than $8,150
$8,151, but not more than $8,300
$8,301, but not more than $8,450
$8,451, but not more than $8,600
$8,601, but not more than $8,750
$140, or actual taxes, whichever is less;
$130, or actual taxes, whichever is less;
$120, or actual taxes, whichever is less;
$110, or actual taxes, whichever is less;
$100, or actual taxes, whichever is less;
$ 90, or actual taxes, whichever is less;
$ 80, or actual taxes, whichever is less;
$ 70, or actual taxes, whichever is less;
$ 60, or actual taxes, whichever is less;
$ 50, or actual taxes, whichever is less.

SECTION 3. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-120A, Idaho Code, and to read as follows:

63-120A. REGULATIONS -- CHANGES IN INCOME LIMITATIONS AND TAX REDUCTION AMOUNTS. Commencing in 1980 the state tax commission shall promulgate regulations adjusting the income limitations and tax reduction amounts to reflect cost of living fluctuations. Said regulations shall effect change in each income limitation by a percentage equal as near as practicable to the annual cost of living percentage modification as determined by the secretary of health and human services pursuant to 42 USCA 415(i). The lowest limitation shall allow a maximum reduction of four hundred dollars ($400), or actual taxes, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic four hundred dollars ($400) maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of fifty dollars ($50.00), or actual taxes, whichever is less. The tax commission shall promulgate said regulations each and every year the secretary of health and human services announces said cost of living modification. The regulations shall be promulgated no later than October 1 of each such year and shall be effective for claims filed in and for the following ad valorem tax year.

SECTION 4. 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 April 15 of each year. The county assessor shall examine each claim and determine whether it is in conformity with section 63-117, Idaho Code, and shall accordingly approve, modify, or disapprove the claim in total at the time the application is received. Additionally, the county assessor shall notify the claimant in writing by May 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 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 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 approval of 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, or the county board of equalization in acting on a claim shall determine the amount of tax relief, based upon the previous year's levies, as provided in section 63-128(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 5. That Section 63-122, Idaho Code, be, and the same is hereby amended to read as follows:

63-122. PROCEDURE AFTER CLAIM APPROVAL. (1) Immediately after claims have been approved by the board of equalization, the county assessor shall prepare a property tax reduction roll, which shall be in addition to the real property assessment roll, and the personal property assessment roll, which property reduction roll shall show:

(a) the name of the taxpayer;
(b) the description of the property for which a reduction in taxes is claimed, suitably detailed to meet the requirements of the individual county;
(c) the property's current market value, and current assessed
value;
(d) the current year's taxes—calculated by using current year's assessed values and last year's mill levies;
(e) the amount of the tax reduction the amount of tax reduction for which the applicant is eligible as determined by the applicant's household income, pursuant to sections 53-120 and 63-120A, Idaho Code.

(2) As soon as possible, but in any event by no later than the fourth Monday of July, an abstract of the property tax reduction roll shall be certified to the county auditor and to the state tax commission in the manner prescribed by section 63-413, Idaho Code. The abstract property tax reduction roll shall be accompanied by a copy of the approved claims form signed by each claimant.

(3) The state tax commission shall calculate the total of all claims for reduction in taxes from current year's property taxes evidenced by the abstracts and claims forms from all the counties; if the total of all reductions claimed exceeds the amount of dollars provided by appropriation for such purpose, the tax commission shall calculate the per cent reduction that must be made; and certify such reduction to each county auditor by September 1; if no reduction is required, each county auditor shall be notified by September 1:
(a) As soon as possible, but in any event by no later than the fourth Monday of October, the county auditor shall complete the property tax reduction roll by adding the following information:
(i) the current year's levy for the code area in which the property is situated; and
(ii) the amount of tax reduction claimed based on the current year's market value and the current year's levy.
(b) As soon as possible, but in any event no later than the fourth Monday of October, the county auditor shall certify the completed property tax reduction roll to the state tax commission in the manner prescribed by section 63-413, Idaho Code.

(4) The state tax commission may audit each and every claim submitted to it, and, any other provision of law notwithstanding, may utilize income tax returns previously filed by the claimant or by any member of his household to determine household income of the claimant.

(5) If it is determined by the tax commission that a claim is excessive erroneous, the tax commission shall disallow disapprove so much of the claim as necessary in order to conform with statutory standards or amounts. Notice of disallowance disapproval shall be provided to the claimant by September 1 the fourth Monday of October and to the county auditor of the county from which the claim was received. Any claimant aggrieved--by--a--disallowance whose claim is disapproved in whole or in part of his claim by the tax commission may:
(a) file a claim with the board of equalization for an ordinary tax exemption pursuant to sections 63-105BB and 63-107, Idaho Code; such claims must be filed between the fourth Monday of November and the first Monday of December; the board of equalization shall convene during such period for the purpose of hearing and determining these claims in addition to the purposes set forth
in section 63-1904, Idaho Code;
(b) appeal such disallowance disapproval by the tax commission to the board of tax appeals or to the district court of the county of residence of this taxpayer within thirty (30) days.

SECTION 6. That Section 63-124, Idaho Code, be, and the same is hereby amended to read as follows:

63-124. REIMBURSEMENT BY TAX COMMISSION. (1) The state tax commission shall determine the total number of claims to be allowed in each county, the dollar amount of each claim allowed, and the total dollar amount for all claims for each county. These amounts shall be certified to the county auditor by the tax commission by no later than September 1 the third Monday in November.

(2) By no later than December 20 of each year the tax commission shall pay to the county treasurer of each county the amount due each such county as reimbursement for reduction in taxes as provided by sections 63-117 through and including 63-125, Idaho Code, as shown on the abstract of property tax reduction roll and claims forms approved by the tax commission.

SECTION 7. That Section 63-107, Idaho Code, be, and the same is hereby amended to read as follows:

63-107. EXEMPT PROPERTY NOT TO BE ASSESSED -- CLAIMS PROCEDURE FOR HARDSHIP EXEMPTIONS. Property exempted from taxation under sections 63-105A -- 63-105BB, Idaho Code, shall not be assessed, except property exempted from taxation under section 63-105BB, Idaho Code, which shall be listed and assessed as other property, and each person claiming such exemptions shall give a sworn statement containing full and complete information of his financial status to such board and shall make true answers to all questions propounded in writing, or otherwise, touching such person's right to the exemption claimed. The chairman of the board shall have authority to administer oaths to each person appearing as a claimant for exemptions under section 63-105BB, Idaho Code, and in addition to such examination each claimant shall subscribe to and swear that his answers to questions propounded on written forms to be prescribed by the state tax commission are true, and which sworn statement shall be kept and filed by the clerk of the county board of equalization. The county board of equalization shall decide and determine from each examination and from each written claim for exemptions whether or not such person is entitled to the exemption claimed or to any part thereof, and shall make a record thereof accordingly. The board may, in its discretion and for good cause shown, allow an agent or some person acting for and on behalf of the claimant to make the claim for exemption for any claimant in the manner herein provided, or where a person entitled to exemption shall be mentally incompetent or physically unable to make such sworn statement, his wife, widow, guardian or personal representative, or other person having knowledge of the facts, may make such sworn statement in his stead.
Each person claiming an exemption under the provisions of section 63-105BB, Idaho Code, whether for an ordinary exemption or for an extraordinary exemption, except persons claiming an ordinary exemption pursuant to section 63-122(5)(a), Idaho Code, shall file such claim with the board of equalization at any time between January 1 and June 20. The board of equalization must consider and act on all such claims prior to no later than the second Monday of July. All claims for an ordinary exemption under section 63-105BB, Idaho Code, filed pursuant to section 63-122(5)(a), Idaho Code, must be filed between the fourth Monday of November and the first Monday of December. The board of equalization must consider and act on all these claims no later than the first Monday of December.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, sections 2, 4, 5, 6, and 7 of this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1980. Section 1 of this act shall be in full force and effect on and after January 1, 1981.

Approved March 28, 1980.

CHAPTER 236
(H.B. No. 660)

AN ACT
RELATING TO STATE CONVENTIONS OF POLITICAL PARTIES; AMENDING SECTION 34-707, IDAHO CODE, TO PROVIDE THAT STATE CONVENTIONS OF POLITICAL PARTIES SHALL BE HELD DURING THE FINAL TWO WEEKS OF THE MONTH OF JUNE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-707, Idaho Code, be, and the same is hereby amended to read as follows:

34-707. PARTY CONVENTIONS. A state convention shall be held by each political party in each election year at a time and during the final two (2) weeks of the month of June of said year at a place determined by the state central committee. The state central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date.

Each state convention shall write and adopt rules and regulations governing the conduct of their respective conventions. At their convention each political party may:

(1) Adopt and write a party platform.

(2) Elect any desired officers not otherwise provided for by law.

(3) In the year of presidential elections (a) elect delegates to
the national convention in the manner prescribed by national party rules; (b) elect a national committeeman and a national committeewoman; and (c) select presidential electors.

(4) Adopt rules, regulations and directives regarding party policies, practices and procedures.

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 20, 1980.

Approved March 28, 1980.

CHAPTER 237
(H.B. No. 676)

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, 1980, THROUGH JUNE 30, 1981.

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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR PERSONNEL OPERATING CAPITAL</th>
<th>FOR TOTAL</th>
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<tbody>
<tr>
<td>COSTS EXPENDITURES OUTLAY</td>
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**EDUCATION AND SUPPORT SERVICES:**

FROM:

General Account  $1,939,000 $309,900 $35,000 $2,283,900
State School for the Deaf & Blind Income Account  34,300 34,300
Miscellaneous Receipts Account  18,100 18,100
Deaf and Blind Children Account  125,900 32,000 28,900 186,800
TOTAL  $2,064,900 $394,300 $63,900 $2,523,100

Approved March 28, 1980.
AN ACT

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 42-1701A, Idaho Code, and to read as follows:

42-1701A. HEARINGS BEFORE DIRECTOR -- APPEALS. (1) All hearings required by law to be held before the director shall be conducted in accordance with the provisions of chapter 52, title 67, Idaho Code, and rules of practice and procedure promulgated by the director, except that if the director has issued a proposal for decision in accordance with section 67-5211, Idaho Code, oral arguments before the director on exceptions to the proposal for decision shall be heard at the discretion of the director.

(2) The director, in his discretion, may direct that a hearing be conducted by a hearing officer appointed by the director. In such event, the hearing officer shall have the duty to make a complete record of the evidence presented and duly received at the hearing and to prepare a proposal for decision in accordance with section 67-5211, Idaho Code, and rules of practice and procedure promulgated by the director.

(3) Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing
with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing. The hearing shall be held and conducted in accordance with the provisions of subsections (1) and (2) of this section. Judicial review of any final order of the director issued following the hearing may be had pursuant to subsection (4) of this section.

(4) Any person who is aggrieved by a final decision or order of the director is entitled to judicial review. The judicial review shall be had in accordance with the provisions and standards set forth in sections 67-5215 and 67-5216, Idaho Code.

SECTION 2. That Section 42-203, Idaho Code, be, and the same is hereby amended to read as follows:

42-203. NOTICE UPON RECEIPT OF APPLICATION -- PROTEST -- HEARING AND FINDINGS -- APPEALS. On and after the passage, approval and effective date of this section, upon receipt of an application to appropriate the waters of this state, the department of water resources, shall prepare a notice in such form as the department may prescribe, specifying the number of the application and the date of filing thereof, the name and post-office address of the applicant, the source of the water supply, the amount of water to be appropriated, in general the nature of the proposed use, the approximate location of the point of diversion, and the point of use, stating in said notice that any protest against the approval of such application, in form prescribed by the department, shall be filed with the department within ten (10) days from the last date of publication of such notice. The director of the department of water resources shall cause the notice to be published in a newspaper printed within the county wherein the point of diversion lies, or in the event no newspaper is printed in said county, then in a newspaper of general circulation therein. This notice shall be published at least once each week for two (2) successive weeks.

Any person, firm, association or corporation concerned in any such application may, within the time allowed in the notice of application, file with said director of the department of water resources a written protest against the approval of such application, which protest shall state the name and address of protestant and shall be signed by him or by his agent or attorney and shall clearly set forth his objections to the approval of such application. Hearing upon the protest so filed shall be held within sixty (60) days from the date such protest is received. Notice of this hearing shall be given by mailing notice not less than ten (10) days before the date of hearing and shall be forwarded to both the applicant and the protestant, or protestants, by certified mail. Such notice shall state the names of the applicant and protestant, or protestants, the time and place fixed for the hearing and such other information as the director of the department of water resources may deem advisable. In the event that no protest is filed, then the director of the department of water resources may forthwith approve the application, providing the same in all respects conforms
with the requirements of this chapter, and with the regulations of the department of water resources.

Such hearing shall be conducted before-the-director-of-the-department-of-water-resources-under-rules-and-regulations-to-be-promulgated by-the-department-of-water-resources-under-the-provisions-of—chapter 52, title 67 in accordance with the provisions of section 42-1701A(1) and (2), Idaho Code. The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (1) that it will reduce the quantity of water under existing water rights, or (2) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (3) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (4) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (5) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use. The director of the department of water resources may reject such application and refuse issuance of permit therefor, or may partially approve and grant permit for a less quantity of water than applied for, or may grant permit upon conditions. The provisions of this section shall apply to any boundary stream between this and any other state in all cases where the water sought to be appropriated has its source largely within the state, irrespective of the location of any proposed power generating plant.

Any person or corporation who has formally appeared at the hearing, feeling aggrieved by the judgment of the director of the department of water resources may appeal therefrom to the district court of the county in which the point of diversion of the proposed appropriation shall be situated: Such appeal shall be taken within sixty—(60) days from the ruling or action of the director of the department of water resources and shall be perfected when the appellant shall have filed in the office of the clerk of such district court a copy of the application; certified by the director of the department of water resources as a true copy; together with the petition to such court setting forth the appellant's reason for appeal; A copy of such petition shall be served upon all persons or corporations adversely affected who appeared at the hearing: Such appeal shall be heard and determined upon such competent proof as shall be adduced or offered by the department of water resources, or some person duly authorized in its behalf: Upon hearing of said cause, the district court shall have jurisdiction to reverse and remand said cause for further hearing before the director of the department of water resources; or dismiss said cause; or may affirm the ruling of the director of the department of water resources; or may modify the decision appealed from in any manner which the said district judge shall deem to comport with equity and justice.

A copy of said judgment shall be transmitted to the director of
the department of water resources within five (5) days after its rendition.

An appeal by any party aggrieved arises from a final judgment of the district court in said cause to the Supreme Court of the state of Idaho and the practice and procedure that now obtains or that may be enacted hereafter by law and the rules of the Supreme Court of the state shall apply in all appeals from any final judgment of the district court as aforesaid seek judicial review thereof in accordance with section 42-1701A(4), Idaho Code.

SECTION 3. That Section 42-204, Idaho Code, be, and the same is hereby amended to read as follows:

42-204. EXAMINATION -- PERMIT -- COMMENCEMENT OF WORK -- EXTENSIONS -- APPEAL. On receipt of the application, which shall be of a form prescribed by the department of water resources, it shall be the duty of that department to make an indorsement thereon of the date of its receipt, and to examine said application and ascertain if it sets forth all the facts necessary to show the location, nature and amount of the proposed use. If upon such examination the application is found defective, it shall be the duty of the department of water resources to return the same for correction or to correspond with the applicant to obtain the needed information or amendments. If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action. If the corrected application is returned or the information is supplied after thirty (30) days, such corrected application shall be treated in all respects as a new application, and the priority of the right initiated shall be determined by the date of receipt, in the office of the department, of the corrected application or additional information; provided, that upon request, and good cause appearing therefor, the director of the department of water resources may grant an extension of time within which to return the corrected application or supply needed information. All applications which shall comply with the provisions of this chapter and with the regulations of the department of water resources shall be numbered in such manner as will aid in their identification, and it shall be the duty of the department to approve all applications, made in proper form, which contemplate the application of water to a beneficial use: provided, that the department may deny any such application, or may partially approve and grant permit for a lesser quantity of water than applied for, or may grant permit upon conditions as provided in the preceding section.

The approval of an application shall be indorsed thereon, and a record made of such indorsement in the department of water resources. The application so indorsed shall constitute a permit, and a copy thereof shall be returned to the applicant, and he shall be authorized, on receipt thereof, to proceed with the construction of the necessary works for the diversion of such water, and to take all steps
required to apply the water to a beneficial use and perfect the proposed appropriation. In its indorsement of approval on any application the department shall require that actual construction work and application of the water to full beneficial use shall be complete within a period of five (5) years from the date of such approval, but may limit the application to a less period than is named in the application, and such indorsement shall give the date when beneficial application of the water to be diverted by such works shall be made. Sixty (60) days before the date set for the completion of the appropriation of water under any permit, the department shall forward a notice to the applicant by certified mail at his address of record of the date for such completion, which said notice shall advise the applicant of the necessity of submitting an affidavit of completion or a request for an extension of time on or before said date; Provided that:

1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the department of water resources upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required.

2. The time for completion of works and application of the water to full beneficial use under any permit involving the construction of a reservoir of more than two hundred thousand (200,000) acre feet capacity or for the appropriation of water to be impounded in such reservoir of more than two hundred thousand (200,000) acre feet capacity, or a diversion of more than twenty-five thousand (25,000) acre feet in one (1) irrigation season for a project of no less than five thousand (5,000) acres, may upon application to the director of the department of water resources supported by a showing that additional time is needed on account of the time required for organizing, financing and constructing works of such large size, be extended by the director of the department of water resources for an additional period of seven (7) years, but not to exceed twelve (12) years in all from the date of permit: Provided, that no such extension shall be granted unless the applicant for such extension shall show that there has been actually expended toward the construction of said reservoir or diversion (including expenditures for the purchase of rights of way and property in connection therewith) at least one hundred thousand dollars ($100,000).

3. In connection with permits held by the United States, or the Idaho water resource board, whether acquired as the original applicant, by assignment or otherwise, the director of the department of water resources may extend the time for completion of the works and application of the water to full beneficial use for such additional period or periods of time as he may deem necessary upon application supported by a showing that such additional time is required by reason
of the status of plans, authorization, construction fund appropriations, construction, or any arrangements which are found to be requisite to completion of the construction of such works.

4. In all other situations not governed by these provisions the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, upon request for extension received on or before the date set for completion, provided good cause appears therefor.

Any applicant feeling himself aggrieved by the indorsement made by the department of water resources upon his application may appeal therefrom to the district court of the county in which the point of diversion of the proposed appropriation shall be situated. Such appeal shall be taken within sixty (60) days from the return of a copy of the application by the department of water resources, and shall be perfected when the applicant shall have filed in the office of the clerk of such district court a copy of the application; certified by the department of water resources as a true copy; together with the petition to such court setting forth the applicant's reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by the applicant, and such like proof as shall be adduced by the department or some person duly authorized in its behalf request a hearing before the director in accordance with section 42-1701A(3), Idaho Code, for the purpose of contesting the indorsement and may seek judicial review pursuant to section 42-1701A(4), Idaho Code, of any final decision of the director following the hearing.

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within sixty (60) days from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

SECTION 4. That Section 42-211, Idaho Code, be, and the same is hereby amended to read as follows:

42-211. AMENDED APPLICATION OR PERMIT -- APPEALS. Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, he shall file an application for amendment upon forms to be furnished by the department of water resources, together with the statutory fee for filing and recording same, and upon receipt thereof it shall be the duty of the department of water resources to examine same and if approval thereof
would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder. The director of the department of water resources shall give such notice to other affected water users as he deems appropriate and may grant the amendment, in whole or in part or upon conditions, or may deny same. Notice of partial approval or conditions or denial of an amendment shall be forwarded to the applicant by certified mail and shall be subject to judicial review as hereafter provided. The priority of the right established pursuant to a permit which has been amended under these provisions shall date from the date of the original application for permit, provided the permit holder has complied with other provisions of this act.

In connection with any application on which permit has not been issued, amendments may be made by indorsement by the applicant or his agent on the original application, which indorsement shall be initialed and dated. If the amendment will result in the use of more water than originally asked, the priority of the right shall be changed to the date of said amendment. The applicant shall also be required to pay any additional filing fee as a result of an amendment of the rate of diversion or volume of storage requested in such amended application. If amendment is made after publication of notice of the original application, said notice shall be republished following amendment, upon payment by the applicant of the statutory fee for republication as in this act provided.

Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to amend an application or permit as provided in this act, may within sixty (60) days from the date of the refusal or approval, appeal to the district court for the county in which the use of water is being made. Such appeal shall be perfected when the appellant shall have given written notice of such appeal to the department of water resources and shall have filed in the office of the clerk of the district court a copy of the application for amendment, certified by the department as true copy and having indorsed thereon the order of the department granting or refusing to grant same, together with a petition to such court setting forth the appellant's reason for such appeal and evidence of service of notice of appeal on the department. Such appeal shall be heard and determined upon such competent proof as shall be adduced by the appellant, such like proofs as shall be adduced by the department of water resources and other parties appearing in said action in said district court. The notice shall be published in the same manner as provided by section 42-203, Idaho Code, for publication of notice of an application for permit. Protests to the application for amendment may be filed with and heard by the director in the same manner as provided by section 42-203, Idaho Code, for protests to an application for a permit.

If a protest is filed and a hearing on the protest held, any person aggrieved by the final decision of the director following the hearing may seek judicial review thereof pursuant to section
If no protest is filed and the director grants the amendment in part or on conditions or rejects the amendment without a hearing, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and following the hearing and the issuance of a final decision by the director may seek judicial review thereof pursuant to section 42-1701A(4), Idaho Code.

SECTION 5. That Section 42-219, Idaho Code, be, and the same hereby amended to read as follows:

42-219. ISSUANCE OF LICENSE -- PRIORITY. Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use. Such license shall be issued under the seal of the office of the department of water resources, and shall state the name and post-office address of such user, the purpose for which such water is used, the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. If such use is for irrigation, such license shall give a description, by legal subdivisions, of the land which is irrigated by such water. Such license shall bear the date of the application for and the number of, the permit under which the works from which such water was taken were constructed; the capacity of such works; the date when proof of beneficial use of such water was made, and also the date of the priority of the right confirmed by such license, which shall be the date of the application for the permit for the construction of the works from which such water is taken, and to which such right relates provided there has been no loss of priority under the provisions of this chapter: provided, that whenever proof of the beneficial application of water shall be offered subsequent to the date stated in the permit, or in any authorized extension thereof, when such beneficial application shall be made, such proof shall be taken, if received by the department within the sixty (60) days prescribed in the preceding paragraph section, and if satisfactory to the department of water resources, a license shall be issued by the department the same as though such proof had been made before such date fixed for such beneficial application, but the priority of the right established by such proof shall not date back to the date of the application for the permit to which such right would relate under the provisions of this chapter, but shall bear a date which shall be subsequent to the date of such application, a time equal to the difference between the date set in such permit, or extension thereof, for such beneficial application of such water and the date of such proof: provided, however, that upon irrigation projects where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or within irrigation dis-
districts organized and existing as such under the laws of the state of Idaho, the license issued shall be issued to the persons, association, company or corporation or irrigation district owning the project, and final proof may be made by such owners for the benefit of the entire project and it shall not be necessary to give a description of the land by legal subdivisions but a general description of the entire area under the canal system shall be sufficient, and the water diverted and the water right acquired thereby shall relate to the entire project and the diversion of the water for the beneficial use under the project shall be sufficient proof of beneficial use without regard as to whether each and every acre under the project is irrigated or not.

In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail and shall be subject to appeal under the provisions of section 42-1701A(3).

SECTION 6. That Section 42-222, Idaho Code, be, and the same is hereby amended to read as follows:

42-222. CHANGE IN POINT OF DIVERSION OR PLACE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTENSION -- APPEALS. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion or place of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same and if otherwise proper to cause notice of the proposed change to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county where the water is diverted, if there is such paper, otherwise in a newspaper of general circulation within the county. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recom-
mendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby and the change does not constitute an enlargement in use of the original right. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter. Provided, further, that upon proper showing before the director of the department of water resources of good and sufficient reason for non-application to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years. Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee. Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine same and to cause notice to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county where the water has been diverted if there is such a paper, otherwise in a newspaper of general circulation within the county. The notice shall fully describe the right the extension for which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest to the director of the department of water resources within ten (10) days of the last date of publication. Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct hearing thereon as in this chapter provided. The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the department, the reasons for
such nonuse of water and where it appears to the satisfaction of the
director of the department of water resources that other rights will
not be impaired by granting an extension of time within which to
resume the use of the water and good cause appearing for such nonuse,
he may grant one (1) extension of five (5) years within which to
resume such use. In his approval of the application for an extension
of time under this section the director of the department of water
resources shall set the date when the use of water is to be resumed.
Sixty (60) days before such date the director of the department of
water resources shall forward to the applicant at his address of
record a notice by certified mail setting forth the date on which the
use of water is to be resumed and a form for reporting the resumption
of the use of the water right. If the use of the water has not been
resumed and report thereon made on or before the date set for resump-
tion of use such right shall revert to the state and again be subject
to appropriation, as provided in this section. In the event the direc-
tor of the department of water resources determines that a proposed
extension of time within which to resume use of a water right shall
not be approved as provided in this section he shall deny same and
forward notice of such action to the applicant by certified mail;
which decision shall be subject to judicial review as hereafter pro-
vided.

(3) Any person or persons feeling themselves aggrieved by the
determination of the department of water resources in approving or
rejecting an application to change the point of diversion, place,
period of use or nature of use of water under an established right or
an application for an extension of time within which to resume the use
of water as provided in this section, may, within sixty (60) days from
the date of the refusal or approval, appeal to the district court for
the county in which the use of water is being made. Such appeal shall
be perfected when the appellant shall have given written notice of
such appeal to the department of water resources and shall have filed
in the office of the clerk of the district court a copy of the applica-
tion for change or extension, certified by the department as true
copy and having indorsed thereon the order of the department granting
or refusing to grant same together with a petition to such court
setting forth the appellant's reason for such appeal and evidence of
service of notice of appeal on the department. Such appeal shall be
heard and determined de novo if a protest was filed and a hearing held
thereon, seek judicial review pursuant to section 42-1701A(4), Idaho
Code. If no protest was filed and no hearing held, the applicant may
request a hearing pursuant to section 42-1701A(3), Idaho Code, for the
purpose of contesting the action of the director and may seek judicial
review of the final order of the director following the hearing pur-
suant to section 42-1701A(4), Idaho Code.

SECTION 7. That Section 42-224, Idaho Code, be, and the same is
hereby amended to read as follows:

42-224. PROTEST AGAINST LICENSE -- APPEAL FROM DECISION. Any
person desiring to protest against the statements made by the person
or persons submitting proof of the beneficial application of water in the published notice of their intention to submit such proof, shall file a statement with the department of water resources on or before the date set for such proof, stating clearly the reason for such protest, and stating the reason, if any, why a license should not be issued confirming the right claimed. Such protest shall be based solely upon the statements in such notice and shall be sworn to by such protestant.

In issuing a license confirming any right to use water for beneficial purposes, the department of water resources shall be governed in its actions by the records relating to works from which such water is taken which may be on file in the office of the department, and by the reports of the examination of such works, the place where such water is used, and the extent of such use. Such license may confirm such claim in whole or in part, or such license may be refused, such determination depending upon the extent to which such claim is supported by such records, and such examination of the conditions relating to such use made on the ground under the authority of the department. If the department shall refuse to issue a license, the reasons for such refusal shall be recorded in a book kept for the purpose: provided, that any one feeling himself aggrieved by the statements contained in the license issued by the department, or the refusal of the department to issue such license, may appeal therefrom to the district court of the county in which the place of use of the water claimed shall be situated: Such appeal shall be taken within sixty (60) days from the date of such license or the refusal to issue such license, and shall be perfected when the appellant shall have filed in the office of the clerk of such district court a copy of the license; or, if such license shall not have been issued, a copy of the statement made by the department giving the reasons why such license was not issued, a copy of the protests against the issuance of such license filed with the department, and a copy of the report of the examination of the place of use of such water made under the authority of the department, and of other documentary proof in relation to such use which may be filed in the office of the department. Such copies of licenses, reports, protests and other proof shall be certified by the department as true copies. Such copies shall be filed in the office of such clerk together with a petition to such court setting forth the appellant's reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by the appellant; and such like proofs as shall be adduced by the department of water resources or some person duly authorized in its behalf shall be afforded an opportunity for a hearing pursuant to section 42-1701A(3) and shall be entitled to seek judicial review pursuant to section 42-1701A(4), Idaho Code, of any final order of the director issued following the hearing.

SECTION 8. That Section 42-237e, Idaho Code, be, and the same is hereby amended to read as follows:

42-237e. APPEALS FROM ACTIONS OF THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES. Any person dissatisfied with any decision, determination, order or action of the director of the department of water resources, watermaster, or of any local ground water board made pursuant to this act may within sixty-(60)-days-notice-thereof-take-an appeal-therefrom-to-the-district-court-for-any-county-in-which-the ground-water-concerned-therein-may-be-situated.-Appeal-shall-be-taken by-serving-a-notice-of-appeal-upon-the-director-of-the-department-of water-resources-together-with-a-statement-describing-the-decision; determination; order-or-action-appealed-from-and-setting-forth-the reasons-why-the-same-was-erroneous.-An-appeal-as-referred-to-in-this section-stays-the-execution-of; or-any-proceeding-to-enforce; the order; decision; determination; order-or-action-of-the-director-of-the department-of-water-resources; watermaster; or-local-ground-water board.-Whenever-the-decision; determination; order-or-action-of-the director-of-the-department-of-water-resources-appealed-from-was-made pursuant-to-a-hearing-before-the-director-of-the-department-of-water resources-to-which-the-appellant-was-a-party-or-at-which-the-appellant had-a-right-to-be-heard; the-director-of-the-department-of-water resources-shall-upon-receipt-of-service-of-notification-of-appeal, transmit to-the-district-court-a-certified-transcript-of-the-proceedings-and the-evidence-received-at-such-hearing-and-the-evidence-taken-at-such hearing-may-be-considered-by-the-district-court.-The-district-court shall-try-the-same-affair-at-the-hearing-on-the-appeal.-Appeal-to-the Supreme-Court-from-the-final-judgment-rendered-by-the-district-court pursuant-to-this-section-may-be-taken-within-the-same-time-and-in-the same-manner-as-appeals-from-final-judgments-in-cases-commenced-in-the district-court-are-taken-to-the-Supreme-Court, if a hearing on the matter already has been held, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If a hearing has not been held, any person aggrieved by the action of the director or watermaster may contest such action pursuant to section 42-1701A(3), Idaho Code.

SECTION 9. That Section 42-238, Idaho Code, be, and the same is hereby amended to read as follows:

42-238. WELL DRILLERS. (1) Powers and duties. The director of the department of water resources is hereby vested with the duties relating to the licensing of well drillers as provided for in this act so as to protect the ground water resources against waste and contamination. Qualifications for well drillers shall be adopted by rule of the water resource board. The water resource board is authorized to adopt a code of standards of well construction necessary to protect the ground water resources as set forth in this act, to be enforced by the director. The director of the department of water resources is also charged with the responsibility of collecting and filing for public use the well drillers’ reports that are required in this act.

(2) Licensing of well drillers. It shall be unlawful for any person after July 1, 1967 to drill a well in Idaho, including wells excepted under sections 42-227 and 42-228, Idaho Code, without first obtaining a driller’s license as provided herein. For the purpose of this act, a "person" shall be defined as any individual who drills
water well for himself or another in this state; it shall also be
defined as any firm, copartnership, corporation or association which
drills or contracts to drill a water well for hire or otherwise in
this state except that employees of said firm, copartnership, corpora-
tion or association authorized to operate drilling equipment as the
contractor's agent, shall not be required to obtain an individual well
drilling license provided that the names and addresses of such
employees are recorded with the director of the department of water
resources. The license shall be obtained by filing with the director
an application in writing on a form provided by the director accompa-
nied by a twenty-five dollar ($25.00) licensing fee. To determine the
applicant's qualifications, the director may require detailed informa-
tion on the driller's past experience, and/or references, and/or an
oral examination, and/or a written examination. The water resource
board shall adopt rules and regulations for licensing of well drillers
in compliance with chapter 52, title 67, Idaho Code, and shall con-
sider such factors as the applicant's (1) knowledge of Idaho water
laws and the rules and regulations of the water resource board in
connection with the drilling of wells, (2) knowledge of proper well
construction procedures and the water well construction standards
adopted by the water resource board as provided in this act, (3)
knowledge of the various types of drilling tools and their use, (4)
general knowledge of underground geology and ground water hydrology
and their relation to well construction, (5) ownership or access to
equipment capable of adequately constructing a well, (6) knowledge of
types of well casing and their use, (7) knowledge of special well
drilling problems and their solution, and (8) previous drilling
experience. A copy of the proposed rules and regulations for licensing
of well drillers shall be furnished to each well driller holding a
current license at the time such proposed rules and regulations are
promulgated.

If it is determined that the applicant is not qualified, the
director shall deny the application and refund the licensing fee. If
it is determined that the applicant is qualified, a license shall be
issued upon the filing with the director of a surety bond or cash bond
in the penal sum of one thousand dollars ($1,000), conditioned upon
the proper compliance with the provisions of this act and rules and
regulations promulgated pursuant thereto. Such bond shall be made pay-
able to the director. A license issued under this section shall expire
on June 30 of each year or upon revocation of the license by the
director as provided for in this act. The license can be renewed
effective July 1 of each year upon written application on forms pro-
vided by the director and the filing of a ten dollar ($10.00) renewal
fee. The renewal request must be accompanied by a new bond or evidence
that the previous bond is still in effect. The renewal may then be
granted by the director if he determines that the driller has complied
with the rules and regulations promulgated pursuant to this act. The
fees collected for the licensing of well drillers shall be deposited
in a special fund with the state treasurer with other fees collected
by the director.

The licensed driller shall have a card on hand, provided by the
director to indicate his present license at all times when he is operating the drilling equipment. The director may also require other identification to be posted on the drilling equipment as he deems helpful in the administration of this act.

(3) Well driller's report. In order to enable a comprehensive survey of the extent and occurrence of the state's ground water resource, every well driller is hereby required to keep a well log and pertinent data concerning each well, and its construction, that is drilled by him in Idaho, including wells excepted under sections 42-227 and 42-228 of this title, and complete a report on forms furnished by the director. These reports shall be properly prepared and signed by the driller and deposited with the director within thirty (30) days following the completion of the well. Said report shall become a permanent record in the office of the director for hydrologic and geologic analysis and research, and shall be available for public use. The report shall include such data as the director deems necessary to provide the information that will be valuable for future reference and study.

(4) Well construction standards. The water resource board shall adopt minimum standards for water well construction in this state under the provisions of chapter 52, title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of the state from waste and contamination. Every licensed well driller will be furnished a copy of the adopted standards by the director of the department of water resources, and will be required to construct each well drilled after July 1, 1967 in compliance with the determined standards.

(5) Penalties for violation. Failure of the driller to comply with the provisions of section 42-238(3), Idaho Code, will allow the director to proceed to collect the necessary data on the well or wells in any manner available to him, and the cost of this data collection may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(3), Idaho Code, is also cause for the director to revoke an active license, or refuse to renew a license, until such time as the well driller's report or reports are properly completed and on file in the office of the director.

Failure of the driller to comply with the provisions of section 42-238(4), Idaho Code, will allow the director to proceed to repair or reconstruct or plug a well so that it complies with the adopted minimum standards of well construction, and the costs of this work may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(4), Idaho Code, is also cause for the director to revoke an active license or refuse to renew a license until such time as the well driller has repaired or reconstructed the well or wells so that they meet the adopted minimum standards. The director may also require that the well driller present evidence to show that he and his equipment are now capable of constructing a well in a proper manner, before
the license is renewed.

(6) Appeals. Refusal to issue, refusal to renew, or revocation of a well driller's license by the director shall be cause for the well driller to seek a public hearing before the water resource board. No formal petition shall be required from the affected driller, but a simple statement, in writing, requesting a hearing shall be sufficient. The board shall notify the driller, and the director, of the date set for the hearing, which shall be at least fifteen (15) days after the notice is sent by certified mail to the well driller at his address of record with the department. A certified transcript of the proceedings and the evidence received at such hearing shall be maintained by the board. The board shall affirm, modify or reject the director's decision, and make its decision in the form of an order to the director. Any person who is aggrieved by the order may appeal to the district court within thirty (30) days from the issuance of such order. An appeal to the district court brought under this subdivision shall be upon the record of the hearing before the board only; no new evidence shall be introduced in the district court; and no factual decision of the board shall be overturned on appeal unless it is not supported by substantial evidence in such record. Any party to an appeal in the district court brought under this subdivision may take an appeal from the proceedings in the district court in the same manner as appeals are taken from the district court to the supreme court in civil actions brought originally in the district court. The hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code, and rules of practice and procedure adopted by the water resource board. Any party to the hearing may seek judicial review of any final order of the water resource board pursuant to sections 67-5215 and 67-5216, Idaho Code.

SECTION 10. That Section 42-240, Idaho Code, be, and the same is hereby amended to read as follows:

42-240. APPLICATION FOR RIGHT TO EXCHANGE WATER -- NOTICE -- PROTESTS -- HEARING -- APPROVAL OR DENIAL -- APPEALS. Any person entitled to the use of water, whether right thereto is represented by decree of the court, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provision of this chapter, or by valid permit or license issued by the director of the department of water resources may make application to the director for a right to exchange water. Such application shall be upon forms furnished by the director and shall contain such information as shall enable the department to determine the nature of the proposed exchange, and shall be accompanied by the statutory filing fee as provided in section 42-221, Idaho Code. Upon receipt of such application it shall be the duty of the director to examine same and, if otherwise proper, to cause notice of the proposed exchange of water to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county or counties, as the case may be, where the water is to be exchanged, if there is such paper, otherwise in a newspaper of general circulation within the
county. Such notice shall fully describe the nature of the proposed exchange of water and shall advise that anyone who wishes to protest the approval of such exchange shall file notice of protest with the director within ten (10) days of the last date of publication. The director shall also send notice of the proposed exchange by certified mail to the owners of the water right or rights with whom the applicant proposes to exchange water, and they shall be allowed thirty (30) days from the date of such notice within which to file a protest with the director.

Upon the receipt of any protest it shall be the duty of the director to investigate same and to conduct hearing thereon under rules and regulations promulgated under the provisions of chapter 52, title 67, Idaho Code. The director shall examine all the evidence and available information and shall approve said exchange of water in whole, or in part, or upon conditions provided the amount of water to which prior appropriators are entitled shall remain undiminished. Any application for exchange of water approved by the director shall not affect the water right of the party or parties with whom the water exchange is made, and in the event that the applicant is unable to supply water for such approved exchange, water may be diverted by said party or parties under their water rights as though such exchange had not been proposed nor approved.

In the event the director determines that a proposed exchange of water may not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail.

A decision of the director approving or denying an application to exchange water shall be subject to judicial review as provided in section 42-283, Idaho Code. If a protest was filed and a hearing held thereon, any party to the hearing may seek judicial review pursuant to section 42-1701A(4) of the final decision of the director. If no protest was received and no hearing held, the applicant may contest the action of the director pursuant to section 42-1701A(3), Idaho Code.

SECTION 11. That Section 42-304, Idaho Code, be, and the same is hereby amended to read as follows:

42-304. HEARING. On the day set for the hearing the contestant and such contestees as have filed the affidavit hereinbefore required of them, shall file such affidavits in support of their respective allegations as they may desire, and the department of water resources may require such additional evidence and may make or cause to be made by an engineer whom the department may designate, such personal examination of the work done under the permit in question, as the department may deem necessary to enable it to render a fair decision; provided, that before making or causing such examination to be made the department shall estimate the cost of such examination and shall require the contestant to deposit a sum equal to such estimate and if after the making of such examination it is found that the amount so deposited is in excess of the cost of such examination the department shall return such excess to the contestant. For the purpose of produc-
ing additional testimony in making investigations, the department may continue the hearing to such time, not exceeding thirty (30) days, as would seem to it advisable. The hearing shall be conducted in accordance with section 42-1701A(1) and (2), Idaho Code, and the contestant or contestee may seek judicial review pursuant to section 42-1701A(4), Idaho Code, of the final order of the director.

SECTION 12. That Section 42-311, Idaho Code, be, and the same is hereby amended to read as follows:

42-311. CANCELATION OF PERMITS AT INSTANCE OF DEPARTMENT. Whenever the department of water resources shall deem it advisable to clear the records of its office of permits, the owners of which have failed or neglected to comply with the law and the requirements of said permits as to the date of commencing work or the filing of bond thereunder, or the completion of one-fifth (1/5) of the construction work within one-half (1/2) the time allowed for the completion of such construction work, or the final completion of such construction work, or the proof of application to beneficial use, or the payment of statutory fees, and has reason to believe that any permit or permits are subject to cancelation, as in this chapter provided, the department shall prepare and mail by certified mail to the holder of each permit which it believes subject to cancelation and which it desires to cancel a notice fully describing the permit in question, with the date of issuance thereof, point or points of diversion, and setting forth in clear and concise manner the reasons why the cancelation of said permit is proposed. Said notice shall be mailed to the last known post-office address of the holder of said permit and shall require said permit holder to show cause before the department of water resources on or before a date therein set, which shall be not less than thirty (30) days from the mailing of said notice, why said permit should not be canceled.

The provisions of the section, as amended, shall apply equally to permits heretofore issued by the department of water resources and permits which may hereafter be issued by the department.

Any party aggrieved by the decision of the department under the provisions of this section may appeal to the district court in the manner provided in sections 42-306-42-308.

On failure to appear and make such showing on or before the date set or on failure, in the opinion of the department, to make sufficient showing, said permit may be canceled. In lieu of the mailing of said notice by certified mail, service of the same may be made as provided by the laws of Idaho for the service of a summons in civil actions. Any hearing on the show cause order shall be conducted in accordance with section 42-1701A(1) and (2). The permit holder may seek judicial review in accordance with section 42-1701A(4), Idaho Code, of any final order of the department.

SECTION 13. That Section 42-407, Idaho Code, be, and the same is hereby amended to read as follows:
42-407. APPEAL FROM DEPARTMENT'S DECISION. Whenever any person or persons feel themselves aggrieved by the determination or decision of the department of water resources relative to the granting of permit, the issuance of certification of proof of completion or the issuance of license, as hereinbefore provided for, such person or persons may appeal to the courts provided that such appeal shall be taken within sixty (60) days from the date of such determination or decision by the department of water resources; and shall be perfected when the applicant shall have filed in the office of the clerk of the district court of the county in which the intended point of diversion under the water permit is located; a copy of the official records of the office of the department having to do with such determination or decision of the department request a hearing pursuant to section 42-1701A(3), Idaho Code, if a hearing on the matter has not been held, or, if a hearing has been held, may seek judicial review pursuant to section 42-1701A(4), Idaho Code.

SECTION 14. That Section 42-1503, Idaho Code, be, and the same is hereby amended to read as follows:

42-1503. APPLICATION TO APPROPRIATE - PROCESS - JUDICIAL REVIEW. Whenever the board desires to appropriate a minimum stream flow of the unappropriated waters of any stream, it shall submit an application to the director. Such application shall be made upon forms to be furnished by the director and shall include:

(a) The name of the stream and legal description of the point on the stream where the minimum stream flow is proposed to be appropriated and determined;

(b) The minimum stream flow proposed;

(c) The purpose for which the minimum stream flow appropriation is proposed to be made;

(d) The period of time or season of the year during which said appropriation is proposed; and

(e) Such other information as shall be required by the form furnished by the director.

Upon the receipt of an application filed under the provisions of this act, the director shall forward a copy thereof to the departments of fish and game, health and welfare, parks and recreation, and any other public entity likely to have an interest or knowledge in the matter. The director shall also prepare a notice describing the proposed appropriation of minimum stream flow and cause said notice to be published once each week in two (2) consecutive weekly issues of a newspaper published within the county where the appropriation of minimum stream flow is proposed, if there is such newspaper, otherwise in a newspaper of general circulation within the county. The director may also give other notice of the proposed appropriation in such manner and to such persons or organizations as he may determine. Such notice shall specify the time and place for a public hearing to be held concerning the proposed appropriation of minimum stream flow. Such hearing shall be held under rules and regulations promulgated under provisions of chapter 52, title 67 in accordance with the provisions of
section 42-1701A(1) and (2), Idaho Code. The director shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records, and papers as he may desire at the hearing and for that purpose the director may apply to the district court for a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application by the director, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;

(b) is in the public, as opposed to private, interest;

(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of the stream;

(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and

(e) is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

A copy of the director's findings shall be mailed to the board and to each person or organization who gave testimony in support of or in opposition to the proposed appropriation. The board or any person testifying at a hearing who is aggrieved by a decision of the director shall have the right to have that decision reviewed by the district court in the county where the appropriation of minimum stream flow is proposed—Except as otherwise provided in this act, judicial review shall be accomplished in the manner provided in sections 67-5215 and 67-5216 courts pursuant to section 42-1701A(4), Idaho Code. Approved applications shall be submitted to each legislature by the fifth legislative day of each regular session, and: (i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved.

SECTION 15. That Section 42-1719, Idaho Code, be, and the same is hereby amended to read as follows:
42-1719. ISSUANCE OF CERTIFICATES OF APPROVAL -- REVOCATION -- APPEAL. A certificate of approval shall be issued for all dams and mine tailings impoundment structures, new or existing, upon a finding that the dam or reservoir is safe to impound water or the mine tailings impoundment structure is safe to impound mine tailings slurry within the limitations prescribed in the certificate. Upon written request by an owner for a certificate of approval, the director shall within fourteen (14) days inspect or cause to be inspected and issue a certificate if he finds that the dam, reservoir or mine tailings impoundment structure is safe to impound water or tailings slurry within the limitations prescribed in the certificate. Pending the issuance of a certificate of approval, the owner of a new dam, reservoir or mine tailings impoundment structure shall not, through action or inaction, cause the dam or reservoir to impound water or mine tailings impoundment structure to impound mine tailings slurry.

Each certificate of approval issued may contain such terms and conditions as the director may prescribe. The director may revoke any certificate of approval whenever he determines that the dam, reservoir or mine tailings impoundment structure constitutes a danger to life and property. Whenever he deems such action necessary to safeguard life and property, the director may also amend the terms and conditions of any such certificate by issuing a new certificate containing the revised terms and conditions. The owner of a dam, reservoir or mine tailings impoundment structure for which a certificate of approval has been issued shall not, through action or inaction, cause the dam or reservoir to impound water or mine tailings impoundment structure to impound mine tailings slurry after the certificate terminates unless a new certificate is issued for the dam, reservoir or mine tailings impoundment structure. Those inflows that cannot be diverted may still be allowed to enter the structure, but the lowest possible level must be maintained until safety of the structure is assured. A new certificate shall be issued upon a finding by the director that the dam or reservoir is safe to impound water or mine tailings impoundment structure is safe to impound tailings slurry within the limits prescribed in the certificate.

No action shall be brought by the state against the owner for pollution which may occur in the event that the director orders emergency dumping or bypassing.

With respect to written consent for use of a dam which has been issued and which is in effect prior to the effective date of this act or mine tailings impoundment structure which has been issued and which is in effect prior to the effective date of amendment, the director shall issue a new certificate of approval, which shall supersede the previous written consent for use, or shall contain such terms and conditions as the director may prescribe or shall revoke the existing written consent for use if he finds that the dam or reservoir is not safe to impound water or that the mine tailings impoundment structure is not safe to impound mine tailings slurry.

Before any certificate of approval is revoked, the director shall hold a hearing. Written notice of the time and place of the hearing
shall be mailed, at least twenty (20) days prior to the date set for the hearing, to the holder of the certificate. Any interested persons may appear at the hearing and present their views and objections to the proposed action. Any petition for a writ of mandate to inquire into the validity of action of the director revoking a certificate of approval shall be commenced within thirty (30) days after service of notice of the revocation on the holder of the certificate. The hearing shall be conducted in accordance with section 42-1701A(1) and (2), Idaho Code. Any party aggrieved by the final order of the director may seek judicial review thereof pursuant to section 42-1701A(4), Idaho Code.

SECTION 16. That Section 42-1720, Idaho Code, be, and the same is hereby amended to read as follows:

42-1720. VIOLATIONS OF ACT -- PENALTIES. Every person who violates any of the provisions of this act, or of any order of the director, or of any rule or regulation of the water resource board where a copy of the order, rule or regulation has been served upon said person by certified mail as herein provided, and said person fails to comply therewith within the time herein provided, or within ten (10) days of such service if not otherwise provided, shall be guilty of a misdemeanor. In the event of a continuing violation, each day that the violation continues constitutes a separate and distinct offense.

Any person who willfully obstructs, hinders, or prevents the director, the department or its agents or employees from performing the duties imposed by this act or who willfully resists the exercise of the control and supervision conferred by this act upon the director, the department or its agents or employees is guilty of a misdemeanor.

Any owner or any person acting as a director, officer, agent or employee of an owner, or any contractor or agent or employee of a contractor who engages in the construction, enlargement, repair, alteration, maintenance or removal of any dam, reservoir or mine tailings impoundment structure, who knowingly does work or permits work to be executed on the dam, reservoir or mine tailings impoundment structure without an approval or in violation of or contrary to any approval as provided for in this act, or any inspector, agent or employee of the department who has knowledge of such work being done and who fails to immediately notify the director thereof, is guilty of a misdemeanor.

Whenever any party or parties feel themselves aggrieved by the determination of the director in refusing to approve any plan or specification as mentioned in this act, or by any order of the director, or of any regulation or ruling of the water resource board, then such party or parties may have an appeal to the district court of the county in which the dam or mine tailings impoundment structure is situated within the time and so far as applicable under the proceedings prescribed in section 42-222, Idaho Code such party or parties may seek a hearing before the director in accordance with section 42-1701A(3), Idaho Code, if a hearing has not already been held, and may seek judicial review in accordance with section 42-1701A(4), Idaho Code, of any final order of the director issued following a hearing.
SECTION 17. That Section 42-1737, Idaho Code, be, and the same is hereby amended to read as follows:

42-1737. BOARD APPROVAL — CRITERIA — HEARINGS — APPEALS — DEFINING A MISDEMEANOR — INJUNCTIONS. (a) All project proposals involving the impoundment of water in a reservoir with an active storage capacity in excess of ten thousand (10,000) acre-feet shall be submitted to the board for its approval or disapproval. No construction shall be commenced on any such project nor shall any diversion be permitted prior to receipt of board approval as herein provided and the board may institute injunctive proceedings to halt such construction or diversion. In the event a project is disapproved, this fact shall be certified by the board to the director of the department and such certification shall constitute the petition for cancelation of permit required by section 42-302, Idaho Code, and, pursuant to such certification, the procedure for cancelation of permit issued for such project shall be carried forward by said director.

(b) In determining whether a project proposal shall be approved, or disapproved, the board shall be guided by the following criteria:

1. Conserving the highest use of the water for all purposes.
2. The maximum economic development of the waters involved.
3. The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
4. That sufficient water is available for appropriation for beneficial use.
5. The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
6. That all vested and inchoate rights to the waters of this state or to the use thereof have been protected by the issuance of a permit for the project by the director of the department.
7. The state water policy formulated under other laws of this state.

(c) The board shall by regulation, establish procedures for notice and hearing on those project proposals which must be submitted to the board and may authorize hearings by hearing officers. The board or its hearing officer shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing and for that purpose the board may issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. The sponsor of a project who appears before the board shall have similar powers and shall have the right to be represented by counsel. If the sponsor does not appear at the appointed time, and his absence is without suffi-
cient cause, the board shall have the right to proceed in his absence or may consider absence to constitute an admission of facts contrary to the position of the sponsor. The board shall make findings of fact and conclusions of law leading to its approval or disapproval.

(d) Any sponsor of a project which has been disapproved shall have the right to have the proceedings of the board reviewed by the district court in the county of his residence. Such review may be accomplished by filing a notice of appeal with the board. Such appeal shall be taken within twenty (20) days of the time the board enters its final order. The district court on appeal shall determine whether the board has regularly pursued its authority, whether there is substantial evidence to support its factual findings and in all ways shall review the decision in the manner in which the determination of a district court is reviewed on appeal to the Supreme Court. Either party may appeal from any final decision of the district court. With the exception that judicial review may be had by the district court of the county of the residence of the sponsor, such judicial review shall be accomplished in accordance with the provisions and standards of sections 67-5215 and 67-5216, Idaho Code.

SECTION 18. That Section 42-1766, Idaho Code, be, and the same is hereby amended 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 shall be entitled to contest the action of the director pursuant to section 42-1701A(3), Idaho Code.

SECTION 19. That Section 42-2504, Idaho Code, be, and the same is hereby amended to read as follows:

42-2504. TRANSFER OF WATER RIGHT -- APPROVAL BY DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES. If the board of directors of the corporation operating such Carey Act systems shall refuse its consent to the transfer of such water right, a written application for permission to make the same, showing the description of the land from which and of the land to which it is proposed to transfer such water right and the amount of the water right to be so transferred and the reasons for such transfer, shall be presented to the director of the department of
water resources who shall promptly make an investigation of the matter and determine whether and to what extent the canal system and the other water users thereunder shall be affected or prejudiced if such transfer is allowed.

If said director of the department of water resources finds that such transfer of water right, in the manner and to the extent applied for, will not be prejudicial to said corporation or to the other water users under said irrigation system he shall issue his certificate approving the transfer, the same to be in duplicate, one part of which shall be filed with the secretary of such corporation; the other shall be delivered to the persons applying for such transfer and recorded in connection with the instrument of conveyance or lease, and if he find that such transfer should be made only upon certain terms and conditions, then he shall prescribe and specify the terms and conditions, upon which the transfer shall be allowed, and if they are complied with to his satisfaction, he shall issue his certificate to that effect, the same being in duplicate as herein provided.

If said director of the department of water resources decides against such transfer, then he shall make his written report, giving the reasons for such decision. Any person or the board of directors of such Carey Act corporation may contest the decision of the director pursuant to section 42-1701A(3), Idaho Code.

SECTION 20. That Section 42-2505, Idaho Code, be, and the same is hereby amended to read as follows:

42-2505. APPEAL FROM DECISION OF DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES. If any person or the board of directors of such Carey Act corporation shall feel aggrieved at the decision of said director of the--department of water resources, an appeal may be taken by such person or board to the district court of the county within which the land is situated from which it is proposed to transfer the water right by filing with the clerk of said court the written application so made to said director of the department of water resources and his report thereon with a written statement of the appellant giving the reasons why such decision should not stand, and said court shall make determination of the matter, for which purpose a jury trial may be had at the discretion of the court. The clerk of such court shall require the payment of a fee of five dollars (5.00) for the docketing of such appeal by the final decision of the director following a hearing held pursuant to section 42-1701A(3), Idaho Code, such person or board may seek judicial review pursuant to section 42-1701A(4), Idaho Code.

SECTION 21. That Section 42-3805, Idaho Code, be, and the same is hereby amended to read as follows:

42-3805. DECISION OF DIRECTOR -- HEARING -- REVIEW BY DISTRICT COURT. Based upon his own investigation and the recommendations and alternate plans of other state agencies, the director shall prepare and forward to the applicant his decision approving the application in whole or in part or upon conditions, or rejecting the application.
With regard to applications which could, if issued, affect endowment lands, the director shall deny such applications upon the objection of the state department of lands, or modify the same as recommended by the department. Within fifteen (15) days of the date of mailing of the decision, the applicant shall notify the director if it refuses to modify its plans in accordance with such decision or that it requests a hearing before the board thereon. If requested, such hearing shall be held under rules and regulations promulgated by the board under in accordance with the provisions of chapter 52, title 67, Idaho Code, and rules and regulations adopted by the board. The board shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as it may desire at the hearing, and for that purpose, the board may apply to the court for subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum, it shall be the duty of the district court in any county of this state in which disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt. Upon the conclusion of the hearing and completion of any investigation conducted by the director the board shall enter its findings in writing approving the decision of the director on the application and plans in whole or in part, or upon conditions, or rejecting the decision of the director on said application and plans for such proposed stream channel alteration.

A copy of the board's findings on the director's decision shall be mailed to the applicant and to each person or organization who appeared at the hearing and gave testimony in support of or in opposition to the proposed stream channel alteration. Any applicant or other person appearing at a hearing shall have the right to have the proceedings of the board and the decision of the director reviewed by the district court in the county where the stream channel alteration is proposed. Such review may be accomplished by filing a notice of appeal to the district court within twenty (20) days of the date the board enters its decision, and proceedings in the district court shall be tried de novo. With the exception that the matter may be reviewed by the district court in the county where the stream channel alteration is proposed, judicial review shall be had pursuant to sections 67-5215 and 67-5216, Idaho Code.

SECTION 22. That Section 42-4005, Idaho Code, be, and the same is hereby amended to read as follows:

42-4005. PERMIT -- ISSUANCE -- BOND -- REVIEW -- APPEAL. (a) If the director does not find that the well or the injection well as it is proposed to be constructed or altered will be against the public interest, he shall issue a permit therefor. The director may issue a permit substantially in accordance with the specifications on the application, or the director may limit the scope of the permit granted or may issue a permit subject to conditions.
(b) If the director finds that the well or injection well as it is proposed to be constructed or altered in the application will not be in the public interest he shall refuse to issue a permit. In no case shall the director issue a permit to construct or alter a well or injection well if he finds that use of the proposed well or injection well may be expected to unreasonably reduce the quality of any surface or ground waters below the quality which such waters would have had but for the proposed well.

(c) If the director refuses to issue a permit, or issues one subject to conditions or limitations, he shall issue a clear statement of his reasons for so refusing to issue or so issuing the limited permit. Such reasons shall be stated with particularity and may include matters of fact and of law. The refusal of the director to issue a permit, together with the clear statement of the reasons for refusing to issue the permit shall be served on the applicant by certified mail. A permit issued conditionally or subject to limitations shall, with the statement of reasons required under this subdivision, be served in the same manner as a refusal to issue a permit.

(d) An applicant who has had a permit refusal or a limited or conditional permit served on him as provided in subdivision (c) of this section may seek a public hearing before the water resource board. A certified transcript of the proceedings and the evidence received at such hearing shall be maintained by the board. The board shall affirm, modify or reject the director's decision, and make its decision in the form of an order to the director. Any person who is aggrieved by the order of the board may appeal the board's order to the district court within thirty (30) days from the issuance of such order. An appeal to the district court brought under this subdivision shall be upon the record of the hearing before the board only; no new evidence shall be introduced in the district court, and no factual decision of the board shall be overturned on appeal unless it is not supported by substantial evidence in such record. Any party to an appeal in the district court brought under this subdivision may take an appeal from the proceedings in the district court in the same manner as appeals are taken from the district court to the Supreme Court in civil actions brought originally in the district court. The hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code. Judicial review of the final determination by the board may be secured pursuant to sections 67-5215 and 67-5216, Idaho Code.

(e) The director shall not issue a permit if he finds that the operation of any well under a proposed permit will unreasonably decrease ground water available for prior water rights in any aquifer or other ground-water source for water for beneficial uses, other than uses as a mineral source, an energy source, or otherwise as a material medium, unless and until the applicant has also obtained a permit for the appropriation of ground waters under chapter 2, title 42, Idaho Code.

(f) The director shall require, as a condition of every permit, every person who engages in the construction, alteration, testing, or operation of a well to file with the director, on a form prescribed by the director, a bond indemnifying the state of Idaho providing good
and sufficient security, conditioned upon the performance of the
duties required by this act and the proper abandonment of any well
covered by such permit. Such bond shall be in an amount to be deter-
mined by the director, but in no case may the bond be in an amount
which is less than ten thousand dollars ($10,000) for each individual
well.

SECTION 23. That Section 42-4012, Idaho Code, be, and the same is
hereby amended to read as follows:

42-4012. RESIDENT AGENT -- ACTIONS -- HEARINGS -- APPEALS. (a)
Every permit holder, owner, and operator of any well shall designate
to the director an agent who resides in this state upon whom may be
served all orders, notices, or permits issued by the director.

(b) Any person adversely affected by any order, including orders
following hearings held pursuant to this chapter, served on him by the
board or the director may bring an appeal therefrom to the district
court within thirty (30) days of such service, or, if he has not had a
hearing before the board, he may request a hearing in at such time.
Such appeals shall be upon-the-record-only; no-new-evidence-shall-be
introduced-in-the-district-court; and-no-factual-decision-of-the-board
shall-be-overturned-on-appeal-unless-it-is-not-supported--by--substan-
tial--evidence--in--such-record.; Appeals-from-such-district-court-pro-
ceedings-shall-be-taken-to-the-Supreme-Court-in-the--same--manner--as
appeals--are--taken--from--the-district-court-to-the-Supreme-Court-in
civil-actions-brought-originally-in-the--district--court accomplished
and reviewed pursuant to sections 67-5215 and 67-5216, Idaho Code.

(c) Nothing contained in this section shall preempt any right of
any person to any writ or other relief available in a civil action.

(d) Nothing contained in this act shall preempt any public nui-
sance or similar law of this state.

(e) All orders, permits, and notices issued by the director or
the board under this act shall also bind and be effective on all suc-
cessors and assigns of the persons to whom such orders, permits, and
notices are addressed.

SECTION 24. That Sections 42-305, 42-306, 42-307, 42-308, and
42-309, Idaho Code, be, and the same are hereby repealed.

SECTION 25. 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 28, 1980.
CHAPTER 239
(H.B. No. 704)

AN ACT
RELATING TO THE COLLECTION OF TAX UPON BEER AND WINE; AMENDING SECTION 23-1008, IDAHO CODE, TO REQUIRE WHOLESALERS TO PURCHASE TAX STAMPS AND TO AFFIX STAMPS TO BEER CONTAINERS; AMENDING SECTION 23-1048, IDAHO CODE, TO ESTABLISH A BEER WHOLESALER AS THE PERSON LIABLE FOR PAYMENT OF TAXES UPON BEER; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1050A, IDAHO CODE; AMENDING SECTION 23-1054, IDAHO CODE, TO LIMIT PROCESSING OF TAX REFUNDS TO CLAIMS IN EXCESS OF TWO HUNDRED DOLLARS; AMENDING SECTION 23-1319, IDAHO CODE, TO ESTABLISH A WINE DISTRIBUTOR AS THE PERSON LIABLE FOR PAYMENT OF THE EXCISE TAX ON WINE AND TO LIMIT PROCESSING OF TAX REFUNDS TO CLAIMS IN EXCESS OF TWO HUNDRED DOLLARS; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1322A, IDAHO CODE, TO ESTABLISH ENFORCEMENT AND COLLECTION PROCEDURES.

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

SECTION 1. That Section 23-1008, Idaho Code, be, and the same is hereby amended to read as follows:

23-1008. TAX -- STAMPS -- REFUNDS -- RULES -- REPORTS. (1) A tax of three dollars and ten cents ($3.10) per barrel of 31 gallons, to which shall be added an additional tax of $1.55 per barrel of 31 gallons, and a like rate for any other quantity or fraction thereof, is hereby levied and imposed upon each and every barrel of beer sold for use within the state of Idaho. The proceeds of the additional tax hereby imposed shall be deposited directly to the credit of the permanent building fund.

(2) The payment of the tax hereby imposed shall be evidenced by the affixing of tax stamps to each barrel or keg of beer and to each case or carton containing bottles or cans of beer. Such stamps shall be canceled by the person affixing the same. Provided, however, that nothing in this act shall be construed to require, or to permit the commissioner of the state tax commission to require, the affixing of tax stamps to bottles or cans of beer.

Brewers--or--other-persons-shippiag-orn-transporting-beer-in-this state-from-without-the-state-and-brewers-within-this-state may purchase stamps from the commissioner of the state tax commission and shall affix, in the manner prescribed, the proper tax stamps to each barrel or keg of beer and to each case or carton, containing bottles or cans, of beer to be consumed or sold in this state or to be shipped or transported in this state for consumption or sale herein.

Before beer--may--be--traasperted-or-imported-iate-this-state-for sale,-delivery,-use-or-storage-herein,-and-before any brewer wholesaler within this state shall sell or deliver any beer to any purchaser or consumer within this state, each barrel or keg of beer and
each case or carton, containing bottles or cans of beer must bear the proper tax stamp tax, affixed and canceled in the manner required.

Upon receipt by the commissioner-commission of an application for tax stamps, accompanied by proper remittance in payment of the tax represented by such stamp, the commissioner-commission shall sell and deliver such tax stamps so ordered to wholesalers brewers--within this state and to brewers and other persons outside this state.

Any-brewer--who--shall--sell-beer-to-a-wholesaler-or-retailer-licensed-in-this-state--and Any wholesaler who shall purchase; receive; possess or sell beer, upon which the tax herein imposed has not been paid or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, shall be guilty of a misdemeanor, and any beer so purchased, received, transported, stored or possessed or sold shall be subject to seizure by the commissioner-commission, any inspector or investigator of the commissioner-commission, or by any sheriff, constable or other police officer, and same may be removed and kept for evidence. Upon conviction of any person for violation of this section, the said beer, and all barrels, kegs, cases, cartons and cans containing the same shall be forfeited to the state of Idaho, and, in addition, the person so convicted shall be subject to the other penalties in this act prescribed.

Beer and all barrels, kegs, cases, cartons or cans so forfeited to the state of Idaho shall be sold by the commissioner-commission at public auction to any brewer, wholesaler or retailer, licensed under the provision of this act, making the highest bid. Such sale shall be held at such place and time as may be designated by the commissioner-commission after reasonable notice thereof given in such manner and for such time as the commissioner-commission may by regulation prescribe. From the purchase price received upon such sale, the commissioner-commission shall first deduct an amount sufficient to pay the tax due on such beer, and shall affix the proper amount of stamps to the barrels, cases or cartons as herein required, and to pay all costs incurred in connection with such sale. He-the commission shall deposit the balance remaining with the state treasurer, who shall place the same in the general fund account of the state of Idaho, and it shall become a part thereof.

Brewers-and-for-others Wholesalers shall be entitled to monthly refunds on all breakages in transit and on all beer exported from the state of Idaho.

The commissioner-state tax commission is hereby empowered, and it shall be his duty, to make reasonable regulations governing the form and denominations of said revenue stamps, the manner of affixation, the procedure for making refunds, and the manner and places of sale of said stamps. Such rules and regulations shall be promulgated by filing the same with the secretary of state.

(3) The commissioner-commission is hereby empowered, and it shall be his duty to prescribe rules and regulations,-

(a) For reports by carriers for hire and also all other carriers
owned and/or employed, directly or indirectly, by out of state brewers, dealers or other persons, of all deliveries of beer in and into the state of Idaho, stating especially the origin and destination of the beer, the quantity thereof, and also the names and addresses, respectively of the consignors and consignees.

(b) For reports by out of state brewers and manufacturers of beer, of all shipments by them of beer into the state of Idaho, stating especially the matters mentioned in subsection (a) hereof.

SECTION 2. That Section 23-1048, Idaho Code, be, and the same is hereby amended to read as follows:

23-1048. LIABILITY FOR PAYMENT OF TAXES ON BEER. (1) Every sale of beer manufactured in this state by a brewer or dealer licensed in this state to a dealer, wholesaler, or to a retailer licensed in this state or to a consumer in this state shall constitute a sale of beer for resale or consumption in this state and such brewer or dealer wholesaler shall be liable for the payment of taxes thereon. Sales of beer by such brewer or dealer wholesaler for the purpose of and resulting in export of such beer from this state for resale outside this state shall be exempt from the taxes on beer imposed by this state.

(2) Every sale of beer by a brewer holding a certificate of approval issued by this state to a dealer or wholesaler licensed in this state resulting in a shipment or transportation of such beer into this state shall constitute a sale of beer for resale or consumption in this state, whether said sale is made within or without this state, and such brewer wholesaler shall be liable for the payment of taxes thereon, except as provided in subsection (1) hereof.

(3) Every sale of beer by a foreign distributor, as defined in this subsection, to a dealer or wholesaler licensed in this state resulting in a shipment or transportation of such beer into this state shall constitute a sale of beer for resale or consumption in this state, whether said sale is made within or without this state, and such foreign distributor shall be liable for the payment of taxes thereon.

The term "foreign distributor" shall mean any person, as defined in section 23-1001(b), Idaho Code, holding a certificate of approval issued by this state who maintains his principal place of business outside this state and who engages in the business of purchasing, reselling the same, selling and purchasing, or who, as an independent contractor and pursuant to a written marketing agreement with a brewer distributes such brewer's beer in wholesale quantities. A certificate of approval shall be issued by the director to such foreign distributor upon application therefor upon the same terms and conditions that such certificates are issued to brewers manufacturing beer outside this state.

(4) Resale of beer by a dealer or wholesaler licensed in this state for the purpose of and resulting in export of such beer from this state for resale outside this state shall entitle such dealer or wholesaler to a refund of taxes theretofore paid on such beer.
SECTION 3. That Chapter 10, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-1050A, Idaho Code, and to read as follows:

23-1050A. COLLECTION AND ENFORCEMENT. The collection and enforcement procedures provided by the Idaho income tax act, sections 62-3042 through 63-3065A, inclusive, shall apply and be available to the state tax commission for enforcement and collection of the tax imposed by this chapter, and said sections shall, for this purpose, be considered part of this act.

SECTION 4. That Section 23-1054, Idaho Code, be, and the same is hereby amended to read as follows:

23-1054. REFUNDS OF TAXES. When beer shall be destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes after payment of taxes thereon and prior to delivery to a licensed retailer or consumer by a brewer, dealer or wholesaler licensed in this state, such brewer, dealer or wholesaler, upon satisfactory proof of destruction or spoilage, shall be entitled to refund of taxes paid thereon. Claims for refund shall not be required to be processed unless and until the total claim for refund is in excess of the sum of two hundred dollars ($200).

SECTION 5. That Section 23-1319, Idaho Code, be, and the same is hereby amended to read as follows:

23-1319. EXCISE TAX -- SALES INCLUDED -- REFUND FOR EXPORT SALES -- REFUND FOR BREAKAGE OR SPOILAGE. There is hereby imposed an excise tax of forty-five cents (45¢) per gallon upon all wine imported into this state for purposes of resale and upon all wines sold, transported, stored, delivered, received, or produced by a distributor to a retailer or consumer for use within the state of Idaho pursuant to this act. Sales of wine by an importer to a distributor resulting in a shipment or transportation of such wine into this state shall constitute a sale of wine for resale or consumption in this state, whether said sale is made within or without this state, and such importer shall be liable for the payment of taxes thereon.

(a) Every sale of wine by an importer to a distributor resulting in a sale of wine for resale or consumption in this state shall constitute a sale of wine for resale or consumption in this state and such manufacturer shall be liable for the payment of taxes thereon.

(b) Every sale of wine manufactured in this state to a distiller or retailer or to a consumer in this state shall constitute a sale of wine for resale or consumption in this state and such manufacturer shall be liable for the payment of taxes thereon.

(c) Sale of wine by a distributor for the purpose of and resulting in export of such wine from this state for resale outside this state shall constitute a sale of wine for resale or consumption in this state and such manufacturer shall be liable for the payment of taxes thereon.
(d) When wine shall be destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes after payment of taxes thereon, and prior to delivery to a retailer by a distributor, such distributor, upon satisfactory proof of destruction or spoilage, shall be entitled to a refund of taxes paid thereon. Claims for refund shall not be required to be processed unless and until the total claim for refund is in excess of the sum of two hundred dollars ($200).

SECTION 6. 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 23-1322A, Idaho Code, and to read as follows:

23-1322A. COLLECTION AND ENFORCEMENT. The collection and enforcement procedures provided by the Idaho income tax act, sections 63-3042 through 63-3065A, inclusive, shall apply and be available to the state tax commission for enforcement and collection of the tax imposed by this chapter, and said sections shall, for this purpose, be considered part of this act.

Approved March 28, 1980.
of the property owned by them and the ability to pay property taxes is a function of both land value and income.

4. Farmers are unable to exert any control over the markets upon which they sell.

5. Farmers in other states, including adjoining states, selling on the same markets as farmers from Idaho, are protected from excessive property taxes.

6. Taxes based upon comparable sales would impose an inequitable and unjust tax burden upon agricultural properties which would endanger the economy of the state.

7. In order to preserve land for agricultural use, it is necessary and in the public interest to exempt the excessive portion of farm land valuation from property taxation.

8. The use of reproduction or replacement cost less depreciation is a better index of market value than historic cost less depreciation in establishing the value of property subject to depreciation for income tax purposes.

SECTION 2. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-105CC, Idaho Code, and to read as follows:

63-105CC. PROPERTY EXEMPT FROM TAXATION -- SPECULATIVE PORTION OF VALUE OF AGRICULTURAL LAND. (a) The speculative portion of the value of land devoted to agriculture is exempt from taxation.

(b) "Land devoted to agriculture" shall mean that property defined by section 63-112, Idaho Code.

(c) "Speculative portion" shall mean that portion of the value of agricultural land which represents the excess over the actual use value of such land established by comparable sales data compared to value established by capitalization of economic rent or long term average crop rental at a capitalization rate which shall be the rate of interest charged by the Spokane federal land bank district averaged over the immediate past five (5) years plus a component for the local tax rate.

(d) The state tax commission shall adopt rules and regulations implementing this section which shall establish economic rent, average crop rental and capitalization rates.

SECTION 3. 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.

To maximize uniformity and equity in assessment of different categories of property, such rules and regulations shall, to the extent practical, require the use of reproduction or replacement cost less depreciation as opposed to historic cost less depreciation whenever cost is considered as a single or one of several factors in establishing the market value of depreciable property. 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 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 28, 1980.

CHAPTER 241
(H.B. No. 729)

AN ACT
MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE TO LISTED INSTITUTIONS AND AGENCIES 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 operations of the following listed state institutions and agencies 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
1. STATE BOARD OF EDUCATION:
   a. University of Idaho $ 46,100
   b. Idaho State University 2,200
   c. Boise State University 40,000
   d. Lewis-Clark State College 187,000
   TOTAL $275,300

2. DEPARTMENT OF HEALTH AND WELFARE:
   a. Region I $ 3,500
   b. Region III 10,000
   c. Region V 20,000
   TOTAL $ 33,500

3. MILITARY DIVISION:
   a. National Guard Armories $ 8,700

GRAND TOTAL $317,500

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 and agencies 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 28, 1980.

CHAPTER 242
(H.B. No. 668)

AN ACT RELATING TO TAXES FOR THE SUPPORT OF JUNIOR COLLEGES; AMENDING SECTION 33-2111, IDAHO CODE, TO PROVIDE THAT LEVIES FOR JUNIOR COLLEGE DISTRICTS AND THE MONEYS DERIVED FROM THOSE LEVIES SHALL BE EXEMPT FROM THE ONE PERCENT TAX 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) of assessed valuation. Such levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and the
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 ($100) 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. The moneys derived from such supplemental levy shall be exempt from the limitation imposed by section 63-2220, Idaho Code.

There shall also be allocated to each junior college district and paid to the treasurer thereof fifty percent (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 percent (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 percent (50%) to the treasurer of such junior college district, and the remaining fifty percent (50%) distributed as otherwise provided by law.

Approved March 28, 1980.

CHAPTER 243  
(H.B. No. 520)  
AN ACT  
RELATING TO RETAIL THEFT; AMENDING SECTION 48-701, IDAHO CODE, TO PROVIDE FOR THE INCLUSION OF RETAIL THEFT; AMENDING SECTION 48-702, IDAHO CODE, TO PROVIDE FOR THE INCLUSION OF RETAIL THEFT; AND AMENDING SECTION 48-703, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF RETAIL THEFT.

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

SECTION 1. That Section 48-701, Idaho Code, be, and the same is hereby amended to read as follows:
48-701. LIABILITY FOR REMOVING OR CONCEALING MERCHANDISE -- RETAIL THEFT. Any person who knowingly removes merchandise from a merchant's premises without paying therefor, or knowingly conceals merchandise to avoid paying therefor, or knowingly commits retail theft, shall be civilly liable to the merchant for the retail value of the merchandise, plus damages of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250), costs of suit and reasonable attorneys' fees.

SECTION 2. That Section 48-702, Idaho Code, be, and the same is hereby amended to read as follows:

48-702. LIABILITY FOR ACTS OF MINORS. The parent or legal guardian, having legal custody, of a minor who knowingly removes merchandise from a merchant's premises without paying therefor, or knowingly conceals merchandise to avoid paying therefor, or knowingly commits retail theft, shall be civilly liable to the merchant for the retail value of the merchandise, plus damages of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250), costs of suit and reasonable attorneys' fees. Recovery under this section is not limited by any other provision of law which limits the liability of a parent or legal guardian for the tortious conduct of a minor. The liability of parents or legal guardian and of the minor under this chapter is joint and several.

A parent or guardian not having legal custody of a minor shall not be liable for the conduct of the minor proscribed by this act.

SECTION 3. That Section 48-703, Idaho Code, be, and the same is hereby amended to read as follows:

48-703. DEFINITIONS. As used in this chapter:

(a) "Merchandise" means any personal property displayed, held or offered for sale by a merchant.

(b) "Merchant" means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises.

(c) "Premises" means any establishment or part thereof wherein merchandise is displayed, held or offered for sale.

(d) "Minor" means any person less than eighteen (18) years of age.

(e) "Retail theft" means the alteration, transfer, or removal of any label, price tag, marking, indicia of value or any other markings which aid in the determination of value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment, for the purpose of attempting to purchase such merchandise either personally or in consort with another, at less than the retail value with the intention of depriving the merchant of the value of such merchandise.

Approved March 28, 1980.
CHAPTER 244
(H.B. No. 578)

AN ACT
RELATING TO EVIDENCE IN ALLEGED CASES OF SHOPLIFTING; AMENDING CHAPTER 4, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-421, IDAHO CODE, TO PROVIDE THAT IN ANY CIVIL ACTION FOR A VIOLATION OF IDAHO SHOPLIFTING LAWS, PHOTOGRAPHS OF THE GOODS OR MERCHANDISE ALLEGED TO HAVE BEEN TAKEN OR CONVERTED SHALL BE DEEMED COMPETENT EVIDENCE OF SUCH GOODS OR MERCHANDISE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING, HEARING OR TRIAL, AND PROVIDING FOR CERTAIN OTHER ANCILLARY INFORMATION REQUIRED FOR SUCH PHOTOGRAPH TO BE VALID AS EVIDENCE.

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

SECTION 1. That Chapter 4, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-421, Idaho Code, and to read as follows:

9-421. TAKEN OR CONVERTED MERCHANDISE -- EVIDENCE. In any civil action for a violation of the shoplifting laws of Idaho, photographs of the goods or merchandise alleged to have been taken or converted shall be deemed competent evidence of such goods or merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such goods and merchandise had been introduced as evidence. Such photographs shall bear a written description of the goods or merchandise alleged to have been taken or converted, the name of the owner of such goods or merchandise, or the store or establishment wherein the alleged violation occurred, the name of the accused, the name of a peace officer, the date of the photograph and the name of the photographer. Such writing shall be made under oath by a peace officer, and the photographs identified by the signature of the photographer. Upon the filing of such photograph and writing with the authority or court holding such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged violation occurred.

Approved March 28, 1980.
CHAPTER 245
(H.B. No. 615)

AN ACT
RELATING TO THE CREATION OF THE IDAHO COURT OF APPEALS, ADDING A NEW CHAPTER 24, TITLE 1, IDAHO CODE; STATING A SHORT TITLE; STATING LEGISLATIVE INTENT IN REGARD TO CREATING AN IDAHO COURT OF APPEALS; ESTABLISHING THE IDAHO COURT OF APPEALS AND DESCRIBING ITS ADMINISTRATION AND SUPERVISION; PROVIDING FOR THE NUMBER, QUALIFICATIONS, CONDUCT, DISCIPLINE, TERM, SELECTION AND COMPENSATION OF JUDGES; PROVIDING FOR INTERIM AND SUPPLEMENTAL MEMBERSHIP OF THE COURT OF APPEALS; ESTABLISHING JURISDICTION OF THE COURT OF APPEALS, ASSIGNMENT AND TRANSFER OF CASES, AND AUTHORITY IN FURTHERANCE OF JURISDICTION; PROVIDING FOR THE ADMINISTRATION, EMPLOYEES AND CLERICAL ASSISTANCE FOR THE COURT; PROVIDING FOR AN OFFICIAL SEAL AND THAT IT SHALL BE A COURT OF RECORD AND FOR ITS PLACE OF SESSIONS; PROVIDING FOR A CHIEF JUDGE OF THE COURT OF APPEALS; PROVIDING FOR REVIEW OF DECISIONS OF THE COURT OF APPEALS; PROVIDING THAT A RIGHT OF APPEAL IS NOT CREATED WHERE NOT OTHERWISE PROVIDED OR CREATED BY LAW; PROVIDING FOR THE FILING OF APPEALS AND FILING FEES AND A UNITARY APPEAL PROCESS IN THE SUPREME COURT AND COURT OF APPEALS; AND PROVIDING AN EFFECTIVE DATE, AND COMMENCEMENT OF FUNCTIONS OF THE COURT OF APPEALS.

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

SECTION 1. That Title 1, 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 1, Idaho Code, and to read as follows:

CHAPTER 24
COURT OF APPEALS

1-2401. SHORT TITLE. This act shall be known and may be cited as the "Idaho Court of Appeals Act."

1-2402. STATEMENT OF INTENT. It is hereby declared that the purpose of this act is to create an appellate court subordinate to the Idaho supreme court, to be known as the Idaho court of appeals.

1-2403. COURT OF APPEALS ESTABLISHED -- ADMINISTRATION AND SUPERVISION. There is hereby created the Idaho court of appeals. The court of appeals shall be part of the judicial branch of government and shall be subject to administration and supervision by the supreme court of Idaho pursuant to article 5, section 2 of the Idaho constitution.

1-2404. NUMBER OF JUDGES -- QUALIFICATIONS -- CONDUCT AND DISCIPLINE -- TERM -- SELECTION -- ELECTION -- COMPENSATION. (1) The court of appeals shall consist of three (3) judges, and shall sit in panels
of not less than three (3) judges each.

(2) No person shall be appointed or elected to the office of judge of the court of appeals unless he has attained the age of thirty (30) years at the time of his appointment or election, is a citizen of the United States, is admitted to the practice of law within this state, and has resided within this state two (2) years next preceding his appointment or election.

(3) A judge of the court of appeals shall be governed by the code of judicial conduct as promulgated by the Idaho supreme court, and shall be subject to removal, discipline, or retirement pursuant to section 1-2103, Idaho Code.

(4) (a) Judges of the court of appeals shall be appointed by the governor effective the first day of January next following the legislative session in which funds are appropriated for each position on the court. One (1) judge shall be appointed for a term of two (2) years, one (1) judge shall be appointed for a term expiring two (2) years later, and one (1) judge shall be appointed for a term expiring two (2) further years later. Thereafter, the term of office of a judge of the court of appeals shall be six (6) years, except that no judge of the court of appeals shall serve beyond the limits set forth in section 1-2007, Idaho Code.

(b) Vacancies in the office of judge of the court of appeals shall be filled in the same manner as vacancies in the office of supreme court justice or district judge.

(c) In making its nominations for the initial vacancies to be created by this act, if three (3) positions are funded concurrently, the Idaho judicial council shall submit the names of not less than six (6) nor more than nine (9) qualified persons. Otherwise, the judicial council shall submit the names of not less than two (2) nor more than four (4) persons for each vacancy. The governor shall appoint the judges, identifying each appointment by the length of the term of appointment.

(d) Nominations and appointments to fill initial or subsequent vacancies shall be made with due regard for balanced geographical membership of the court of appeals.

(e) Subsequent terms of office of a judge who has been appointed to the court of appeals shall be subject to a statewide nonpartisan election to be held in the primary election next preceding the expiration of an appointed term in the same method and manner as a justice of the supreme court.

(5) Judges of the court of appeals shall receive an annual salary in an amount one thousand dollars ($1,000) less than the annual salary of a supreme court justice and shall receive compensation upon retirement as provided in chapter 20, title 1, Idaho Code.

1-2405. INTERIM AND SUPPLEMENTAL MEMBERSHIP OF COURT OF APPEALS.

(1) Commencing July 1, 1981, until funds have been appropriated for, and the governor has filled by appointment, three (3) positions on the Idaho court of appeals, and continuing thereafter as needed, the supreme court may provide for the assignment of active or retired district judges, retired justices of the supreme court and retired jus-
tices of the court of appeals to serve on a panel of the court of appeals. Assignments may be made for a time certain, for a term of court, or specifically for one or more cases on the docket of the court of appeals.

(2) An active or retired district judge may not be assigned to hear cases in which he participated while serving on the district court, nor to hear cases which originated in his judicial district.

(3) Active district judges serving on the court of appeals shall be entitled to no additional compensation, but shall be reimbursed for expenses, as provided by section 1-711, Idaho Code. Compensation for retired justices or judges serving on the court of appeals shall be paid in the same manner provided for such temporary service on the supreme court.

1-2406. JURISDICTION -- ASSIGNMENT AND TRANSFER OF CASES -- AUTHORITY IN FURTHERANCE OF JURISDICTION. (1) Any provision of law to the contrary notwithstanding, the Idaho court of appeals shall have jurisdiction to hear and to decide all cases assigned to it by the Idaho supreme court; provided, that the supreme court shall not assign cases invoking the supreme court's original jurisdiction, nor appeals from imposition of sentences of capital punishment in criminal cases.

(2) In assigning cases to the Idaho court of appeals, the Idaho supreme court shall give due regard to the workload of each court, to the error review and correction functions of the court of appeals, and to the desirability of retaining for decision by the supreme court those cases in which there is substantial public interest or in which there are significant issues involving clarification or development of the law.

(3) Upon motion of any party, or upon its own motion, in any pending assigned case that has not yet been argued, (a) the court of appeals may transfer a case back to the supreme court; or (b) the supreme court may revoke assignment of the case to the court of appeals. In the event of such transfer or revocation of assignment, the case shall be heard and decided by the supreme court.

1-2407. ADMINISTRATION -- EMPLOYEES AND CLERICAL ASSISTANCE FOR COURT -- OFFICIAL SEAL AND COURT OF RECORD -- PLACE OF SESSIONS. (1) The court of appeals shall be subject to the administrative policies and procedures which may be established by the supreme court.

(2) Appointment of employees by the court of appeals shall be governed by personnel policies approved by rule of the supreme court.

(3) The clerk of the supreme court shall be the clerk of the court of appeals.

(4) The court of appeals shall have an official seal and shall be a court of record.

(5) The principal office of the court of appeals and chambers of its judges, except those serving pursuant to section 1-2405, Idaho Code, shall be at Boise, Idaho.

(6) The court of appeals shall sit in Boise, but also may sit in such other places as it considers convenient for the conduct of its business.
(7) All proceedings of the court of appeals shall be governed by rules of the supreme court and by rules of the court of appeals approved by the supreme court.

1-2408. CHIEF JUDGE. The chief justice of the supreme court shall appoint a chief judge of the court of appeals. The chief judge shall exercise such administrative powers as may be delegated by the full membership of the court of appeals, not in conflict with supreme court rules.

1-2409. REVIEW OF DECISIONS OF COURT OF APPEALS. Any party in interest who is aggrieved by a decision of the court of appeals may petition the supreme court, within twenty (20) days following said decision, for review of the decision. The supreme court may, in its discretion, grant such petition. Review of decisions of the court of appeals shall be governed by the rules of the supreme court.

1-2410. RIGHT OF APPEAL NOT CREATED. Nothing in this act is intended to provide or to create a right of appeal where such right is not otherwise provided or created by law.

1-2411. FILING OF APPEAL AND FILING FEE -- UNITARY APPEAL. (1) In any appeal to the supreme court or to the court of appeals, there shall be only one filing and one filing fee required. The filing fee shall be as prescribed by sections 1-402 and 1-2003, Idaho Code.

(2) It is intended by this chapter that the supreme court shall establish the most convenient and expeditious procedures for filing of appeals, and that all appeals to the court of appeals or the supreme court shall be treated as one appeal process under the jurisdiction of the supreme court.

(3) All appeals shall be processed in the supreme court unless or until assigned to the court of appeals.

SECTION 2. This act shall be in full force and effect on and after July 1, 1981. After this date, the supreme court may transfer nonargued appeals pending before it to the court of appeals for hearing and decision, consistent with this act.

Approved March 28, 1980.

CHAPTER 246
(S.B. No. 1438)

AN ACT
RELATING TO BOATING LAWS; REPEALING CHAPTERS 23, 24, AND 25, TITLE 39, IDAHO CODE, AND SECTIONS 49-217 THROUGH 49-223, INCLUSIVE, IDAHO CODE; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW
CHAPTER 32, TITLE 49, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE; TO PROVIDE FOR JURISDICTION AND AUTHORITY; TO DEFINE TERMS; TO PROVIDE FOR CAPACITY PLATES AND CERTIFICATION OF VESSELS; TO PROVIDE FOR THE CONTENTS OF CAPACITY PLATES; TO PROVIDE FOR THE CONTENTS OF CERTIFICATION LABELS; TO PROVIDE FOR CERTIFICATES OF REGISTRATION; TO PROVIDE EXEMPTIONS FROM NUMBERING PROVISIONS; TO PROVIDE FOR REMITTANCE OF FEES; TO PROVIDE FOR ANNUAL USE PERMIT, EXPIRATION, FEES, COLLECTION EXEMPTIONS AND WATERWAYS COMMITTEE; TO PROVIDE ADDITIONAL REGULATIONS FOR SAFETY EQUIPMENT; TO PROVIDE FOR GROSSLY NEGLIGENT OPERATION OF VESSELS; TO PROVIDE FOR NEGLIGENT OPERATION OF VESSELS; TO PROVIDE THAT IT SHALL BE UNLAWFUL TO SPEED; TO PROVIDE FOR THE INCAPACITY OF OPERATORS; TO PROVIDE FOR DIVERS' WARNINGS; TO PROVIDE FOR OVERLOADING; TO PROVIDE FOR OVERPOWERING; TO PROVIDE FOR RIDING ON DECKS AND GUNWALES; TO PROVIDE FOR WATER SKIING; TO PROVIDE FOR INTERFERENCE WITH NAVIGATION; TO PROVIDE THAT IT SHALL BE UNLAWFUL TO OPERATE VESSELS IN RESTRICTED AREAS; TO PROVIDE FOR REPORTING OF COLLISIONS, ACCIDENTS AND CASUALTIES; TO PROVIDE FOR ENFORCEMENT OF THIS ACT; TO PROVIDE FOR THE RESPONSIBILITY OF A VESSEL OWNER; TO PROVIDE PENALTIES FOR VIOLATION OF CHAPTER 32, TITLE 49, IDAHO CODE; TO PROVIDE FOR REGATTAS, RACES, TOURNAMENTS AND EXHIBITIONS; TO PROVIDE FOR LOCAL RULES, PROCEDURES FOR MARKING WATER AREAS, AND RULES AND REGULATIONS; AMENDING SECTION 63-105P, IDAHO CODE, TO CORRECT A CODE REFERENCE FOR PROPERTY EXEMPT FROM TAXATION; TO PROVIDE SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

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

    SECTION 1. That Chapters 23, 24, and 25, Title 39, and Sections 49-217 through 49-223, inclusive, Idaho Code, be, and the same are hereby repealed.

    SECTION 2. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 49, Idaho Code, and to read as follows:

    CHAPTER 32
    IDAHO SAFE BOATING ACT

    49-3201. PURPOSE. It is hereby declared to be the policy of the state of Idaho to improve boating safety, to foster the greater development, use and enjoyment of the waters of this state by watercraft and to adopt certain standards for the safe operation and equipment of vessels. This chapter shall therefore be known as the "Idaho Safe Boating Act."

    49-3202. JURISDICTION AND AUTHORITY. This chapter shall apply to all vessels operated on the waters of and over which the state of
Idaho shall have jurisdiction. The department of law enforcement is hereby granted authority to carry out the administration of this chapter, and to promulgate rules and regulations in compliance with chapter 52, title 67, Idaho Code, to administer all provisions of this chapter.

49-3203. 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. "Aids to navigation" mean such buoys, batons, markers or other fixed objects in the water which are established and used to mark obstructions or to direct navigation through separate channels.

2. "Vessel" means every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation.

3. "Commercial vessel" means any vessel used in the carriage of any person, persons or property for a valuable consideration, whether directly or indirectly flowing to the owner, partner, agent or any other person interested in the vessel.

4. "Department" means the department of law enforcement of the state of Idaho.

5. "Documented vessel" means a vessel having a valid marine document as a vessel of the United States.


7. "Length of vessel" shall be deemed the distance measured at the centerline at the highest point above the waterline from the forepart of the outer hull at the bow to the aft/part of the outer hull at the stern excepting any bowsprits, railings or extraneous or additional equipment.

8. "Operator" means any person who controls the direction or propulsion of any vessel.

9. "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

10. "Passenger" means every person carried aboard a vessel other than:

   a) The owner or his representative;
   b) The operator;
   c) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage and who is paid for his services; or
   d) Any guest on board a vessel which is used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly for his carriage.

11. "Person" includes any individual, firm, partnership, corporation, company, association, joint stock association, or body poli-
tic, except the United States and the state of Idaho, and includes any agent trustee, executor, reserve assignee or similar representative of any of the above.

(12) "Regulatory markers" mean any fixed or anchored aid to navigation which is established and used, but is not limited to the bathing beach markers, speed zone markers, information markers, swimming or diving markers, floating mooring buoys, fishing buoys or markers for ski courses or jumps.

(13) "Rules of the road" mean the statutory and regulatory rules governing the navigation of vessels as published by the United States Coast Guard in Navigational Rules International--Inland.

(14) "Water of the state" means any waters in the state of Idaho over which the state has jurisdiction.

(15) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, vessels manufactured by another.

49-3204. CAPACITY PLATE AND CERTIFICATION. All vessels under twenty (20) feet in length, except sailboats, canoes, kayaks and inflatable boats, constructed after November 1, 1972 and manufactured in or used on the waters of this state shall have a certification and capacity plate or plates permanently affixed to the vessel at a location so as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when it is underway in the water.

49-3205. CAPACITY PLATE -- CONTENTS. A capacity plate shall bear the following information permanently marked thereon:

(1) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:
   (a) The total weight of person, motor, gear, and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.
   (b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.
   (c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.
   (d) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(2) For all other vessels to which this chapter applies:
   (a) The total weight of persons, gear and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.
   (b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.
(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

49-3206. CERTIFICATION LABEL -- CONTENTS. The certification label shall contain the following information in letters no less than one-eighth (1/8) inch in height and the information letters shall contrast with the basic color of the label and identify:

(1) The name and address (city and state) of the manufacturer. If the vessel is manufactured outside the United States, the importer shall be considered the statutory manufacturer, and his name and U.S. address shall appear on the label; or, if the vessel is to be sold at retail by a private label merchandiser, then his name and address may appear on the label. Display of the name and address of a private label merchandiser on the certification label does not make him responsible for compliance with standards and regulations that are applicable to the manufacturer under federal law.

(2) A statement that:
   (a) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on (month and year of certification)" or;
   (b) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on the Date of Certification" and;
   (c) If the vessel displays a stability warning label as required by federal law the certification label shall also show the words, "This Boat Complies With U.S. Coast Guard Safety Standards, Except Load Capacity, in Effect on the Date of Certification" (or the actual date of such certification).

(3) The display of the certification and the capacity information required by this chapter may be combined on one (1) label provided the two (2) information displays are separated by a prominent line or border and the capacity information is the most prominent by virtue of larger type face, bolder type face or contrasting color background.

(4) The information relating to capacity required by this chapter shall be determined by any of the methods and formulas used, recommended or recognized by the U.S. Coast Guard or any agencies successor thereto.

49-3207. CERTIFICATE OF REGISTRATION. (1) On or before the first day of January after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration with the department on forms approved by the department. The application shall be signed by the owner and shall be accompanied by a fee of six dollars ($6.00). Upon receipt of an application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of registration stating the number issued to the vessel and the name and address of the owner. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration number in such manner as may be prescribed by rules and regulations of the department in order that it may be completely visible, and the number shall be maintained in legible condition. A validation sticker shall also be supplied by the department and affixed as pre-
scribed by the department. The certificate of registration shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever such vessel is in operation.

(2) The owner of any vessel for which a current certificate of registration has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if such vessel is operated on the waters of this state in excess of sixty (60) days, make application for a certificate of registration therefore in the manner above prescribed in this section.

(3) The department may issue certificates of registration directly or may authorize any person to act as agent for the issuance thereof; providing that in the event a person accepts such authorization, he shall be assigned a block of numbers and certificates therefore, which upon issuance in conformity with this chapter and with any rules and regulations of the department, shall be valid as if issued directly by the department.

(4) All records of the department made or kept pursuant to this section shall be public records.

(5) Every certificate of registration issued pursuant to this chapter shall continue in full force and effect for a period of three (3) years, unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of registration may be renewed by the owner in the same manner provided for in the initial securing of the same.

(6) The owner of any vessel shall notify the department within fifteen (15) days if such vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of registration. In all such cases, the notice shall be accompanied by a surrender of the certificate of registration. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter such fact in his records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) The purchaser of a vessel shall, within fifteen (15) days after acquiring same, make application to the department for transfer to him of the certificate of registration issued to such vessel, giving his name, address and the number of such vessel and shall at the same time pay to the department a fee of six dollars ($6.00). Upon receipt of application and fee, the department shall transfer the certificate of registration issued for such vessel to the new owner or owners. Unless such application is made and fee paid within fifteen (15) days, such vessel shall be deemed to be without certificate of registration.

(8) No number or other character or device other than the registration number issued to a vessel or having reciprocity pursuant to this chapter shall be painted, attached or otherwise displayed on either side of the bow of such vessel except the Idaho validation
sticker.

(9) If any certificate of number becomes lost, mutilated or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of such certificate upon application therefore and the payment of a fee of two dollars ($2.00).

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered hereunder, may obtain pursuant to regulations duly promulgated by the department, certificates of registration for use in the testing or demonstration only of such vessel upon payment of ten dollars ($10.00) for each such certificate. Certificates of registration so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by such certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

49-3208. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be required to be numbered under this chapter if it is:

(1) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of sixty (60) consecutive days.

(2) A vessel from a country other than the United States temporarily using the waters of this state.

(3) A vessel which is owned by the United States, another state or a political subdivision thereof.

(4) A vessel's lifeboat.

(5) A vessel belonging to a class of vessels which has been exempted from numbering by the department after it has found that the numbering of vessels of such class will not materially aid in their identification and has further found that the vessel would also be exempt from numbering if it were subject to federal law.

49-3209. REMITTANCE OF FEES. All moneys or fees collected by the assessor for certificates of registration shall be deposited with the county treasurer not later than the fifteenth day of the month following the calendar month in which such fees were collected. Fifty percent (50%) of all fees shall be credited to the county general fund and fifty percent (50%) of said fees shall be transmitted to the treasurer of the state of Idaho and be deposited in the motor vehicle account.

49-3210. ANNUAL USE PERMIT -- EXPIRATION -- FEES -- COLLECTION EXEMPTIONS -- WATERWAYS COMMITTEE. (1) It shall be unlawful and punishable as hereinafter provided for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless said vessel shall have and display an annual use permit.

(2) Every owner of a vessel operated on the waters of the state of Idaho shall, each year before the vessel is so operated, apply to and obtain from the assessor of the county in which said vessel is to
be operated, or from the assessor of the county in which the owner resides, or if the owner be a nonresident of the state of Idaho, from the assessor of any county in the state of Idaho, an annual permit, as in this chapter provided, which permit shall cover the vessel and motor described in the application.

(3) An owner who is a nonresident of the state of Idaho and has a current license or permit or an owner who is a resident of another state which does not require the vessel to be licensed annually for a vessel and motor issued by his resident state shall obtain from the assessor of the county in which said vessel is to be operated a temporary permit which shall be valid for a maximum period of fifteen (15) consecutive days. The fee for such temporary permit shall be fifty cents ($0.50) per day or a minimum charge of two dollars and fifty cents ($2.50). Upon receipt of the nonresident fee, the county assessor shall issue a sticker which shall denote the dates it is valid which shall be displayed in a conspicuous place on the nonresident's vessel while being operated on the waters of this state. When the nonresident permit expires, the owner of said vessel shall either purchase an annual permit or not operate the same on the waters of the state of Idaho.

(4) Application for a sticker of a vessel required to have an annual permit hereunder shall be made to the assessor by the owner thereof upon an appropriate form furnished by the assessor. Every application shall be signed by the owner and contain his residence address and a brief description of the vessel to be licensed, including the engine and serial numbers, horsepower, length, age, the last license or sticker number, if any, and the county in which any previous license or sticker number was issued and in the case of the registration of a new vessel, the date of sale by which the manufacturer or dealer to the person first operating the said vessel. Such application may contain such other information as may be required by the assessor.

(5) The assessor shall thereupon issue to the applicant a receipt for any fee paid and deliver to said applicant as soon thereafter as possible, a pressure-sensitive sticker for said vessel. The sticker shall be affixed to the transom of the vessel and be clearly visible above the waterline on the portside or in the case of a vessel not having a transom, on the port quarter at the stern.

(6) The annual fees for licensing vessels shall be determined as follows:

(a) Vessels 0-8 feet in length ................................ $5.00
(b) Vessels over 8 feet in length .............................. $1.00 per foot for each additional foot or portion thereof in excess of 8 feet.
(c) The annual license fees for new or used vessels which have not previously been licensed in Idaho shall be:
   (i) For vessels acquired or brought into the state between January 1 and March 31, the full amount of the regular fees;
   (ii) For vessels acquired or brought into the state between April 1 and June 30, seventy-five percent (75%) of the regular fees;
(iii) For vessels acquired or brought into the state between July 1 and September 30, fifty percent (50%) of the regular fees;

(iv) For vessels acquired or brought into the state after October 1, twenty-five percent (25%) of the regular fees.

(7) Each county assessor shall presume that any vessel is subject to the regular annual fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been licensed in Idaho.

(8) It shall be the duty of the assessor within the county in which such vessels are operated to collect said fees and issue permit stickers for said vessels as provided in this chapter. He shall record and maintain a file containing the names of all owners of vessels who make application for license thereon, together with the amounts of the fees paid by such owners. He shall transmit said license fees collected by him to the county treasurer on or before the 10th day of each month following the date of collection of the same. Twenty-five percent (25%) of said funds shall be placed in and be credited to the general fund of the county and the remaining seventy-five percent (75%) shall be placed in and credited to an account which shall be known and designated as the "county vessel account," which special fund shall be used and expended by the board of county commissioners of said county for the exclusive purpose of maintaining and improving the public waters of the state which are within the county and for law enforcement activities related to the enforcement of this chapter. The board of county commissioners is hereby authorized to use and expend funds from said special account outside the county when they deem it advisable and in the public good.

(9) The county commissioners of any county may appoint a waterways committee to serve without salary or wage in an advisory capacity relating to maintenance and improvement of waterways and expenditure of moneys deposited in the county vessel fund. Members of this committee shall hold office at the pleasure of the board of county commissioners.

(10) The provisions of this act with respect to payment of use fees shall not apply to rowboats without motors or vessels owned by any charitable or religious organization, scout organization or any organization similar thereto not used and operated for profit; provided however, that all vessels not required to be or not licensed hereunder shall be assessed and taxed as personal property in the same manner as other personal property is taxed in the state of Idaho.

49-3211. SAFETY EQUIPMENT -- ADDITIONAL REGULATIONS. (1) The department is hereby authorized to promulgate rules and regulations establishing equipment requirements for any vessel subject to the provisions of this chapter. Such regulations shall be, wherever possible, in conformity with the provisions of the federal navigation laws or with navigation rules and regulations promulgated by the United States Coast Guard and shall be modified from time to time to maintain that conformity.

(2) It shall be unlawful and punishable as hereinafter provided
for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless said vessel shall have on board or installed the equipment required by rules and regulations promulgated by the department.

49-3212. GROSSLY NEGLIGENT OPERATION. It shall be unlawful and punishable as hereinafter provided for any person to operate any vessel on the waters of the state of Idaho in such a manner as to endanger the life or limb, or damage the property of any person and whosoever shall do so is guilty of the crime of grossly negligent operation and shall be punished as hereinafter provided.

49-3213. NEGLIGENT OPERATION. It shall be unlawful for any person to operate any vessel on the waters of the state of Idaho in a careless or heedless manner so as to be indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead, and whosoever shall do so is guilty of the crime of negligent operation and shall be punished as hereinafter provided.

49-3214. UNLICENSED COMMERCIAL VESSELS. It shall be unlawful and punishable as hereinafter provided for any person to operate, or to permit the operation of any commercial vessel on the waters of the state of Idaho unless the same is currently inspected and licensed as set forth in 46, United States Code, sections 362, 375, 390-392, 399, 404, 416, 435 and 451.

49-3215. OPERATION OF UNNUMBERED VESSELS. It shall be unlawful and punishable as hereinafter provided for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the same shall have and display a current certificate of registration and a current annual or temporary use permit as in this chapter provided, both of which shall be on board and available for examination by any law enforcement officer.

49-3216. SPEED. It shall be unlawful and punishable as hereinafter provided for any person to operate a vessel on the waters of the state of Idaho at a speed or under conditions that cause any damage to or affects the safety of other vessels, docks, shoreline installations or any other property or person.

49-3217. INCAPACITY OF OPERATOR. It shall be unlawful and punishable as hereinafter provided for the owner of any vessel or any person having such in charge or in his control to authorize or knowingly permit the same to be operated on the waters of the state of Idaho by any person who by reason of age, physical or mental disability is incapable of operating such vessel under the prevailing circumstances.

49-3218. DIVERS' WARNING. It shall be unlawful and punishable as hereinafter provided for any person to operate or permit the operation
of any vessel on the waters of the state of Idaho within fifty (50) feet of the display of any recognized "diver down" flag or of the international code flag A or Alpha and all vessels approaching such flag shall do so at reduced speed.

49-3219. OVERLOADING. It shall be unlawful and punishable as hereinafter provided for any person to operate any vessel loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

49-3220. OVERPOWERING. It shall be unlawful and punishable as hereinafter provided for any person to operate any vessel with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such vessel and other existing operating conditions.

49-3221. WATER SKIING. (1) It shall be unlawful and punishable as hereinafter provided for the operator of any vessel having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance to operate or propel the same upon or above any water of the state of Idaho unless such vessel shall be occupied by at least one (1) other competent person who shall act as an observer; provided, that this section shall not apply to vessels used by representatives of duly constituted water ski schools in the giving of instruction, or to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(2) No such vessel shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one (1) hour after sunset to one (1) hour prior to sunrise, provided, that this subsection shall not apply to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(3) All such vessels having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person or create excessive wake.

(4) No person shall operate or manipulate any such vessel's attached towrope or other device by which the direction or location of water skis, aquaplane or similar device may be affected or controlled in such a way as to cause the same or any person thereon to collide with or strike against any person or object other than a jumping ramp or in conjunction with skiing over a slalom course.

49-3222. INTERFERENCE WITH NAVIGATION. It shall be unlawful and punishable as hereinafter provided for any person to operate any vessel on the waters of the state of Idaho in a manner that shall unreasonably or unnecessarily interfere with other vessels or with free and proper navigation on the waterways of the state. Violation of the rules of the road as promulgated by the U.S. Coast Guard in navigation rules, international-inland shall constitute interference.
49-3223. RESTRICTED AREAS. It shall be unlawful and punishable as hereinafter provided for any person to operate a vessel on the waters of the state of Idaho in any area which has been clearly marked in accordance with, and as authorized by the laws of this state, by buoys or some other distinguishing device as a bathing, swimming or other restricted area; provided, that this section shall not apply in the case of an emergency or to patrol or rescue vessels.

49-3224. COLLISIONS, ACCIDENTS AND CASUALTIES -- REPORTS. (1) It shall be unlawful and punishable as hereinafter provided for the operator of any vessel on the waters of the state of Idaho to fail to report any accident or casualty occasioned by the operation of said vessel and as hereinafter provided.

(2) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests, to render aid to other persons affected by the collision, accident or other casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(3) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty resulting in death or injury to a person or damage to property in excess of two hundred dollars ($200), to file with the sheriff of the county in which the accident occurred, a boating accident report within twenty-four (24) hours of the occurrence in case of death or incapacitating injury or within five (5) days in any other event. Such report shall be made on forms provided by the department, but shall not be referred to in any way as evidence in any judicial proceeding. A copy of such report shall also be transmitted to the designated state boating safety coordinator.

49-3225. ENFORCEMENT. Insofar as is possible, the sheriffs of the respective counties shall be primarily responsible for the enforcement of this chapter and in the exercise of their authority may stop and board any vessel subject to this chapter.

49-3226. OWNER'S RESPONSIBILITY -- PRESUMPTION OF CONSENT. (1) The owner of the vessel shall be liable for any injury or damage occasioned by the negligent operation of the same, whether such negligence consists of a violation of the provisions of the statutes of this state, or in the failure to observe such ordinary care in such operation as the rules of the road require. It shall be presumed, a vessel is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under the control of the owner's spouse, father, mother, brother, sister, son, or daughter, or other immediate member of the family. The owner shall not otherwise be liable, however, unless such vessel is being used with his consent, either expressed or implied.

(2) Nothing contained herein shall be construed to relieve any
other person from any liability which he would have otherwise had, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

(3) Nothing contained herein shall deprive the owner of any vessel of any of the rights, limitations or exemptions from liability afforded such owner under any federal statutes or amendments thereto.

49-3227. PENALTIES. (1) Any person who shall violate any of the provisions of this chapter or any rule or regulation promulgated by the department pursuant to this chapter shall be guilty of a misdemeanor and be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(2) Any person who shall be convicted of any second or subsequent violation of any of the provisions of this chapter in addition to any other penalties authorized herein, may at the discretion of the court, be refused the privilege of operating any vessel on any of the waters of this state for a period not to exceed two (2) years.

(3) Any person who shall operate any vessel during the period when he has been denied the privilege to so operate by virtue of section 49-3233(2), Idaho Code, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than three hundred dollars ($300), or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(4) Any manufacturer as defined in this chapter who shall violate the provisions of this chapter with respect to the obligation for the installation of capacity or certification plates shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or both such fine and imprisonment and each failure to affix a capacity or certification plate as provided in this chapter shall constitute a separate offense for each vessel with respect to which such failure occurs.

49-3228. REGATTAS, RACES, TOURNAMENTS AND EXHIBITIONS. (1) The sheriff in each county may authorize the holding of regattas, marine events, races, tournaments or exhibitions on any waters of this state located within the county. The department may adopt rules and regulations concerning the safety of vessels and persons thereon.

(2) Whenever a regatta, race, tournament, marine event or exhibition is proposed to be held, the person in charge thereof, at least thirty (30) days prior thereto, shall file an application for permission to hold such event with the sheriff in the county of the proposed event and file a copy of said application with the director of the department of parks and recreation.

(3) The application shall set forth the date, time and location where it is proposed to hold such event together with the following information:

(a) The name and address of the sponsoring organization.
(b) The name, address and telephone number of the person or persons in charge of the event.
(c) The nature and purpose of the event.
(d) Information as to general public interest.
(e) Estimated number and type of vessels participating in the event.
(f) Estimated number and types of spectator vessels.
(g) Number of vessels being furnished by sponsoring organizations to patrol the event.
(h) A time schedule and description of events.
(i) A section of a chart or scale drawing showing the boundaries of the event, various watercourses or areas to be used by the participants, officials and spectator vessels.

(4) The provisions of this section shall not be exclusive with respect to waters of this state over which jurisdiction is shared with the United States and shall not exempt any person from compliance with applicable federal law or regulation.

(5) Competitors in any race, regatta or trial or other marine event authorized by a sheriff shall be exempt from the provisions of this chapter with regard to speed while on an authorized racing course and from provisions of this chapter concerning equipment, noise and numbering. These exemptions are exclusive and shall apply only while an operator of a vessel is engaged in an authorized race, regatta or trial.

(6) It shall be unlawful and punishable as hereinafter provided for any person to conduct any regatta, marine event, or race or tournament or exhibition on the waters of the state of Idaho unless he shall have had a marine event permit issued to him as provided in this chapter.

49-3229. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The department may make or adopt appropriate rules and regulations for the marking of the water areas in this state through the placement of aids to navigation and regulatory markers. Such rules shall establish a marking system of aids to navigation prescribed by the United States Coast Guard and shall give due regard to the system of uniform waterway markers approved by the advisory panel of state officials to the merchant marine council of the United States Coast Guard. No city, county, other political subdivision or other person shall mark the waters of this state in any manner in conflict with the marking system prescribed by the department or without the specific authority of the department.

(2) The provisions of this chapter shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state or when any activity regulated by this chapter shall take place thereon; provided however, that nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, so long as such ordinances are not in conflict with the provisions of this chapter.

(3) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt local ordinances with reference to the operation of vessels on any waters
within its territorial limits or with reference to swimming within areas of intense or hazardous vessel traffic, provided such ordinances are intended to promote or protect the health, safety and general welfare of its citizenry.

SECTION 3. That Section 63-105P, Idaho Code, be, and the same is hereby amended to read as follows:

63-105P. PROPERTY EXEMPT FROM TAXATION -- MOTOR VEHICLES PROPERLY REGISTERED. The following property is exempt from taxation: Motor vehicles properly registered and for which the required fee has been paid under the provisions of the laws of the state of Idaho, recreational vehicles for which the fees imposed by chapter 28, title 49, Idaho Code, have been paid and pressure-boat vessels for which the license use fees imposed by section 49-237 49-3210, Idaho Code, have been paid.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 5. This act shall be in full force and effect on and after May 1, 1980.

Approved March 31, 1980.

CHAPTER 247
(S.B. No. 1328, As Amended in the House)

AN ACT
RELATING TO HONORARIUMS OR COMPENSATION FOR MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS; AMENDING CHAPTER 5, TITLE 59, BY THE ADDITION OF A NEW SECTION 59-509, IDAHO CODE, TO PROVIDE A SCHEDULE FOR PAYMENT OF HONORARIUMS, COMPENSATION OR EXPENSES OF MEMBERS OF PART-TIME BOARDS, COMMISSIONS OR COUNCILS; AMENDING SECTIONS 1-2104, 19-5112, 19-5203, 20-208 AND 20-210, IDAHO CODE, TO PROVIDE CODE CITATIONS; AMENDING SECTION 21-134, IDAHO CODE, TO PROVIDE A STATUTORY REQUIREMENT FOR PAYMENT OF COMPENSATION AND EXPENSES TO MEMBERS OF THE AERONAUTICS AND PUBLIC TRANSPORTATION ADVISORY BOARD; AMENDING SECTIONS 22-1202, 22-2106 AND 22-2718, IDAHO CODE, TO PROVIDE CODE CITATIONS; AMENDING SECTION 22-2804, IDAHO CODE, TO INCREASE THE COMPENSATION OF MEMBERS OF THE HONEY ADVERTISING COMMISSION; AMENDING SECTION 22-2912, IDAHO CODE, TO INCREASE THE COMPENSATION OF MEMBERS OF THE BEAN COMMISSION; AMENDING SECTIONS 22-3002, 22-3104, 22-3306, 22-3507, 22-3602, 22-3702, 22-4103 AND 22-4204, IDAHO CODE, TO PROVIDE CODE CITATIONS; AMENDING SECTION 25-127, IDAHO CODE, TO INCREASE THE

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

SECTION 1. That Chapter 5, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-509, Idaho Code, and to read as follows:

59-509. HONORARIUMS OR COMPENSATION FOR MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS. The members of part-time boards, commissions or councils shall receive for each day spent in the actual performance of
duties, an honorarium, compensation, or expenses, as provided in the following schedule:

(a) Members shall serve without honorarium, compensation, or expense reimbursement of any kind.

(b) Members shall serve without honorarium or compensation of any kind, but shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(c) Members shall serve without honorarium or compensation of any kind, but shall be reimbursed for actual and necessary expenses, without being subject to the limits provided in section 67-2008, Idaho Code.

(d) Members shall receive the sum of fifteen dollars ($15.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(e) Members shall receive the sum of twenty dollars ($20.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(f) Members shall receive the sum of twenty-five dollars ($25.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(g) Members shall receive the sum of thirty-five dollars ($35.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(h) Members shall receive the sum of fifty dollars ($50.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(i) Members shall receive the sum of seventy-five dollars ($75.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

SECTION 2. That Section 1-2104, Idaho Code, be, and the same is hereby amended to read as follows:


SECTION 3. That Section 19-5112, Idaho Code, be, and the same is hereby amended to read as follows:

19-5112. NO COMPENSATION — REIMBURSEMENT FOR EXPENSES. Members of the commission, except the four (4) interested citizen members provided for in subsections (j) and (k) of section 19-5102, Idaho Code, who shall receive a per-diem of twenty-five dollars ($25.00) per day for each day of attendance at commission meetings in addition to
necessary—travel—and—expenses be compensated as provided by section 59-509(f), Idaho Code, shall serve without compensation, but may be reimbursed from commission funds for necessary travel and expenses in conformity with state law and federal regulations.

SECTION 4. That Section 19-5203, Idaho Code, be, and the same is hereby amended to read as follows:

19-5203. TELETYPETRTER COMMUNICATIONS BOARD -- CREATION -- COMPOSITION -- TERMS -- RULES AND REGULATIONS -- COMPENSATION OF MEMBERS. (1) There is hereby created within the department of law enforcement a teletypewriter communications board which shall be composed of five (5) members appointed by the governor.

The members of the teletypewriter communications board shall be composed of the following:
(a) Two (2) incumbent county sheriffs;
(b) Two (2) incumbent city chiefs of police;
(c) One (1) member of the Idaho state police.

(2) The term of office of the first board shall be staggered with the one (1) appointment expiring January 1, 1972; one (1) appointment expiring January 1, 1973; one (1) appointment expiring January 1, 1974; one (1) appointment expiring January 1, 1975; and one (1) appointment expiring January 1, 1976.

Thereafter, the term of office of each chief of police, sheriff and member of the Idaho state police shall be for a term of five (5) years.

The director of the department of law enforcement shall be an ex officio member of the board.

In the event any chief of police, sheriff or member of the Idaho state police ceases to be such chief of police, sheriff, or member of the Idaho state police, his appointment to said board shall terminate and cease immediately and the governor shall appoint a qualified person in such category to fill the unexpired term of such member.

(3) The board shall, upon their appointment, adopt such rules, regulations, procedures and methods of operation as may be necessary to establish and put into use the most efficient and economical statewide teletypewriter communications network and shall publish and distribute said rules, regulations and procedures to each participating department, agency or office.

(4) Salaries and expenses. Members of said board shall serve without—pay—or—salary—but—shall—be—allowed—their—actual—and—necessary expenses—in—the—performance—of—their—duties—as—members—of—said—board be compensated as provided by section 59-509(b), Idaho Code, which expenses shall be paid from moneys appropriated for the funding of this act.

The performance of duties under this act by a member of the board shall be deemed to be in performance of his duties as an employee of his particular branch of government.

SECTION 5. That Section 20-208, Idaho Code, be, and the same is hereby amended to read as follows:
20-208. SALARIES AND EXPENSES OF BOARD MEMBERS. Each member of the state board of correction shall be paid fifty dollars ($50.00) a day and actual and necessary expenses when engaged in state business compensated as provided by section 59-509(h), Idaho Code.

SECTION 6. That Section 20-210, Idaho Code, be, and the same is hereby amended to read as follows:

20-210. COMMISSION OF PARDONS AND PAROLE -- APPOINTMENT -- QUALIFICATIONS -- TERMS -- SALARY -- STAFF. The board shall appoint a state commission of pardons and parole, each member of which shall be subject to the advice and consent of the senate, in this chapter referred to as the commission, which shall succeed to and have all rights, powers and authority of said board of pardons as are granted and provided by the provisions of the constitution of the state of Idaho.

The commission shall be composed of five (5) members, with due regard for their experience, knowledge and interest in sociology, psychology, rehabilitative services and similar pertinent disciplines. The members shall serve at the pleasure of the board and not more than three (3) members shall be from any one (1) political party.

The members of the commission, each year, shall select a chairman and vice-chairman.

The members of the commission shall be appointed for the purposes of organization as follows: One (1) member is to be appointed for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years, with each succeeding vacancy to be filled by the board for terms of five (5) years; vacancies in the commission for unexpired terms shall be by appointment by the board for the remainder of the term and all appointees may be reappointed.

The commission shall also act as the advisory commission to the board on matters of adult probation and parole and may exercise such powers and duties in this respect as are delegated to it by the board.

The commission shall meet at such times and places as a majority of the members request, or at the call of the chairman and in any event no less than quarterly.

The members shall receive while engaged in the business of the commission fifty dollars ($50.00) a day and actual and necessary expenses be compensated as provided by section 59-509(h), Idaho Code.

They may hire such staff and employees as are approved by the board and in addition the board will liberally allow the reasonable payment for services of such technical and professional advice and consultation as the commission may require.

SECTION 7. That Section 21-134, Idaho Code, be, and the same is hereby amended to read as follows:

21-134. IDAHO AERONAUTICS AND PUBLIC TRANSPORTATION ADVISORY BOARD CREATED -- DUTIES -- COMPENSATION. There is hereby created and
established the Idaho aeronautics and public transportation advisory board. The board shall consult with and advise the administrator of the division of aeronautics and public transportation and Idaho transportation department on matters concerning aeronautics and public transportation. Members shall be compensated on-a-per-diem-basis-at-a rate-to-be-fixed-by-the-administrator; and-in-addition-shall-be--reim­bursed--for--ordinary--and--actual--expenses as provided by section 59-509(f), Idaho Code.

SECTION 8. That Section 22-1202, Idaho Code, be, and the same is hereby amended to read as follows:

22-1202. POTATO COMMISSION CREATED. There is hereby created and established in the department of self-governing agencies the "Idaho potato commission" to be composed of nine (9) practical potato men, resident citizens of the state of Idaho for a period of three (3) years prior to their appointment each of whom has had active experience in growing, or shipping, or processing of potatoes produced in the state of Idaho. At least five (5) members of said commission shall be growers who are actually now engaged in the production of potatoes. Two (2) of the members shall be shippers who are actually now engaged in the shipping of potatoes, and two (2) of the members shall be pro­cessors who are actually now engaged in the processing of potatoes. The qualifications for members of said commission as above required shall continue throughout their respective terms of office. Three (3) growers shall be nominated for each grower vacancy that occurs, from which the governor shall appoint one (1). Two (2) grower commissioners shall be appointed from the district known as District No. 1, consisting of the counties of Oneida, Franklin, Bear Lake, Caribou, Bannock, Power, Bingham, Bonneville, Teton, Madison, Jefferson, Fremont, Clark, Butte, Custer, and Lemhi; two (2) grower commissioners shall be appointed from the district known as District No. 2, consisting of the counties of Cassia, Minidoka, Twin Falls, Jerome, Lincoln, Blaine, Gooding, Elmore, Camas, Boise, and Valley; and one (1) grower commissioner shall be appointed from the district known as District No. 3, consisting of the counties of Owyhee, Ada, Canyon, Gem, Payette, Washington, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary. Three (3) shippers shall be nominated for each shipper vacancy that occurs from which the governor shall appoint one (1). Shipper commissioners do not necessarily need to be nominated from geographical areas. Three (3) processors shall be nominated for each processor vacancy that occurs from which the governor shall appoint one (1). Processor commissioners do not necessarily need to be nominated from geographical areas. Nominations must be made 30 days prior to appointment. All nominations must give: equal consideration to all who are eligible for appointment as defined in this act. The Idaho potato commission shall hold separate meetings of the growers, shippers, or processors, as the nominations to be made shall require, in the various districts, to determine who shall be nominated for appointment. Notice of said meetings shall be given by publication in one (1) newspaper published in each county of the district or dis-
tracts. in which said nominations are to be made, and the notice shall be published in two (2) issues of each newspaper, the first to be approximately thirty (30) days and the second approximately ten (10) days before said meeting. The notice shall state the purpose, time and place of said meeting. All meetings held for the selection of nominees shall be held prior to March 31 of the year the appointment or appointments are to be made.

The term of office shall be three (3) years and no commissioner shall serve more than two (2) consecutive terms. The commissioners shall elect a chairman for a term of one (1) year.

On July 1, 1961, the governor shall appoint one (1) grower, one (1) shipper and one (1) processor member for a term of three (3) years; three (3) grower members for a term of two (2) years; and one (1) grower, one (1) shipper and one (1) processor member for a term of one (1) year. Vacancies thereafter shall be filled as terms expire. Each of such commissioners shall hold office until his successor has been appointed and qualified.

A majority of the members of said commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission. Before entering on the discharge of their duties as members of said commission, each member shall take and subscribe to the oath of office prescribed for state officers.

No member of the commission shall receive any salary or other compensation but each member of the commission shall receive the sum of fifteen dollars ($15.00) per day for each day spent in actual attendance in meetings of the commission and such allowance for traveling expenses in attending meetings of the commission as is allowed other state employees for traveling expenses be compensated as provided by section 59-509(d), Idaho Code.

SECTION 9. That Section 22-2106, Idaho Code, be, and the same is hereby amended to read as follows:

22-2106. COMPENSATION AND EXPENSES. The members of the commission shall not receive compensation for their services as such; but their actual and necessary expenses incurred in the performance of their duties under this act be compensated as provided by section 59-509(b), Idaho Code, and shall be paid from any appropriations made to the commission for such purpose.

SECTION 10. That Section 22-2718, Idaho Code, be, and the same is hereby amended to read as follows:

22-2718. STATE SOIL CONSERVATION COMMISSION. A. There is hereby established and created in the department of lands of the state of Idaho the state soil conservation commission which shall in cooperation with the director of the department of lands perform all functions conferred upon it by this chapter. The commission shall consist of five (5) members appointed by the governor, but no more than three (3) members shall be a member of the same political party. The term of office of each commission member shall be five (5) years; except that
upon July 1, 1967, the governor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years and one (1) member for a term of five (5) years. From and after the initial appointment the governor shall appoint a member of the commission to serve in office for a term of five (5) years commencing upon July 1 of that year. A vacancy which occurs in an unexpired term shall be filled for its remainder by the governor's appointment. Any commissioner may be removed during his term of office by the governor. Any commissioner so removed shall have notice of the same in writing, specifying the reasons for the removal. Each vacancy on the commission shall be filled by appointment by the governor. Such appointments shall be confirmed by the senate. The commission may invite the state conservationist of the United States department of agriculture soil conservation service, the president of the Idaho association of soil conservation districts and the dean of the College of Agriculture of the University of Idaho or his designated representative to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules as may be necessary for the execution of its functions under this act.

B. The state soil conservation commission may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The commission may call upon the attorney general of the state for such legal services as it may require, or may employ its own counsel. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. It shall be supplied with suitable office accommodations, and shall be furnished with the necessary supplies and equipment. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning shall insofar as may be possible under available appropriation, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

C. The commission shall designate its chairman, and may from time to time, change such designation. A majority of the commission shall constitute a quorum, and the concurrency of a majority in any matter within their duties shall be required for its determination. The chairman and members of the commission shall receive no salary for their services on the commission; but shall be entitled to per diem of twenty-five dollars ($25.00) for each day when actually engaged in commission business and shall be reimbursed for travel and expenses at the same rate as other state officials be compensated as provided by section 59-509(f), Idaho Code. The commission shall provide for the execution of surety bonds for all employees and officers who shall be
entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

D. In addition to the duties and powers hereinafter conferred upon the state soil conservation commission, it shall have the following responsibilities:

1. To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

2. To keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

3. To coordinate the progress of the several soil conservation districts organized hereunder so far as this may be done by advice and consultation.

4. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

5. To disseminate information throughout the state concerning the activities and programs of the soil conservation districts in areas where their organization is desirable.

SECTION 11. That Section 22-2804, Idaho Code, be, and the same is hereby amended to read as follows:

22-2804. COMMISSION, MEMBERS, APPOINTMENT AND COMPENSATION. There is hereby created and established in the department of agriculture an Idaho honey advertising commission to be known and designated as such, and shall be composed of the director of the department and three (3) members, who shall be practical honey producers or beekeepers, appointed by the governor, at the recommendation of a representative group of beekeepers of the state of Idaho. Each member so appointed shall be a resident citizen of the state of Idaho and from the district from which appointed, for a period of five (5) years prior to his appointment, and shall have had active experience in raising honey bees and each member shall have derived the major portion of his income from the production and sale of honey. One (1) member shall be chosen from the district north of the Salmon River; one (1) from the district south of the Salmon River and west of a north-south line bisecting the city of Shoshone and extending from the south boundary of the state of Idaho to the Salmon River; one (1) from the district south of the Salmon River and east of a north-south line bisecting the city of Shoshone and extending from the south boundary of the state of Idaho to the Salmon River. Commission members shall be appointed and serve for a term of three (3) years and until their respective successors are appointed and qualified. The commission shall elect its chairman.

A majority of the members of said commission shall constitute a
quorum for the transaction of all business and the carrying out of the duties of said commission. Before entering on the discharge of their duties as members of said commission, each member shall take and subscribe to the oath of office prescribed by the statutes of Idaho.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of five dollars ($5.00) per day spent in actual attendance in meetings of the commission to cover his personal expenses while in attendance, together with the mileage at the rate allowed by law to state employees for each mile actually traveled to and from all regular and special meetings of said commission be compensated as provided by section 59-509(d), Idaho Code. The commission shall meet regularly once each fiscal year at a date established by said commission in its designated business office, and it shall fix the time and place of special meetings as may be deemed necessary by the chairman of the commission.

SECTION 12. That Section 22-2912, Idaho Code, be, and the same is hereby amended to read as follows:

22-2912. BEAN COMMISSION CREATED. There is hereby created and established in the department of self-governing agencies the Idaho bean commission, hereinafter called the commission. It shall be composed of nine (9) men or women engaged in the bean industry. The commission shall be appointed by the governor, and each member must have been a resident of the state of Idaho for a period of three (3) years immediately prior to his appointment, shall have had active experience in growing, processing or shipping of beans produced in the state of Idaho, and at least five (5) members of the commission shall be growers actually engaged in production of beans, but who are not handlers, dealers or processors. One (1) grower member of the commission shall be appointed from each of the districts provided for by this section. The four (4) remaining members of the commission may be engaged in the processing or shipping of beans, at least one (1) of whom must be engaged in the processing or shipping of snap bean seed. The processor or shipper members of the commission shall be appointed at large, keeping in mind insofar as possible geographic locations representative of the Idaho bean industry. The qualifications for membership on the commission shall continue throughout the respective terms of office of the commissioners. Upon recommendation of organizations of producers and shippers of beans, one (1) grower commissioner shall be appointed from district No. 1, which district shall be composed of the following counties: Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis and Idaho; one (1) grower commissioner shall be appointed from district No. 2, which district shall be composed of the following counties: Adams, Valley, Lemhi, Custer, Boise, Washington, Payette, Gem, Canyon and Ada; one (1) grower commissioner shall be appointed from district No. 3, which district shall be composed of the following counties: Twin Falls, Owyhee and Elmore; one (1) grower commissioner shall be appointed from district No. 4, which district shall be composed of the following counties: Cassia, Oneida, Power, Bannock, Caribou, Bear Lake, Franklin and Minidoka; one
(1) grower commissioner shall be appointed from district No. 5, which district shall be composed of the following counties: Camas, Blaine, Gooding, Lincoln, Jerome, Bingham, Bonneville, Butte, Jefferson, Madison, Teton, Fremont and Clark. Commencing on July 1, 1971 and July 1, 1973, when the terms of the present commission members expire, the next regularly appointed grower members for districts No. 1 and No. 2 will hold office for a term of one (1) year; the next regularly appointed grower member from district No. 3 will hold office for a term of four (4) years; the next regularly appointed grower member for district No. 4 will hold office for a term of one (1) year; the next regularly appointed grower member from district No. 5 will hold office for a term of four (4) years. Also, commencing on July 1, 1971 and July 1, 1973, when the terms of the present processor or shipper members, who were appointed heretofore from districts 2, 3, 4 and 5, expire, the processor or shipper members replacing the heretofore appointed processor or shipper members will serve the following terms: the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 2 will serve a term of four (4) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 3 will serve a term of three (3) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 4 will serve a term of four (4) years; the processor or shipper member who is appointed to replace the processor or shipper member appointed from district No. 5 will serve a term of three (3) years. Thereafter, the governor shall appoint commissioners as their terms expire. Each commissioner shall serve for a term of four (4) years. Each commissioner shall hold office until his successor has been appointed.

A simple majority of members of the commission shall constitute a quorum for the transaction of business and for carrying out the duties of the commission. All commissioners shall take an oath of office before commencing their duties.

No each member of the commission shall receive a salary or other compensation; but each shall receive the sum of five (5) dollars ($5.00) per day for each day spent in actual attendance at meetings of the commission and, in addition to such allowance, travel expenses actually incurred in attending meetings of the commission in accordance with accepted state practice with other state employees be compensated as provided by section 59-509(d), Idaho Code.

SECTION 13. That Section 22-3002, Idaho Code, be, and the same is hereby amended to read as follows:

22-3002. COMMISSION CREATED. There is hereby created in the department of self-governing agencies an Idaho prune commission, to be thus known and designated. The commission shall be composed of three (3) practical prune growers and two (2) practical prune dealers.

The three (3) grower members shall be citizens and residents of this state, over the age of twenty-five (25) years, each of whom is and has been actively engaged in the growing and producing of prunes
within the state of Idaho, and a major portion of his income from prunes has been derived from growing prunes.

The two (2) dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association or cooperative organization are and have been actively engaged as dealers of prunes within the state of Idaho, are citizens and residents of this state; are over the age of twenty-five (25) years, and a major portion of their income from prunes has been derived from handling, packing, shipping, buying or selling prunes, or acting as sales or purchasing agent, broker or factor of prunes.

The qualifications of members of the commission as herein set forth must continue during their term of office. No each member of the commission shall receive any salary or other compensation but each member of the commission shall receive the sum of fifteen dollars ($15.00) per day for each day spent in actual attendance in meetings of the commission and such allowance for traveling expenses in attending meetings of the commission as is allowed other state employees for traveling expenses be compensated as provided by section 59-509(d), Idaho Code.

SECTION 14. That Section 22-3104, Idaho Code, be, and the same is hereby amended to read as follows:

22-3104. IDAHO HOP GROWER'S COMMISSION CREATED -- QUALIFICATIONS. There is hereby created and established within the department of agriculture and Idaho hop grower's commission to be known and designated as such which shall be composed of the director of the department of agriculture and five (5) practical growers, elected as provided in section 22-3113, Idaho Code. Each member of the commission shall be a resident citizen of the state of Idaho for a period of four (4) years prior to his election, shall have had active experience and be now actually engaged in growing hops in Idaho and shall derive a substantial portion of his income from growing hops or be the directing or managing head of a corporation, firm, partnership or other business unit which derives a substantial portion of its income from growing hops. To continue holding office, each member must remain qualified. The governor may remove a member if he becomes disqualified during his term of office or for inability to carry out his duties as commissioner. Upon the establishment of the commission, one (1) member shall serve for a term of one (1) year, two (2) members shall serve for a term of two (2) years, two (2) members shall serve for a term of three (3) years and thereafter all terms of office shall be for a term of three (3) years. The term of office of each member of the commission shall terminate on the third Monday of January of the year in which the term for which the member was elected ends, but each member of the commission shall serve until his respective successor is elected and has qualified. Before entering on the discharge of their duties as members of the commission, each member shall take and subscribe to the oath of office prescribed by law. A majority of the members of the commission shall constitute a quorum for the transaction of all business and the carrying out of all duties of the commission. The commis-
session shall annually elect a chairman from among its members. Members of the commission shall receive no salary except upon the unanimous vote of the commission; however, members, officers and employees of the commission shall receive their actual and necessary travel and other expenses incurred in the performance of their official duties be compensated as provided by section 59-509(b), Idaho Code. The commission shall adopt uniform and reasonable regulations governing the incurring and paying of such expenses.

SECTION 15. That Section 22-3306, Idaho Code, be, and the same is hereby amended to read as follows:

22-3306. COMPENSATION OF MEMBERS. Members of the commission shall receive a salary of $15.00 per day for each day they are actually and necessarily engaged in the transaction of business of the commission; together with the same subsistence and travel expense allowed by law to state employees be compensated as provided by section 59-509(g), Idaho Code.

SECTION 16. That Section 22-3507, Idaho Code, be, and the same is hereby amended to read as follows:

22-3507. COMPENSATION OF MEMBERS. Members of the commission shall receive a salary of $15.00 per day for each day they are actually and necessarily engaged in the transaction of business of the commission; together with the same subsistence and travel expense allowed by law to state employees be compensated as provided by section 59-509(d), Idaho Code.

SECTION 17. That Section 22-3602, Idaho Code, be, and the same is hereby amended to read as follows:

22-3602. COMMISSION CREATED -- QUALIFICATION OF MEMBERS. There is hereby created in the department of self-governing agencies an Idaho apple commission, to be thus known and designated. The commission shall be composed of three (3) practical apple growers and two (2) practical apple dealers.

The three (3) grower members shall be citizens and residents of this state, over the age of twenty-five (25) years, each of whom is and has been actively engaged in the growing and producing of apples within the state of Idaho, and a major portion of his income from apples has been derived from growing apples.

The two (2) dealers members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association or cooperative organization are and have been actively engaged as dealers of apples within the state of Idaho, are citizens and residents of this state; are over the age of twenty-five (25) years, and a major portion of their income from apples has been derived from handling, packing, shipping, buying or selling apples, or acting as sales or purchasing agent, broker or factor of apples.

The qualifications of members of the commission as herein set
forth must continue during their term of office. The commission shall elect its chairman. No Each member of the commission shall receive any salary—or—other-compensation—but—each-member-of-the-commission-shall receive-the-sum-of-fifteen-dollars-($15.00)—per-day—for—each-day—spent in—actual-attendance—in—meetings—of—the—commission—and—such—allowance for—traveling—expenses—in—attending—meetings—of—the—commission—as—is allowed—other-state-employees—for—traveling—expenses be compensated as provided by section 59-509(d), Idaho Code.

SECTION 18. That Section 22-3702, Idaho Code, be, and the same is hereby amended to read as follows:

22-3702. COMMISSION CREATED. There is hereby created in the department of self-governing agencies an Idaho cherry commission to be thus known and designated. The commission shall be composed of three (3) practical cherry growers and two (2) practical cherry dealers.

The three (3) grower members shall be citizens and residents of this state over the age of twenty-five (25) years, each of whom is and has been actively engaged in the growing and producing of cherries within the state of Idaho and a major portion of his income from cherries has been derived from growing cherries.

The two (2) dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association or cooperative organization are and have been actively engaged as dealers of cherries within the state of Idaho, are citizens and residents of this state, are over the age of twenty-five (25) years and a major portion of their income from cherries has been derived from handling, packing, shipping, buying or selling cherries or acting as sales or purchasing agent, broker, or factor of cherries.

The qualifications of members of the commission as herein set forth must continue during their term of office. The commission shall elect its chairman. No Each member of the commission shall receive any salary—or—other-compensation—but—each-member-of-the-commission-shall receive-the-sum-of-fifteen-dollars-($15.00)—per-day—for—each-day—spent in—actual-attendance—in—meetings—of—the—commission—and—such—allowance for—traveling—expenses—in—attending—meetings—of—the—commission—as—is allowed—other-state-employees—for—traveling—expenses be compensated as provided by section 59-509(d), Idaho Code.

SECTION 19. That Section 22-4103, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(4) Each member of the board shall be paid twenty-five dollars ($25.00) for each day in which he has actually attended a meeting of the board officially held in addition to reimbursement for necessary expenses actually incurred as a member of the board. The members of the board shall receive any number of daily payments for official meetings of the board. Each member shall be compensated as provided by section 59-509(f), Idaho Code.

(5) The board may employ clerical and other employees as necessary, or may authorize, by written agreement, the director of the department of employment to provide such clerical or other services as the board deems necessary.

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

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

SECTION 20. That Section 22-4204, Idaho Code, be, and the same is hereby amended to read as follows:
22-4204. CREATION OF COMMISSION -- MEMBERS -- QUALIFICATIONS -- COMPENSATION. There is hereby created an alfalfa seed commission within the department of agriculture, to be thus known and designated. The commission shall be composed of six (6) practical alfalfa seed growers and one (1) practical alfalfa seed dealer.

The six (6) grower members shall be citizens and residents of the state of Idaho, each of whom is and has been actively engaged in the growing and producing of alfalfa seed within the state of Idaho, and a substantial portion of whose income has been derived from growing alfalfa seed.

The one (1) dealer member shall be a person who, individually or as executive officer of a corporation, firm, partnership, association, or cooperative organization, is and has been actively engaged as a dealer in alfalfa seed within the state of Idaho, is a citizen and resident of this state, and a substantial portion of his income shall have been derived from handling, packing, shipping, buying and selling alfalfa seed, or acting as sales or purchasing agent, broker or factor of alfalfa seed.

The qualifications of members of the commission as herein set forth must continue during their term of office. No member of the commission shall receive any salary or other compensation but each member of the commission shall receive the sum of fifteen dollars ($15.00) per day for each day spent in actual attendance of meetings of the commission and such allowance for traveling expenses in attending meetings of the commission as is allowed other state employees for traveling expenses be compensated as provided by section 59-509(d), Idaho Code.

SECTION 20. That Section 25-127, Idaho Code, be, and the same is hereby amended to read as follows:

25-127. MEMBERS -- APPOINTMENT, QUALIFICATIONS, SALARY -- BOND AND OATH. The state board of sheep commissioners, hereinafter called the board, shall consist of five (5) members, all of whom shall be experienced wool growers and no two (2) of whom shall be from the same county; said members shall be appointed by the governor and hold their offices for the term for which they are appointed and thereafter until their successors are duly appointed and qualified. In making said appointments, the governor shall consider for appointment to said board the members of the former state board of sheep commissioners.

As vacancies occur upon the board, the Idaho Wool Growers Association shall submit to the governor the names of two (2) persons qualified and suitable for appointment for each such vacancy from whom the governor shall make his appointment to fill such vacancies. The first commissioners shall be appointed for the following terms: two (2) commissioners shall be appointed to hold office until the first Monday of January 1952; two (2) commissioners shall be appointed to hold office until the first Monday of January 1954; one (1) commissioner shall be appointed to hold office until the first Monday of January 1956; and at the expiration of said dates for the commissioners first appointed and until the expiration of terms thereafter, commissioners shall be
appointed to fill such vacancies for a term of six (6) years; and in case of any vacancy occurring in the office of commissioner at any time other commissioners shall be appointed, who in each instance shall hold office until the unexpired term of the commissioner whom he is appointed to succeed. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe to the oath of office required by section 59-401, Idaho Code, and be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code. The members of the board shall receive-for their services-the sum of five dollars ($5.00) per day and actual expenses incurred while in the discharge of their duties be compensated as provided by section 59-509(d), Idaho Code. Said compensation shall be paid from the sheep commission fund in the same manner as other expenses are paid. Each member of said board shall be a qualified elector of the county from which he is chosen and must reside during his term of office within the state of Idaho. Said board must hold a meeting semiannually and at any other time if so requested by any member of the board.

This section shall be expressly exempt from the terms of sections 67-200 and 67-2008, Idaho Code, cited and known as the "Standard Travel Pay and Allowance Act of 1949."

SECTION 22. That Section 25-1101, Idaho Code, be, and the same is hereby amended to read as follows:

25-1101. BOARD CREATED -- MEMBERSHIP AND ORGANIZATION. There shall be in the department of law enforcement of the state of Idaho a state brand board and such board is hereby created. The state brand board, hereinafter called the board, shall consist of five (5) members, three (3) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in the production of beef cattle in Idaho and no two (2) of whom shall be from the same county; one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the feeding of cattle, and one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the production of dairy milk; said members shall be appointed by the governor. The term of office of each member of said board shall be five (5) years, excepting that of the members of said board first appointed, one (1) shall be appointed to hold office until the first Monday in January, 1975, one (1) until the first Monday of January, 1976, and one (1) until the first Monday of January, 1977, one (1) until the first Monday of January, 1978, and one (1) until the first Monday of January, 1979. Vacancies occurring on the board other than by expiration of the term, shall be filled for the unexpired term only. Each of such members of the board, before entering upon the duties of his office, shall take and subscribe to the constitutional oath of office, and be bonded to the state of Idaho in the time, form and manner provided by chapter 8, title 59, Idaho Code. The members of the board shall receive-for-their-services-the sum-of-twenty-five-dollars-($25.00)-per-day-and-actual-expenses-incurre-
red-white-in-the-discharge-of-their-duties be compensated as provided by section 59-509(f), Idaho Code. Said compensation shall be paid in the same manner as other expenses of the state brand department are paid. Each member of said board shall be a qualified elector of the county from which he is chosen and must reside during his term of office, within the state of Idaho. Said board must hold a meeting quarterly and at any other times if so requested by any member of the board. The governor shall appoint the members of such board, both initially and thereafter as vacancies occur therein, from the recommendations of the executive committee or board of directors of the Idaho cattlemen's association, the Idaho cattle feeders association and Idaho dairymen's association. Each such recommendation shall be of at least two (2) persons for each appointment to be made by the governor. If no such recommendation is made within thirty (30) days after the occurrence of any vacancy in the membership of such board, then the appointment may be made without such recommendation. If the person or persons recommended are not deemed eligible or fit by the governor, then he shall request two (2) additional names from the respective industry segment. A member of such board shall be ineligible to hold any other state or federal office providing full-time employment, or any county or elective office. After due notice and public hearing, the governor may remove any member for cause.

The board shall elect one (1) of its members chairman, and there shall be a state brand inspector who shall serve as secretary of such board. The board is empowered to make rules and regulations for governing itself, and such rules and regulations as it may deem necessary for the enforcement of all of the duties of the state brand inspector, the laws of the state of Idaho providing registration and use of stock growers' brands, and the laws of the state of Idaho providing inspection and other requirements for the transportation of cattle, horses and mules, and all laws of the state enacted for the identification, inspection and transportation of cattle, horses, and mules, and all laws of the state designed to prevent theft and butchering of livestock.

SECTION 23. That Section 25-2904, Idaho Code, be, and the same is hereby amended to read as follows:

25-2904. COUNCIL OFFICERS -- MEETINGS -- EXPENSES. The council shall elect annually a chairman, vice chairman and a secretarytreasurer from among its members. The council shall meet regularly once each six (6) months, and at such other times as called by the chairman or when requested by two (2) or more members of the council. Members shall receive-their-actual-and-necessary-traveling-and-other--expenses incurred-in-the-performance-of-their-official-duties-and-a-per-diem-of not--more-than-$25.00-per-day-for-each-day-spent-in-the-performance-of their-official-duties-The-council-shall-adopt--reasonable-rules--and regulations--governing-the--incurring-and-payment-of-such-expenses be compensated as provided by section 59-509(f), Idaho Code.

SECTION 24. That Section 25-3108, Idaho Code, be, and the same is
25-3108. SALARY. Members of the commission shall receive a salary of twenty-five dollars ($25.00) per day for each day they are actually and necessarily engaged in the transaction of business of the commission, together with the same subsistence and travel expense allowed by law to state employees be compensated as provided by section 59-509(f), Idaho Code.

SECTION 25. That Section 33-104, Idaho Code, be, and the same is hereby amended to read as follows:

33-104. MEETINGS OF THE BOARD -- HONORARIUM -- EXPENSES -- ORGANIZATION. The state board shall hold four (4) regular meetings annually at such time and place as may be directed by the board. Special meetings may be called by the president at any time and place designated in such call.

Each member shall be paid a fixed sum of thirty-five dollars ($35.00) per day spent upon the business of the board, or upon business of the board of regents, or as trustees of the several state institutions, and the actual and necessary expenses connected therewith. Payment made under the authority of this section shall be exempt from the provisions of the Standard Travel Pay and Allowances Act of 1949 compensated as provided by section 59-509(h), Idaho Code.

At its first meeting after the first day of April, in each year, the state board shall organize and shall elect from its membership a president, a vice president and a secretary.

SECTION 26. That Section 33-2212, Idaho Code, be, and the same is hereby amended to read as follows:

33-2212. CREATION OF ADVISORY COUNCIL -- MEMBERS -- COMPENSATION. The state board for vocational education may appoint an advisory council consisting of not less than twelve (12) nor more than fifteen (15) persons to offer counsel and advice in the organization, establishment and conduct of the Eastern Idaho Vocational-Technical School. Members of the council will serve without salary but shall be entitled to actual expenses at a rate determined by the state board of examiners compensated as provided by section 59-509(b), Idaho Code. Members of said council shall be appointed from as nearly as is practicable the vocational area to be served by the Eastern Idaho Vocational-Technical School as determined by the state board for vocational education.

SECTION 27. That Section 33-2501, Idaho Code, be, and the same is hereby amended to read as follows:

33-2501. STATE LIBRARY BOARD -- MEMBERSHIP. The state library board which shall be maintained within the office of the state board of education shall consist of the state superintendent of public instruction, as ex officio member, and three (3) members appointed by the state board of education, one (1) member for a term of one (1)
year, one (1) member for a term of two (2) years, and one (1) member for a term of three (3) years. Thereafter the state board of education shall annually on the first Monday of July appoint one (1) member of said board to serve for a term of three (3) years. The state library board shall meet not less than twice each year, and the members thereof shall be paid-the-standard-per-diem--allowance--authorized--by law compensated as provided by section 59-509(f), Idaho Code. The board shall elect its own officers and shall make and prescribe all necessary rules and regulations for the conduct of the public business hereby entrusted to its care.

SECTION 28. That Section 34-1507, Idaho Code, be, and the same is hereby amended to read as follows:

34-1507. COMPENSATION AND MILEAGE OF ELECTORS. Every elector of this state for the election of president and vice president of the United States, hereafter elected, who shall attend and give his vote for those offices at the time and place appointed by law, shall be entitled--to--receive-the-sum-of-five-dollars-(65.00)--per-day-for-each day's-attendance-at-such-election; and fifteen-ents--(15â¢)--per-mile for each-mile he shall travel in going to and returning from the place where the electors shall meet; by the most-usual-traveled-route; to be paid--out--of--the-general-fund; and the state auditor shall audit the amount and draw his warrant for the same compensated as provided by section 59-509(d), Idaho Code.

SECTION 29. 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 herein-after 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 reimbursement for actual and necessary expenses at the rate allowed by law to state employees be compensated as provided by section 59-509(h), Idaho Code. 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 commission 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 30. That Section 36-2106, Idaho Code, be, and the same is hereby amended to read as follows:
36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified men for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall receive compensation-at-the-rate of thirty-five dollars ($35.00) per day while attending official meetings of the board or on official business authorized by said board and they shall be compensated for their actual and necessary expenses while engaged in the business of the board; such compensation to be paid from the Idaho outfitters and guides license fund; except for the member representing the fish and game commission who shall receive the compensation and expenses provided for in chapter 1; title 36; Idaho Code, which shall be paid by the Idaho fish and game commission; provided that for the purposes of this act, the limitation upon salary in section 36-102(c); Idaho Code, shall not apply; be compensated as provided by section 59-509(g), Idaho Code, except the member representing the fish and game commission, who shall be compensated as provided in section 36-102, Idaho Code, which shall be paid by the fish and game commission.

SECTION 31. 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 thirty-five dollars ($35.00) 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 be compensated as provided in section 59-509(g), Idaho Code, except the member representing the
fish and game commission, who shall be compensated as provided in section 36-102, Idaho Code, which shall be paid by the fish and game commission.

SECTION 32. That Section 39-107, Idaho Code, be, and the same is hereby amended to read as follows:

39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES AND REGULATIONS.

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

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

3. The board annually shall elect a chairman, a vice chairman, and a secretary, and shall hold such meetings as may be necessary for the orderly conduct of its business, and such meetings shall be held from time to time on seventy-two (72) hours notice of the chairman or a majority of the members. Five (5) members shall be necessary to constitute a quorum at any regular or special meeting and the action of the majority of members present shall be the action of the board. The members of the board shall receive their actual and necessary travel expenses and fifty dollars ($50) per day while in session or traveling to and from the sessions, which sums shall be payable by the state treasurer on the proper warrants duly certified by the director and shall be exempt from the Standard Travel Pay and Allowance Act be compensated as provided by section 59-509(h), Idaho Code.

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

5. The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

6. Any person aggrieved by an action or inaction of the department of health and welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder. The hearings herein provided may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or hearing officer designated by it, shall have power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

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

8. The board, by the affirmative vote of four (4) of its members, may adopt, amend or repeal the regulations, rules, codes, and standards of the department, that are necessary and feasible in order to carry out the purposes and provisions of this act and to enforce the laws of this state.
The regulations, rules and orders so adopted and established shall be a part of this code and shall have the force and effect of law and may deal with any matters deemed necessary and feasible for protecting the environment or the health of the state. Every regulation adopted by the board shall state the date on which it becomes effective and a copy thereof duly attested by the secretary of the board. The board shall provided public hearings prior to adopting any substantive code, rule, regulation or standard. The hearings may be conducted by a designated hearing officer, provided, however, that prior to adopting, amending or repealing any substantive regulation, rule, code or standard the board shall give due consideration to the testimony and evidence received at the hearing.

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

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

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

SECTION 33. That Section 39-412, Idaho Code, be, and the same is hereby amended to read as follows:

39-412. MEETINGS OF DISTRICT BOARD -- COMPENSATION OF MEMBERS. The district board shall hold such meetings as may be necessary for the orderly conduct of its business and such meetings may be called upon seventy-two (72) hours' notice by the chairman or a majority of the members. Four (4) members shall be necessary to constitute a quorum and the action of the majority of members present shall be the action of the board. The members of the board shall be paid-for-their actual-and-necessary-travel-expenses-and-twenty-five-dollars-($25.00) per-day-while-in-session-or-traveling-to-and-from-the-sessions compensated as provided by section 59-509(f), Idaho Code.

SECTION 34. That Section 39-1310, Idaho Code, be, and the same is hereby amended to read as follows:

39-1310. ADVISORY HOSPITAL COUNCIL. The governor shall appoint an advisory hospital council to advise and consult with the licensing agency in carrying out the administration of this act. The council shall consist of the director of the department of health and welfare, who shall serve as chairman ex officio, and two (2) individuals of recognized ability in the field of hospital administration, two (2) individuals of recognized ability in the fields of medicine and surgery, welfare, public health, architecture, or allied professions in the field of health, one (1) who is a member of the nursing profes-
sion, one (1) individual of recognized ability in the field of nursing home administration, one (1) individual of recognized ability in the field of rehabilitation, and two (2) individuals with broad civic interests representing consumers of hospital services. Members shall hold office for a term of six (6) years, their terms expiring successively on the second Monday in January in the odd-numbered years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one-third (1/3) thereof at the end of the second year, one-third (1/3) thereof at the end of the fourth year, and one-third (1/3) thereof at the end of the sixth year after the date of appointment. Council members while serving on the business of the council shall receive compensation at the rate of ten dollars ($10.00) per day and shall also be entitled to receive actual and necessary transportation expenses be compensated as provided by section 59-509(d), Idaho Code. The council shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by a majority of the members, it shall be the duty of the chairman to call a meeting of the council.

SECTION 35. That Section 39-1405, Idaho Code, be, and the same is hereby amended to read as follows:

39-1405. ADVISORY COUNCIL. The governor shall appoint such advisory councils to advise and consult with the agency charged with the carrying out of the administration of this act and shall also appoint the chairmen of all such advisory councils.

Members of the councils hereinafter created shall hold office for a term of six (6) years, their terms expiring successively on the second Monday in January in the odd-numbered years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated at the time of appointment, at least one-third (1/3) thereof at the end of the second year, at least one-third (1/3) thereof at the end of the fourth year, and at least one-third (1/3) thereof at the end of the sixth year after the date of appointment. Council members while serving on the business of the councils shall receive compensation at the rate of $10.00 per day and shall also be entitled to receive actual and necessary transportation expenses be compensated as provided by section 59-509(d), Idaho Code. The councils shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by a majority of the members of a specific council, it shall be the duty of the chairman to call a meeting of that council.

The agency shall assist the governor in establishing the necessary guidelines and qualifications of appointees and direct to the attention of the governor the mandatory requirements of any federal statutes, regulations and standards concerning the number, representative
capacity, professional background, and such other matters concerning membership and organization of said councils to insure state compliance with federal laws, regulations and standards.

SECTION 36. That Section 39-2710, Idaho Code, be, and the same is hereby amended to read as follows:

39-2710. COMPENSATION. Each member of the board, except the director of sanitation of the department of health and welfare shall receive compensation as provided by section 59-509(f), Idaho Code, per-day-for-each-day-devoted-to-the-performance-of-the-duties-of-the-board; except that in the event the full performance of his duties shall require on the part of any member more than fifty (50) days of service in any one (1) year, such member shall perform such additional service without additional compensation. The traveling expenses of the members of the board and its employees when traveling in performance of official duty, and other necessary expense incurred in the performance of duty shall be paid upon the same basis and in the same manner as the expenses of other state employees are paid.

SECTION 37. That Section 39-3004, Idaho Code, be, and the same is hereby amended to read as follows:

39-3004. STATE NUCLEAR ENERGY COMMISSION ESTABLISHED. 1. There is hereby established in the office of the governor the state nuclear energy commission, consisting of five (5) members appointed by the governor and serving at his pleasure. One (1) of the members shall be selected for his knowledge of regulatory functions of nuclear energy. Not more than three (3) of the members may be from any one (1) political party. The members term of office shall be four (4) years, except that the terms of those first appointed shall expire as follows: two (2) at the end of two (2) years after the effective date of this act; two (2) at the end of three (3) years after such date; and one (1) at the end of four (4) years after such date. If a vacancy occurs, the governor shall appoint a member for the remaining portion of that term. The governor shall designate from his appointees a member to serve as chairman of the commission. The director of the office of nuclear energy development shall be an ex officio member and the secretary of the commission. The administrator of the state radiation control agency or his alternate, the state radiological control officer, shall also be an ex officio member of the commission. While actually engaged in the business of the commission, members of the commission shall receive a per diem allowance of twenty-five dollars ($25.00) per-day plus reimbursement for actual travel expenses be compensated as provided by section 59-509(f), Idaho Code.

2. The commission shall:
   a. Establish an office and employ an executive who shall be designated as the director. The director shall serve at the pleasure of the commission, and his compensation shall be fixed within the limits of appropriations made therefor. The director shall
devote his entire time to the duties of his office and shall have no other gainful employment or occupation. The director shall be selected with special reference to his knowledge and administrative capabilities in matters pertaining to industrial, agricultural, educational and institutional applications of nuclear energy. The director shall serve under the direction of the commission and in his office will be vested the administration of the promotional and development programs of this act.
b. Review prior to promulgation the proposed rules and regulations of the state radiation control agency and of other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to assure that such rules and regulations are consistent with rules and regulations of other agencies, boards and commissions of the state. Propose rules and regulations which will not become effective until ninety (90) days after submission to the commission unless the commission waives all or any part of such ninety (90) day period. When the commission determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards or commissions of the state the commission will so advise the governor and the appropriate agencies, boards or commissions, and consult with them in the effort to resolve any inconsistencies.
c. Review and evaluate policies and programs of the state including those of the boards, agencies and commissions of this state, relating to nuclear energy.
d. Coordinate the nuclear energy development and regulatory activities of the several departments and agencies of this state including specifically the state board of health and welfare, the state department of labor and industrial services, the state industrial commission, and the division of tourism and industrial development.
e. Make recommendations to the governor and furnish such advice as may be required to matters relating to development, utilization, and regulation of nuclear energy.
f. Subject to the provisions of chapter 53, title 67, Idaho Code, employ, compensate and prescribe powers and duties of such individuals as may be necessary to properly carry out the duties of the commission from whatever funds which may be available to the commission for such purpose.
g. Make an annual report to the governor.

3. The commission and the director shall be the focal point in state government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in this state and shall have the following general powers and duties:
   a. To advance the nuclear possibilities of the state by stimulating the interest of industry, agriculture and education around the state's nuclear resources and opportunities.
   b. To advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions and other groups functioning in
fields related to nuclear energy.
c. To advise the governor in developing and promoting a state policy for nuclear energy research, development and education.
d. To advise and assist the governor with regard to the status of nuclear energy research, development and education, and to assure increasing progress in this field within the state.
e. To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development and education, and proposals for further progress in the field of nuclear energy, and the power to acquire land and facilities for such purposes is specifically delegated to this commission.
f. To gather, maintain, and disseminate available information concerning appropriate sites throughout the state and the advantages of locating nuclear energy industries within the state.
g. To foster and support research and education relating to nuclear energy by arranging, accepting and administering contracts, grants or other appropriate means of assistance.
h. To keep the several departments and agencies informed as to private and public activities affecting nuclear industrial development and nuclear education and training and to enlist their cooperation in taking action to further such development, education and training to the end that through state activity the state's nuclear resources and nuclear energy position through the federal base may be augmented by a healthy private enterprise component.
i. To keep the public informed with respect to nuclear energy development within the state and the activities of the state relating thereto.
j. To accept donations of funds, grants, gifts or property of any nature to the use for which granted. Such donations are hereby appropriated to said commission to be used in addition to any other direct appropriations.

SECTION 38. That Section 39-3131, Idaho Code, be, and the same is hereby amended to read as follows:

39-3131. TERM -- VACANCIES -- COMPENSATION. The term of each member of the advisory board shall be for four (4) years; provided, however, that of the members first appointed, one-third (1/3) from each region shall be appointed for a term of two (2) years; one-third (1/3) for a term of three (3) years; and one-third (1/3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Board members shall serve without-compensation-but-may-be-reimbursed-for--actual--and--necessary expenses--incurred--in--the--performance--of--official-duties-which-which be compensated as provided by section 59-509(b), Idaho Code, and such compensation shall be paid from the operating budget of the regional mental health service.

SECTION 39. That Section 39-4106, Idaho Code, be, and the same is hereby amended to read as follows:
39-4106. IDAHO BUILDING CODE ADVISORY BOARD CREATED -- MEMBERSHIP -- APPOINTMENT -- TERMS -- QUORUM -- COMPENSATION -- MEETINGS. (1) The Idaho building code advisory board is hereby created within the department of labor and industrial services as an appeals board, code adoption and variance board, and advisory board, to be appointed by the governor, and shall consist of fifteen (15) members: five (5) members of the general public; one (1) fire official; one (1) registered engineer; one (1) city building inspector; one (1) material supplier; one (1) licensed architect; one (1) homebuilder; one (1) representative of the manufactured building industry; one (1) general contractor; one (1) representative of the natural gas industry; and one (1) representative of the mobile home and recreational vehicle industry; provided that no two (2) members shall be employed by the same firm. The board shall be appointed within ninety (90) days after the adoption of this act, and shall serve the following terms commencing July 1, 1975; three (3) members shall be appointed for a term of one (1) year, four (4) for a term of two (2) years, four (4) for a term of three (3) years, and four (4) for a term of four (4) years. Thereafter board members shall be appointed for a term of four (4) years. Three (3) consecutive failures by a member to attend meetings of the board without reasonable cause shall constitute cause for removal of the members from the board by the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the effective date of July 1, 1975, and every two (2) years thereafter, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board. A majority of the members of the board shall constitute a quorum provided that said majority shall include at least one (1) public member.

(3) Each member of the board not otherwise compensated by public moneys shall be reimbursed for transportation and subsistence at the same rate as are other state personnel and shall be paid twenty-five dollars ($25.00) compensated as provided by section 59-509(f), Idaho Code, for each day spent in attendance at meetings of the board.

(4) The board shall meet for regular business sessions at the call of the director, chairman, or at the request of three (3) members of the board, provided that the board shall meet at least quarterly.

SECTION 40. That Section 40-117, Idaho Code, be, and the same is hereby amended to read as follows:

40-117. COMPENSATION AND REIMBURSEMENT FOR EXPENSES. Each member of the board shall receive compensation of thirty-five dollars ($35.00) per day; for each day while in attendance at official meetings of the board and while on official business authorized by said board, each member shall be reimbursed for his traveling and other expenses actually and necessarily incurred while in the performance of his official duties hereunder; provided, however, that no member of said board shall receive a per diem in excess of twenty-five
hundred-dollars-($2500) for the first fiscal year after this act takes effect; nor in excess of like amount for each fiscal year thereafter be compensated as provided by section 59-509(h), Idaho Code. Said compensation for such per diem and expenses shall be allowed and paid from the state highway fund account, the state aeronautics fund account, or from such other funds accounts as are or may be created and/or appropriated for administration of the various functions, vested by law in the Idaho transportation department and/or the Idaho transportation board. This section is expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code, and acts supplementary thereof.

SECTION 41. That Section 41-1042, Idaho Code, be, and the same is hereby amended to read as follows:

41-1042. EXAMINATION ADVISORY BOARD, LIFE. With respect to life insurance, the director is authorized to appoint an advisory board, consisting of a representative or representatives from each type of life insurer or association whose agents are subject to the provisions of this chapter, to make recommendations to him as to the scope, type, and conduct of written examinations for life agent and life broker and the times and places within the state where they shall be held. The advisory board, if appointed, shall consist of individuals experienced in the life insurance business and may include life insurer officers and employees, general agents and managers, and licensed life insurance agents and brokers. The members of the board shall serve without pay; but upon the authorization of the director shall be reimbursed for their reasonable expenses in compensated as provided by section 59-509(b), Idaho Code, for attending meetings of the advisory board.

SECTION 42. That Section 42-1732, Idaho Code, be, and the same is hereby amended to read as follows:

42-1732. IDAHO WATER RESOURCE BOARD. Pursuant to the provisions of article 15, section 7, of the constitution of the state of Idaho, there is hereby established as the constitutional water agency within the department of water resources the Idaho water resource board which shall consist of eight (8) appointed members. The eight (8) appointed members shall be qualified electors of the state, no more than four (4) of whom shall be members of the same political party. Appointment of board members shall be made solely upon consideration of their knowledge, interest and active participation in the field of reclamation, water use or conservation and no member shall be appointed a member of the board unless he shall be well informed upon, interested in, and engaged actively in the field of reclamation, water use or conservation of water. Four (4) of these members shall be appointed at large and no more than three (3) of the eight (8) members shall be residents of a single district. To insure representation of water users of all geographic locations of the state, one (1) member shall be appointed from each of the following districts:

District No. 1 which shall consist of the counties of Boundary,
Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 2 which shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;

District No. 3 which shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte;

District No. 4 which shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake.

All appointments shall be made by the governor with the advice and consent of the senate. As soon as practicable after passage of this act, the governor shall appoint all eight (8) members; four (4) members shall be appointed to terms which will expire on January 1, 1967, four (4) members shall be appointed to terms which will expire on January 1, 1969, and thereafter all appointments shall be for four (4) year terms. Any vacancy caused by death, removal, disqualification, or resignation, shall be filled by the governor for the unexpired term caused by the vacancy. The appointed members shall not receive any compensation for their services; but when actually engaged in the performance of duties, shall be paid and allowed a per diem of twenty-five dollars ($25.00) for each day of such actual service and shall be reimbursed for travel and expenses at the same rate as other state officials be compensated as provided by section 59-509(h), Idaho Code.

SECTION 43. That Section 42-3508, Idaho Code, be, and the same is hereby amended to read as follows:

42-3508. PER DIEM AND EXPENSES PAID COLUMBIA COMPACT COMMISSION. Each member of the commission from the state of Idaho shall be paid, from funds appropriated by the legislature for that purpose, the sum of twenty-five dollars ($25.00) per day as provided by section 59-509(f), Idaho Code, for each day devoted to the business of the commission, together with his traveling and other necessary expenses. Such member may, regardless of any charter or statutory provision to the contrary, be an officer or employee holding another public position.

SECTION 44. That Section 44-120, Idaho Code, be, and the same is hereby amended to read as follows:

44-120. MINE SAFETY ADVISORY BOARD. (1) There is hereby created in the department of labor and industrial services a mine safety advisory board hereinafter referred to as the "board": consisting of seven (7) members, three (3) of whom shall be persons qualified by experience and affiliation to present the viewpoint of operators of both surface and underground mines and three (3) of whom shall be persons qualified by experience and affiliation to present the viewpoint of workers in both surface and underground mines, and one (1) who shall be a representative of the state industrial commission. The members of
the board shall be appointed by the governor of the state of Idaho for a term of four (4) years. The governor of the state of Idaho shall fill any vacancies which may, from time to time, arise on said board for the remaining term of office of such member who has resigned, is removed from office, or for some reason is unable to carry out the responsibilities of his office.

(2) The mine safety advisory board shall meet at such times as the director of the department of labor and industrial services or three (3) members of the board shall deem necessary in order to perform those duties as set forth in this chapter. Meetings by the mine safety advisory board shall not be less frequent than once each year, and at least once each year said mine safety advisory board shall review mine safety regulations and make recommendations regarding changes thereof deemed necessary.

(3) Members of the board shall receive no salary but shall receive compensation for actual and necessary travel and lodging expenses be compensated as provided by section 59-509(b), Idaho Code, while attending meetings of the board as provided for by the state board of examiners. The director of the department of labor and industrial services is hereby authorized to provide the board with such clerical, technical, legal and other assistance as shall be necessary to permit the board to perform its duties as provided in this chapter.

SECTION 45. That Section 47-201, Idaho Code, be, and the same is hereby amended to read as follows:

47-201. BUREAU CREATED -- ADVISORY BOARD. There is hereby created in the department of lands a state bureau of mines and geology which shall be under the direction of the state board of land commissioners. There is hereby established an advisory board for the bureau, consisting of the following members.

The dean of the school of mines of the university of Idaho, who shall be chief of the bureau and secretary of the board; the president of the Idaho Mining Association, so long as said association continues to exist and elect a president, otherwise the state senator from that county having the greatest assessed valuation of mining and mineral property in the year preceding any annual meeting of this board; the head of the department of mining and metallurgy or the head of the department of geology of the university of Idaho, as the governor may designate; and the director of the department of lands who shall be chairman; all of whom shall serve as members of the said board without pay; provided, however, that the members of said board shall receive their actual and necessary traveling expenses while attending the meetings of the board shall be compensated as provided by section 59-509(b), Idaho Code.

SECTION 46. That Section 49-358, Idaho Code, be, and the same is hereby amended to read as follows:

49-358. DRIVER REHABILITATION ADVISORY COMMITTEE -- APPOINTMENT OF MEMBERS -- TERMS -- QUALIFICATIONS -- EXPENSES -- DUTIES. (a) The
director shall appoint a driver rehabilitation advisory board of not less than three (3) nor more than five (5) members, who shall serve at the pleasure of said director. The membership of such board shall include, but need not be limited to, representatives of the fields of driver education, law enforcement and highway safety. The administrator of the Idaho traffic safety commission within the Idaho transportation department shall be an ex officio member of the board. Members of said board shall be allowed their actual and necessary expense incurred in the performance of their duties compensated as provided by section 59-509(b), Idaho Code.

(b) The board shall advise the director with respect to the development of a comprehensive driver rehabilitation and driver improvement program with a view of promoting highway safety and determining those drivers who are a menace on the highways.

(c) The board shall advise the director as to the methods most desirable in gathering statistics on the evaluation of the driver rehabilitation and driver improvement programs.

SECTION 47. That Section 49-2404, Idaho Code, be, and the same is hereby amended to read as follows:

49-2404. ADVISORY BOARD. (1) There is hereby created an advisory board, to consist of five (5) members; three (3) members to be appointed from licensed dealers selling less than two hundred (200) new motor vehicles during the calendar year next prior to appointment, with the remaining two (2) members appointed from licensed dealers selling more than two hundred (200) new motor vehicles during the calendar year next prior to appointment. The board shall act pursuant to its powers above enumerated and assist and advise the director in the administration and enforcement of this act. The governor shall appoint five (5) members of the board, with regard to the recommendations of the executive committee or board of directors of Idaho Automobile Dealers Association. The term of office of each member of said board shall be three (3) years, excepting that of the members of said board first appointed, two (2) shall be appointed to hold office until the first day of July, 1966, two (2) until the first day of July, 1967, and one (1) until the first day of July, 1968. On and after June 30, 1967, two (2) additional members to the advisory board shall be created and added for a total advisory board to consist of seven (7) members, of which two (2) additional members, one (1) shall be a licensed mobile home dealer and one (1) shall be a licensed used motor vehicle dealer. The governor shall appoint such two (2) additional members of the board, with regard to the recommendations of the executive committee or board of directors of the Idaho Automobile Dealers Association. The term of office of such two (2) additional members shall be for three (3) years, excepting those members first appointed shall be appointed to hold office until the first day of July, 1968. Vacancies occurring on the board other than by expiration of the term, shall be filled for the unexpired term only. Each member of the board shall serve until his successor is appointed and qualified. The members of the advisory board shall serve without compensation.
bers---of--the--advisory--board---shall---be-entitled-to-their-reasonable traveling-expenses-incurred-in be compensated as provided by section 59-509(b), Idaho Code, for the performance of their duties, all of said payments shall be paid from the motor vehicle fund of the state of Idaho as part of the expenses of administering this act. A majority of the members of the advisory board shall constitute a quorum, the presence of which at any meeting thereof duly called by the director shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the director, or which, by reason by-

(2) The advisory board on the first day of each July, or as soon thereafter as is practicable, shall elect a chairman, vice-chairman, secretary and assistant secretary from among its members, who shall hold office until their successors are elected. As soon as the board shall elect its officers, the secretary so elected shall certify the results of such election to the director. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings thereof which shall be preserved in the office of the director. If the chairman be absent from any meeting of the advisory board, his duties shall be discharged by the vice-chairman, and if the secretary be absent therefrom, his duties shall be discharged by the assistant secretary. All members of the advisory board shall be entitled to vote on any question, matter, or thing which properly comes before it.

SECTION 48. That Section 49-2708, Idaho Code, be, and the same is hereby amended to read as follows:

49-2708. ADVISORY COMMITTEE -- CREATION -- SELECTION -- TERM OF OFFICE -- DUTY. The state park and recreation board shall appoint an advisory and planning committee of six (6) members. The membership of the advisory and planning committee shall be selected from a list of three (3) nominees from each state park and recreation board district, as defined in section 67-4221, Idaho Code. The list of nominees shall be submitted by the Idaho motorcyclist association and the Idaho trail machine association. Each member of the advisory and planning committee shall be chosen by the state park and recreation board to serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory and planning board shall be a qualified elector of the state. The members of the advisory and planning board shall serve--without-salary; however, they shall receive travel-and-standard-state-per-diem-expenses-upon-submission-of-signed vouchers be compensated as provided by section 59-509(b), Idaho Code. Duties shall include:

1. Representation of the best interests of recreational motorbike activity in the districts from which they are appointed;
2. To meet with the state park and recreation board at least twice each year;
3. To be co-responsible with the state park and recreation board
to administer the motorbike recreation fund.

SECTION 49. That Section 54-205, Idaho Code, be, and the same is hereby amended to read as follows:

54-205. MEETINGS -- COMPENSATION -- EXECUTIVE SECRETARY. A. The board shall have its principal office at Boise, Idaho. Three (3) members of the board shall constitute a quorum, a majority of whom may act, and the board shall meet no less than twice each year; provided, however, special meetings may be called at any time during the year after notice to all members of the board of such special meetings. The board shall elect annually a chairman, a vice chairman, a secretary and a treasurer from its members. The offices of secretary and treasurer may be in the same person. The members of the board shall receive a per diem allowance of twenty-five dollars ($25.00) when actually engaged in official functions as members of said board; and shall receive their actual travel expenses and subsistence while engaged in the business of the Idaho State Board of Accountancy away from their respective homes be compensated as provided by section 59-509(f), Idaho Code.

The board shall have the power to name an executive secretary who need not be a member of the board or a member licensed to practice as a certified public accountant or public accountant and who may be a full-time or part-time employee of the state of Idaho. The board shall prescribe the duties of such executive secretary and these duties shall include the preparation of all papers and records under this act for the board and the advisory committee, and shall include such enforcement or investigative activities as to the board may from time to time appear advisable.

B. Three (3) members of the advisory committee shall constitute a quorum, a majority of whom may act, and the council shall meet no less than once each year. The advisory committee shall elect annually a chairman, a vice chairman, a secretary and a treasurer from its members. The offices of secretary and treasurer may be in the same person. The members of the advisory committee shall receive a per diem allowance of twenty-five dollars ($25.00) when actually engaged in official functions as members of said advisory committee and shall receive their actual travel expenses and subsistence while engaged in the business of the advisory committee away from their respective homes be compensated as provided by section 59-509(f), Idaho Code.

SECTION 50. That Section 54-312, Idaho Code, be, and the same is hereby amended to read as follows:

54-312. ARCHITECTS -- BOARD OF EXAMINERS. The board of architectural examiners is hereby created in the department of self-governing agencies. The board of architectural examiners shall consist of five (5) members, to be appointed by the governor, each of whom shall be an architect, and shall have been a resident of and a lawfully practicing architect within the state of Idaho for a period of at least five (5) years next before his appointment. The board may, by written agree-
ment, authorize the bureau of occupational licenses as agent to act in its interest.

Each member of the board of architectural examiners shall receive the sum of thirty-five dollars ($35.00) per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties be compensated as provided by section 59-509(g), Idaho Code.

SECTION 51. That Section 54-407, Idaho Code, be, and the same is hereby amended to read as follows:

54-407. COMPENSATION OF MEMBERS. The employees of the office of the state athletic director shall receive actual and necessary traveling expenses incurred in the discharge of their official duties, and twenty-five dollars ($25.00) per diem when in actual pursuit of duty, which be compensated as provided by section 59-509(f), Idaho Code, and such compensation shall be paid out of the funds created by the fees received under the provisions of this chapter not otherwise appropriated, on the certificate of the director. Such certificates shall be presented to the state auditor, who shall thereupon draw upon the state treasurer for the amount thereof.

SECTION 52. That Section 54-521, Idaho Code, be, and the same is hereby amended to read as follows:

54-521. BOARD OF BARBER EXAMINERS -- POWERS AND DUTIES -- DESIGNATION OF PERSONS TO REPORT TO BOARD. There is hereby created, and established in the department of self-governing agencies, the board of barber examiners. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest (in this chapter referred to as the board) and in addition to the powers herein elsewhere conferred, shall have the following powers and it shall be the duty of the board:

1. To conduct examinations to ascertain the qualifications and fitness of applicants for licenses hereunder and to pass upon the qualifications of all applicants for licenses.

2. To conduct hearings and proceedings to revoke licenses issued under this chapter and to revoke such licenses subject to the provisions of this chapter.

3. To designate what schools of barbering within and without the state are approved schools, and from time to time, to change such designations and to keep public records thereof.

4. To prescribe rules and regulations for a fair and a wholly impartial method of examination of applicants for licenses hereunder and for conducting hearings for the revocation of licenses defining the qualifications of an approved school of barbering and for the administration of this chapter in general.

Excepting the regulations of schools under section 54-507, Idaho Code, hereof, and the issuance of licenses under section 54-513, Idaho Code, none of the powers and duties specified in the foregoing subdivisions of this section, one-(1) to four-(4) inclusive, shall be
exercised by the said bureau except on the action of the board of barber examiners, which board shall be composed as follows: The board of barber examiners shall be composed of the present members of the board of barber examiners as appointed by the commissioner of law enforcement. When vacancies occur on said board, the governor shall appoint new members, but not more than a total of five (5) members, each of whom shall be a registered barber, and shall have been a resident of, and lawfully practicing barbering within the state of Idaho for a period of at least five (5) years next before his appointment, and who is neither directly nor indirectly in any way connected with or interested in the barber supply business nor in any institution offering instruction in barbering. In appointing the members of such board the governor shall give consideration to the recommendations received from the Idaho state barbers association. The board and all assistants shall be allowed their actual expenses incurred in the performance of their official duties as provided by law and a per diem allowance of thirty-five dollars ($35.00) per day for each day of actual service compensated as provided by section 59-509(g), Idaho Code.

The regular term of office of a member of the board shall begin as of the first Monday of July of the year in which he is appointed and shall continue for five (5) years thereafter. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor.

A vacancy in membership in the board shall occur, and be declared by the governor, whenever the regular term of a member expires, or whenever a member dies, resigns, or is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or to cease to have the qualifications of a member, or to have acquired disqualifications of a member, or to have been absent without reasonable cause from two (2) successive meetings of the board.

The board of barber examiners shall select from its members a chairman, vice chairman, and secretary who shall serve at the pleasure of the board.

The action and report in writing of the board so designated shall be sufficient authority upon which the bureau may act.

Whenever the board is satisfied that substantial justice has not been done, either in examination or in revocation of a license or otherwise, it may order a reexamination or rehearing of the matter.

SECTION 53. That Section 54-604, Idaho Code, be, and the same is hereby amended to read as follows:

54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. There is hereby established in the department of self-governing agencies a state board of podiatry to be composed of five (5) members to be appointed by the governor in the manner hereinafter set forth. Four (4) of said members shall be podiatrists, duly licensed under the laws of the state of Idaho, and who shall have been continuously engaged in the practice of podiatry for a period of not less than five (5) years prior to his appointment. The fifth member of the board shall be a layman, a resi-
dent of the state of Idaho for a period of not less than five (5) years prior to his appointment. With reference to the first board, the four (4) podiatrists shall be appointed for terms of one (1), two (2), three (3) and four (4) years, respectively. The lay board member shall be appointed for a term of three (3) years. Thereafter, all appointments to the board shall be made for terms of four (4) years. Vacancies upon the board, occurring for any reason, shall be filled by the governor. The governor in making appointments shall give consideration to but shall not be bound by the recommendations received from the Idaho Podiatry Association.

Within thirty (30) days from the appointment of the board by the governor, the board shall organize itself, select a chairman, a vice chairman and secretary. The chairman and the secretary shall be podiatrists. The board shall meet regularly on the second Tuesday of July of each year for the purpose of conducting examinations and transacting any other business which may lawfully come before it. The board may meet in special session at the call of the chairman, or at the call of not less than two-thirds (2/3) of the membership of the board. The members of the board shall each be allowed—his—actual—expenses incurred—in—attending—meetings—of—the—board—and—per—diem—of—thirty-five-dollars—($35.00)—per—day—for—each—day—of—actual—service compensated as provided by section 59-509(g), Idaho Code.

Examinations of applicants may be conducted by an examining board, to be comprised of a quorum of the board.

A majority of the board shall constitute a quorum.

SECTION 54. That Section 54-703, Idaho Code, be, and the same is hereby amended to read as follows:

54-703. BOARD OF CHIROPRACTIC EXAMINERS -- POWERS AND DUTIES. The board of chiropractic examiners (hereinafter referred to as the board) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice chiropractic; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice chiropractic.

3. To prescribe rules and regulations defining, for the chiropractors what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses, or persons practicing chiropractic and to revoke such licenses.
6. To formulate rules and regulations when required in any act to be administered.

7. To authorize, by written agreement, the bureau of occupational licenses to act as agent in its interest.

The board shall meet regularly on the second Tuesday of January and July of each year for the purpose of conducting examinations and transacting any other business that may legally come before it, and may meet in special session upon the order in writing of the chairman, who shall be elected by the members of the board. The members of the board shall each be allowed his actual expenses incurred in attending the meetings and a per diem of thirty-five dollars ($35.00) per day for each day of actual service compensated as provided by section 59-509(g), Idaho Code.

Whenever the board is satisfied that substantial justice has not been done either in an examination or in the revocation of a license, to practice chiropractic it may order reexamination or rehearings by the same or other examiners.

All licenses for the practice of chiropractic shall be issued by the board in the name of the board of chiropractic examiners, with the seal thereof attached.

SECTION 55. That Section 54-832, Idaho Code, be, and the same is hereby amended to read as follows:

54-832. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall receive as compensation for his services the sum of thirty-five dollars ($35.00) for each day actually spent in the discharge of his official duties or work of the board, including time spent in necessary travel; and in addition thereto, board members shall be reimbursed within legal limitations for all actual travel, clerical, and incidental expenses necessarily incurred in carrying out the provisions of this act be compensated as provided by section 59-509(g), Idaho Code.

SECTION 56. That Section 54-911, Idaho Code, be, and the same is hereby amended to read as follows:

54-911. BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS -- EXPENSES -- PER DIEM. The board of dentistry shall select from its members a chairman who shall serve at the pleasure of the board. The board may meet at stated times, and shall meet upon the call of its chairman or a majority of the members. It shall keep minutes of its meetings and actions thereat. Three (3) members shall constitute a quorum, and the vote of the majority of the members present at a meeting at which a quorum is present shall determine the action of the board.

Out of any appropriation applicable to the administration of this act, members of the board shall be paid their actual expense incurred in the performance of their duties and in addition a per diem allowance of five dollars ($50.00) for each day in which such dental member shall perform service.
SECTION 57. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the department of labor and industrial services. It shall be the responsibility and duty of the board to assist the director of the department of labor and industrial services in the administration and enforcement of the provisions of this act.

(2) The board shall consist of seven (7) members to be appointed by the governor with power of removal for cause. The term of office of the first seven (7) appointees shall begin on July 1, 1961. One (1) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years and two (2) for a term of four (4) years. Thereafter board members shall be appointed for a term of four (4) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity to assist the director in formulating rules and regulations for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act.

(4) The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(5) The board shall maintain an office in the state capitol building or at such other place in the city of Boise as the board may designate and shall, with the approval of the director, employ such persons as may be necessary to the performance of its duties. The board shall, for the approval of the director, recommend the appointment of one (1) or more persons who are properly qualified by experience, training and knowledge, to serve as electrical inspectors, one (1) of whom shall be designated as chief electrical inspector. The chief electrical inspector shall serve as secretary-manager for the board.

(6) Each member of the board not otherwise compensated by public moneys shall be reimbursed for transportation and subsistence and shall be paid not more than ten dollars ($10.00) for each day spent in attendance at meetings of the board compensated as provided by section 59-509(d), Idaho Code.
SECTION 58. That Section 54-1105, Idaho Code, be, and the same is hereby amended to read as follows:

54-1105. BOARD OF MORTICIANS. There is hereby established in the department of self-governing agencies a state board of morticians to be composed of three (3) members appointed by the governor in the manner hereinafter set forth. Each member of the board shall be a duly licensed mortician under the laws of the state of Idaho and resident of the state of Idaho for a period of at least five (5) years next preceding his appointment, during which time he shall have been continuously engaged in the practice as a mortician as defined in this act. No person shall be eligible for appointment to the board of morticians who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacture business.

The governor shall appoint the members of the board from a list of qualified morticians of triple the number of persons to be appointed, who shall be proposed and submitted to him by the Idaho Funeral Service Association, or other statewide organization or association of licensed morticians whose membership is composed of a majority of all licensed morticians of the state; provided, however, all members of the board of embalming examiners existing as of the effective date of this act are hereby automatically appointed as members of the board of morticians to serve for the remainder of their appointed terms.

All members of the board of morticians shall be appointed to serve for a term of three (3) years, to expire on May 1 of the year of termination of their term, and until their successors have been appointed and qualified; provided, however, the governor is hereby granted the power to alter the term of office of the members of the board first appointed hereunder so that the term of office of not more than one (1) member of the board shall terminate in any one (1) year. In case of a vacancy occurring on said board of morticians by reason of the death of any member, or his resignation, incapacity, neglect or refusal to act, or in any other way, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office from a list of duly qualified morticians prepared and submitted in the manner prescribed herein for the initial appointment of members to the board. Any member of the board of morticians who wilfully fails to properly discharge his duties may be removed by the governor.

The board shall meet, not less than annually, to elect a chairman, vice chairman and secretary and take official board action on pending matters by majority vote of all the members of the board of morticians, and in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

Each member of the board of morticians shall receive the sum of thirty-five dollars ($35.00) per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties be compensated as provided by section 59-509(g),
Idaho Code.

SECTION 59. That Section 54-1205, Idaho Code, be, and the same is hereby amended to read as follows:

54-1205. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall receive as compensation for his services—such sum as the board from time to time may fix—but not exceeding thirty-five dollars—($35.00)—for each day actually spent in attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, he shall be reimbursed within legal limitations for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this act be compensated as provided by section 59-509(g), Idaho Code.

SECTION 60. That Section 54-1403, Idaho Code, be, and the same is hereby amended to read as follows:

54-1403. BOARD OF NURSING. (a) Appointment, Removal and Term of Office. There is hereby created within the department of self-governing agencies the board of nursing for the state of Idaho composed of seven (7) members appointed by the governor. Membership of the board shall consist of four (4) persons licensed to practice professional nursing in Idaho, two (2) persons licensed to practice practical nursing in Idaho and one (1) person who is a lay person to health care occupations. In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Members of the board of nursing and of the advisory council for licensed practical nurses holding office under prior law on the effective date of this act shall serve as members of the board created herein until expiration of their respective terms and, as those terms expire or become vacant, the governor shall appoint such other persons as will constitute a complete board as herein prescribed. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of three (3) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than two (2) terms. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(b) Qualifications of members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for appointment as the lay member of the board if the person or his spouse is licensed in any health occupation; is an employee, officer or agent of or has any financial interest in any health care facility, institution, or association or any insurance company authorized to underwrite health care
insurance; or is engaged in the governance and administration of any health care facility, institution or association.

(c) Conduct of business. The board shall meet at such times as required to conduct the business of the board and shall annually elect from its members a chairman, vice chairman and such other officers as may be desirable. Four (4) members shall constitute a quorum and the vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. Each member of the board shall receive a sum equal to actual expenses reasonably incurred in connection with the business of the board; plus a sum not to exceed thirty-five dollars ($35.00) per day for each day spent in discharge of duties as a member when the board is in official session be compensated as provided by section 59-509(g), Idaho Code.

SECTION 61. That Section 54-1508, Idaho Code, be, and the same is hereby amended to read as follows:

54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EXPENSES. The board of optometry shall meet on or before September 15 of each year and select from its members a chairman and a secretary who shall serve at the pleasure of the board. The secretary shall keep the minutes of the meetings of the board, maintain the files and records of the board, maintain a roster of all persons licensed as optometrists under this act and on or before October 1 of each year, forward to the bureau of occupational licenses a certified list of those persons who have paid the fees required by this act.

The board of optometry may meet at stated times and places and shall meet upon the call of its chairman or upon written request of a majority of its members. Three (3) members shall constitute a quorum and a majority of the members present at a meeting at which a quorum is present shall determine the action of the board. Each member of the board shall be notified of any meeting called for any purpose.

On or before September 15 of each year, the board of optometry shall appoint three (3) of its members to serve as a board of examiners to examine applicants for licenses to practice optometry in the state of Idaho pursuant to this chapter. The secretary of the board shall notify the chief of the bureau of occupational licenses of the names of the members of the board of examiners appointed by the board of optometry.

Out of the funds moneys appropriated to the bureau from fees paid under section 54-1506(2), Idaho Code, or otherwise appropriated from fees paid under section 54-1506(2), Idaho Code, and deposited in the occupational license fund account established by section 67-2605, Idaho Code, the members of the board of optometry shall receive their actual expenses incurred in the performance of any of their duties at the first meeting of the board of optometry held after July 1 of each year be compensated as provided by section 59-509(b), Idaho Code, and the members of the three (3) member board of examiners appointed by the board of optometry shall be paid all of their actual expenses incurred in the performance of their duties as members of the board of examiners or at any time, plus a per diem allowance each of thirty-
five--dollars--(§35-00)--for-each-day-of-actual-service-as-a-member-of
the-board-of-examiners compensated as provided by section 59-509(g),
Idaho Code.

Out of funds moneys appropriated from fees paid under section
54-1507, Idaho Code, the members of the board of optometry shall be
paid-their-actual-expenses-incurred-in-the-performance-of-their-duties
under--this--act; compensated as provided by section 59-509(b), Idaho
Code, not otherwise paid from funds moneys appropriated by the legis­
lature.

SECTION 62. That Section 54-1603, Idaho Code, be, and the same is
hereby amended to read as follows:

54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1)
There is hereby created in the department of self-governing agencies
a board of examiners of nursing home administrators, which board shall
consist of five (5) members, and composed of three (3) public or pri­
vate nursing home administrators, duly licensed and registered under
this act, and two (2) other members as hereinafter described, except
that such members of the initial board shall be required only to pos­
sess the qualifications and be eligible for licensure as required
under this act, one (1) member shall be selected from any other
profession, agencies, or institution concerned with the care of chron­
ically ill and infirm patients; and one (1) member representative of
the public at large; but no more than two (2) of the members of the
board shall be officials or full-time employees of state or local
governments, except that they may be administrators of publicly owned
nursing homes. All members of the board shall be citizens of the
United States or shall have declared their intent to become citizens
of the United States and shall be residents of this state.

(2) One (1) member of the initial board shall be appointed for a
one (1) year term of office, two (2) members of the initial board
shall be appointed for a two (2) year term of office, and two (2) mem­
ers of the initial board shall be appointed for a three (3) year term
of office. Thereafter, the term of office for each member of the
board shall be three (3) years.

(3) (a) Appointments to the board shall be made by the governor
after consultation with the executive board of the Idaho associa­
tion of licensed nursing homes. Each member of the board shall
hold office until his successor is duly appointed and qualified.
Dismissals shall be by the governor, for reasonable cause.
(b) The three (3) nursing home administrators who are members
must be appointed from a list of at least ten (10) submitted by
the Idaho association of licensed nursing homes.
(c) Members of the board shall be reimbursed-for-their-actual-and
necessary-traveling-and--subsistence--expenses--when--absent--from
their--place-of--residence--in-attendance-at-meetings--or--in-other
performance-of-their-duties-under--this-act--in-addition-they-shall
be-paid-twenty-five-dollar§s-(§25-00)--per-day-while-on-actual-busi­ness-of-the-board
compensated as provided by section 59-509(f),
Idaho Code.
(4) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this act.

(6) The board may appoint an executive secretary. He shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and the executive secretary in the keeping of the records and in the performance of their duties may be appointed by the board. All employees of the board shall be appointed, and serve in accordance with the provisions of law.

(7) The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

SECTION 63. That Section 54-1714, Idaho Code, be, and the same is hereby amended to read as follows:

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 be compensated as provided by section 59-509(g), Idaho Code, 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.

SECTION 64. That Section 54-1805, Idaho Code, be, and the same is hereby amended to read as follows:

54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby established in the department of self-governing agencies a state board of medicine to be composed of eight (8) members. The membership of the state board of medicine as it exists on the effective date of this act is hereby confirmed as members of the board for the terms to which they were originally appointed.

(2) The board shall consist of eight (8) members. The director of the department of law enforcement shall be a member of the board. The other seven (7) members shall be physicians who are residents of this state and engaged in the active practice of medicine in this state, and shall be appointed by the governor in the manner hereinafter set forth. All appointments to the board shall be for six (6) year terms. The board shall consist of six (6) members who are licensed to practice medicine and surgery in this state and one (1) member who is licensed to practice osteopathic medicine or osteopathic medicine and
surgery in this state. Whenever a term of a member of the board who is licensed to practice medicine and surgery expires or becomes vacant, the Idaho medical association shall nominate three (3) persons licensed to practice medicine and surgery for each such vacancy, and forward such nominations to the governor who shall appoint from among such nominees, one (1) person to be a member of the board to fill such vacancy. Whenever a term of the member of the board who is licensed to practice osteopathic medicine or osteopathic medicine and surgery expires or becomes vacant, the Idaho osteopathic association shall nominate three (3) persons licensed to practice osteopathic medicine or osteopathic medicine and surgery for such vacancy, and shall forward the nominations to the governor who shall appoint from among such nominees one (1) person to be a member of the board to fill such vacancy. Appointments to fill vacancies occurring from some other reason than expiration of a term for which a member was appointed, shall be made in the same manner as hereinabove set forth for the unexpired term. The governor may remove any member of the board from the membership of the board, who is guilty of malfeasance, misfeasance or nonfeasance.

(3) The board shall elect a chairman from its membership. The members of the board except for state employees shall receive their actual and necessary expenses while engaged upon the business of the board; and a per diem of fifty dollars ($50.00) for each day of actual service be compensated as provided by section 59-509(h), Idaho Code. Five (5) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.

SECTION 65. That Section 54-1806A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1806A. MEDICAL DISCIPLINARY ENFORCEMENT. The board of medicine is authorized to create a board of professional discipline and to delegate to it its role and authority in the enforcement and supervision of professional disciplinary enforcement under this chapter and particularly under sections 54-1810 and 54-1811-54-1814, Idaho Code, including without limitation the power to make rules and regulations and to provide forms and procedures therefor, to the full extent that the board of medicine is authorized or empowered to act; such board of professional discipline, however, shall not act or be authorized to act in connection with licensing of applicants, except as respects proceedings for reinstatement following voluntary surrender of license while under investigation or prosecution for conduct allegedly improper, or following restriction, suspension or revocation of license in the state of Idaho or under any other duly constituted medical licensing authority of any other state or territory of the United States or of any other nation. By its order therefor, the state board of medicine shall provide as follows respecting a board of professional discipline created under this act:

(1) Membership. Said board shall consist of five (5) members appointed by the board of medicine. Initially, it shall consist of two (2) members licensed to practice medicine and surgery in the state of
Idaho, whose terms shall expire midnight, June 30, 1979; and two (2) members licensed to practice medicine and surgery in the state of Idaho, whose terms shall expire midnight, June 30, 1978, and one (1) member who is an adult Idaho citizen of good character and reputation who shall not be licensed to practice medicine and surgery in the state of Idaho, whose term shall expire midnight June 30, 1977. Subsequent terms of all members appointed shall be for three (3) years so that there shall be a rotation of membership of a portion of the said board each year; provided, the board of medicine may, in its discretion, reappoint members and may but need not appoint members of the board of medicine itself to any or all of the positions of membership upon said board initially and/or from time to time as vacancies occur. Subsequent appointees to the board shall have the qualifications required of the original appointees.

(2) Chairman. The board of medicine shall designate one (1) member of the board of professional discipline as its chairman, and he shall serve and function in that capacity for one (1) year or until his successor is duly appointed, whichever is later.

(3) Quorum. Three (3) members shall constitute a quorum though no meeting of said board shall be held without reasonable prior notice of at least three (3) days to all members, which notice may be given by the chairman or any three (3) members. Notice may be waived unanimously; otherwise, it shall be in writing and state the time, place and purpose of the meeting.

(4) Compensation. Members shall serve without pay but shall be reimbursed be compensated as provided by section 59-509(b), Idaho Code, from the state board of medicine fund for actual, reasonable and duly-authorized expenses incurred in the course of serving on said board or acting on its behalf.

(5) Conflicts and Disqualification. Members shall disqualify themselves and, on motion of any interested party may, on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(6) Additional Powers of Board of Professional Discipline. In addition to its other powers, the board of professional discipline shall be empowered and authorized:

(a) To initiate or commence proceedings, studies or investigations on its own motion and initiative or to proceed on the request or complaint of any person, whether formally or informally stated and whether or not verified; provided, it may impose reasonable requirements respecting the form, content and sufficiency of complaints invoking its jurisdiction.

(b) To investigate or inquire into misconduct or unprofessional behavior, whether real, apparent or merely suspected; and take such action with respect thereto as it deems best in the interest of the public and justice.

(c) To retain and appoint staff to administer, process and assist in the work assigned it under this act or by the board of medicine, including, as deemed appropriate, legal counsel to assist in presentation of matters before it and/or to advise it on matters
of law.

(d) To appoint hearing committees to take evidence, conduct hearings and make recommended findings and conclusions to it in any matter or proceeding assigned to the committee, which hearing committees shall be of such number and size as the disciplinary board directs composed of licensed physicians resident and licensed to practice medicine and surgery in Idaho, who shall serve without pay and for such term as the board may specify, not to exceed one (1) year or during the pendency of any matters referred to it, whichever is longer. Proceedings before such committees, and before said board, except as otherwise provided or may be inconsistent with the clear intent or conflicting specific provisions of this act, shall be as provided by the Administrative Procedures Act, chapter 52, title 67, Idaho Code; provided, there shall be no hearings de novo on appellate review as a matter of right.

(e) To make findings respecting matters coming before it or before any hearing committee or authorized hearing officer acting on its behalf, and to make conclusions and enter orders dispositive of such proceedings, including, without limitation, disciplinary orders as provided in and by the Idaho Code respecting misconduct or other grounds for discipline respecting any licensed physician and surgeon licensed to practice medicine and surgery in the state of Idaho, which authority shall, for good cause shown, include the power to suspend, restrict, condition, limit or revoke the license or present or future right or privilege to practice medicine of any physician, surgeon or other person licensed or purporting to be qualified or authorized to practice medicine and surgery in the state of Idaho.

(f) To privately and confidentially reprimand by informal admonition any licensed physician and surgeon respecting any matter it finds is minor misconduct.

(g) To accept the resignation and surrender of license of any physician and surgeon under investigation or prosecution who tenders the same, and to impose terms and conditions in connection therewith as it may deem appropriate in the best interest of the public and of justice.

(h) To order, for good cause, nondisciplinary suspension or transfer to inactive status of any licensed physician and surgeon incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemical or like substances, and to provide terms and conditions therefor, including provisions and conditions controlling reinstatement and any request therefor; provided, this subparagraph shall not be construed to amend or repeal specific legislation expressly dealing with disabled physicians whether heretofore or hereafter enacted by the legislature of the state of Idaho but rather shall be construed as complementary thereto.

(i) To provide by order in general and/or in particular for reciprocal discipline in cases involving the discipline of a licensed physician and surgeon disciplined in any other jurisdic-
tion, provided that such licensee or applicant shall be entitled on due motion and notice to appear and show cause why such order should not apply in his or her case.

(j) To provide for and conduct informal proceedings and to provide rules and practices to encourage fair and expeditious disposition of business, complaints and matters properly coming before it.

(7) Substitution of Board of Professional Discipline in Matters of Discipline and Self-Policing. From and after the effective date of the board of medicine creating and establishing the board of professional discipline, references in the laws of the state of Idaho, including the Medical Practices Act, this act and the Idaho Code in general, to the board shall, when concerned with matters of self-policing or professional discipline within the medical profession, be deemed and construed to be references to the board of professional discipline.

(8) Confidentiality. Except as specifically otherwise ordered in the interest of justice or the public health, hearings and proceedings before the board of professional discipline shall be open in all cases in which the board has determined that there is probable cause to proceed to formal hearing; provided, as respects private and confidential reprimands for minor misconduct, proceedings shall be closed and confidential unless the respondent physician in writing rejects the reprimand within ten (10) days of the order providing therefor, in which cases said matters shall promptly be set for hearing and such proceedings and hearings thereafter shall be public and open unless, as hereinabove authorized, the board for good cause otherwise orders and directs. Determination that there is probable cause to proceed may be made informally by the chairman and also by written expression of a majority of the members of the board of professional discipline. The determination that there is not probable cause to proceed shall be made in writing and a copy forwarded to such person whose complaint may have initiated or commenced the proceedings, which person shall have standing to request en banc review of such determination by the entire committee which shall have jurisdiction to reverse or affirm such determination as in its discretion it deems in the interest of justice and the public health.

(9) Voluntary Restriction of Licensure. A physician may request in writing to the board of professional discipline a restriction of his license to practice medicine and the board is authorized to grant such request and, if it deems it appropriate to do so, it is granted the authority in such cases to attach conditions to the licensure of the physician to practice medicine within specified limitations. The board is also authorized in such cases thereafter to waive the commencement of proceedings under this act or other provisions of the Medical Practice Act if in the interest of justice it determines that such voluntary proceedings have rendered the same unnecessary. Removal of a voluntary restriction on or suspension of licensure to practice medicine shall be subject to the procedures for reinstatement elsewhere in this act, in the Medical Practice Act or by rule and regulation of the board of professional discipline provided; also, such
reinstatements may be subject to further conditions specially imposed in the individual case as a condition of the order entered therein.

(10) Adjudication of Discipline or Exoneration. At the conclusion of the proceedings the board of professional discipline shall make a determination of the merits and, if grounds therefor are found to exist, may issue its order:

(a) Revoking the respondent physician's license to practice medicine.

(b) Suspending or restricting the respondent physician's license to practice medicine.

(c) Imposing conditions or probation upon the respondent physician and requiring rehabilitation planning, commitment and conditions upon such respondent physician's licensure; and, if grounds for any of the foregoing are not found to exist, the board shall enter its order so stating and dismissing the proceedings and shall provide the respondent and, if there be one, the complainant or petitioner in the proceedings a true copy thereof.

(11) Temporary Suspension or Restriction Pending Final Order. The board of professional discipline may temporarily suspend or restrict the license of any physician or enter an appropriate order of temporary probation, ex parte, on its own motion or on verified petition of any person, pending further or final order, without prior hearing, simultaneously with or at any time after the institution of proceedings under this act or the Medical Practice Act, but only if it first finds, on the basis of a responsible showing which satisfactorily demonstrates that the physician in his capacity as such and for reasons set forth by petition, affidavit, or other verified showing, or determined by it in reliance upon other reliable proof, is causing great harm to the public or to any patient or group of patients, or is imminently likely to cause such harm, for which reason he or she and his or her license to practice medicine should be immediately suspended or restricted or he or she should be specially controlled, suspended in or restricted from the practice of medicine. In such cases, the board may summarily, and ex parte, order temporary conditions of probation, suspension or restriction of said physician and his or her license and authority to practice medicine in the state of Idaho, pending further or final order in the proceedings. Thereafter the physician may, for good cause, request dissolution or amendment of any such temporary order by petition filed with the board of professional discipline, which petition shall be set for prompt hearing before said board or, if necessary and if requested by the affected respondent physician in the interest of early consideration, before a designated hearing officer or special committee appointed by the board for that purpose, which officer or committee shall forthwith hear said matter and report to the board its report and recommendations. The board, consistent with due process, shall rule on such petition for dissolution or amendment with the least amount of delay reasonably possible. Neither the record of the proceeding nor any order entered therein may be used against the respondent physician in any other legal proceeding except upon judicial review as provided elsewhere herein.

(12) Judicial Review.
(a) Interlocutory appeals and judicial review of orders or proceed- ings of the board of professional discipline shall not be undertaken by any court, however, final orders of the board under provisions of this act and any order of temporary suspension, restriction or probation entered hereunder shall be subject to judicial review as hereinafter provided, but only by and before the Supreme Court, which appellate jurisdiction shall be and is exclusive.

(b) Any party to proceedings within the jurisdiction or purview of the board of professional discipline, including any petitioner initiating the same, shall have standing to initiate and prosecute an appeal; provided, such appeal must be taken within twenty (20) days following the order complained of or such order shall not be subject to review, and the Supreme Court shall lack jurisdiction to entertain the same.

(c) In no case shall any order of the board of professional discipline be summarily stayed, enjoined, modified or reversed in any respect upon any ex parte proceedings of any party, judicial review to be available only as and to the extent provided for by this act.

(d) Appeals shall be limited to a review of questions of law.

(e) Appeals shall be taken by filing in the Supreme Court a notice of appeal and serving a copy of the same on the board of professional discipline and a copy on any adverse party or his or her attorney of record in the proceedings if there be any such party or attorney. Such notice shall briefly describe such order or ruling appealed and state the intention of the party to appeal therefrom.

(f) At the time of serving the notice, as aforesaid, or within five (5) days thereafter, the appellant may file with the board of professional discipline, a praecipe on appeal, specifying such records, proceedings, transcript of stenographic or machine report of the testimony introduced before the board, and such files and exhibits as he desires to have certified to the Supreme Court, for consideration upon appeal.

(g) Within twenty (20) days after service of the notice of appeal, as aforesaid, the board of professional discipline shall certify three (3) copies of its records, proceedings, transcript of the stenographic or machine report of the testimony introduced at the hearing, if a hearing was had, or three (3) copies of a transcript of any other documentation that may pertain in the particular case, to the court, together with such files and exhibits as the appellant may desire to have certified and has designated, as specified above. Other parties, within twenty (20) days thereafter, may likewise specify any or all of the files, records and materials or transcripts before the board for inclusion in the record on appeal, whereupon the same shall be included as if originally specified in the appellant's papers, as provided above. For good cause the Supreme Court may, ex parte, grant reasonable enlargements of the times specified in this subsection.

(h) The appeal shall be deemed perfected when such records, pro-
ceedings and transcripts shall have been filed with the clerk of the Supreme Court. There shall be no transcript fee charged or collected on account of any such appeal.

(i) In addition to preparing and filing in the Supreme Court the copies of the records, proceedings and transcript, as provided above, the board of professional discipline shall cause to be prepared two (2) further and additional copies thereof and transmit and deliver one (1) such copy to the appellant and the other to the adversary party or parties, if any, at or about the same time as the record of proceedings is filed with the Supreme Court.

(j) Such appeal shall not operate as a stay of any order or ruling appealed unless, as respects any temporary or interim order appealed, the Supreme Court specially so orders on the basis of a special hearing thereon having been first duly noticed and held, and then only if the court determines that the interests of justice and the public health require that such a stay be imposed.

(k) Upon hearing, the court may affirm or set aside such order or ruling, if the same be found contrary to law or it may set the same aside upon the ground:

1. Said board's findings of fact are not based upon any substantial competent evidence;
2. Said board has acted without jurisdiction or in excess of its powers;
3. The findings of fact, order or ruling were procured by fraud; or
4. The findings of fact do not as a matter of law support the order or ruling appealed from.

(l) Except as herein expressly provided, no court of this state shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend or annul any order or award of the board of professional discipline, to suspend or delay the carrying out or operation thereof, or to enjoin, restrain or interfere with said board in the performance of its duties under this act.

(14) Protected Action and Communication. There shall be no liability on the part of and no action for damages against:

(a) Any member of the board of professional discipline or the staff or officials thereof for any action undertaken or performed within the scope of the functions of said board or this act; or
(b) Any person providing information or testimony to the said board or its staff or officials.

SECTION 66. That Section 54-1908, Idaho Code, be, and the same is hereby amended to read as follows:

54-1908. MEETINGS -- QUORUM. The board shall hold not less than four (4) regular meetings each year, on a day not later than the fifteenth day of the month in each of the months of January, April, July and October, for the purpose of transacting such business as may properly come before it. At the April meeting of each year the board shall elect officers. Special or regular monthly meetings of the board may be held at such times as the board may provide in the by-laws. Three
(3) members of the board shall constitute a quorum. Two (2) members of the board may call a special meeting at any time. Due notice of each meeting of the board and the time and place thereof shall be given each member in the manner prescribed in the by-laws. Each member of the board shall receive compensation of $25.00 per day and be reimbursed for his traveling and other expenses actually and necessarily incurred while in the performance of his official duties; not exceeding in the aggregate $5,000 in any one (1) year for all members; such per diem and expenses be compensated as provided by section 59-509(f), Idaho Code, to be allowed and paid from the public works contractors license fund, as hereinafter provided in this act.

SECTION 67. That Section 54-2027, Idaho Code, be, and the same is hereby amended to read as follows:

54-2027. COMPENSATION, POWERS AND DUTIES OF COMMISSION. Members shall be paid their actual and necessary expenses incurred in the performance of their duties and in addition a per diem allowance to each member of twenty-five dollars ($25.00) for each day in which such member shall perform service compensated as provided by section 59-509(f), Idaho Code.

The commission shall conduct or cause to be conducted examinations at a place or places within the state of Idaho fixed by the commission to determine the competency of applicants for license. No license shall be issued by the commission until a majority thereof has reported favorably thereon.

The commission is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations as shall by it be deemed necessary for administering and enforcing the provisions of this act. The commission may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

SECTION 68. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. 1. A board of veterinary medicine which shall consist of four (4) members to be appointed by the governor, is hereby created in the department of self-governing agencies. Each of the four (4) appointive members shall serve a term of four (4) years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year.

Members of the state board of veterinary medical examiners appointed under the chapter which this act replaces may continue as members of the board until the expiration of the term for which they were appointed. Whenever the occasion arises for an appointment under this section, the state Veterinary Medical Association may nominate three (3) or more qualified persons and forward the nomination to the
governor at least thirty (30) days before the date set for the appointment. The governor may appoint one (1) of the persons so nominated. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive four (4) year terms, but a person appointed for a term of less than four (4) years may succeed himself. A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years preceding the time of his appointment. No person may serve on the board who is, or was, during the two (2) years preceding his appointment, a member of the faculty, trustees or advisory board of a veterinary school.

Each member of the board shall be paid thirty-five dollars ($35.00) for each day or substantial portion thereof he is engaged in the work of the board; in addition to such reimbursement for travel and other expenses as is normally allowed to state employees compensated as provided by section 59-509(g), Idaho Code. Any member of the board may be removed by the governor after a hearing by the board determines cause for removal.

2. The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

3. At its annual meeting, the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as a chairman of board meetings.

4. All revenues received under this act shall be paid to the bureau of occupational licenses for deposit in the occupational licenses fund, and shall be subject to and administered in accordance with the provisions of this chapter.

5. The board shall have the power to:
(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
(b) Issue, renew, deny, suspend or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of the act and the rules and regulations adopted hereunder.
(c) Establish and publish annually a schedule of fees for licensing and registration of veterinarians.
(d) Conduct investigations for the purpose of discovering violations of this act or grounds for disciplining licensed veterinar-
ians.
(e) Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evi­
dence, make the necessary determinations, and enter orders consis­
tent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one or more of its members to serve as its hearing officer or use the hearing officer of the bureau of occupational licenses.
(f) Employ full-time or part-time personnel, professional, cler­
ical or special, necessary to effectuate the provision of this act and purchase or rent necessary office space, equipment and sup­
plies.
(g) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.
(h) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto.
(i) Adopt, amend, or repeal all rules necessary for its govern­
ment and all regulations necessary to carry into effect the provi­
sions of this act pursuant to the Idaho Administrative Procedure Act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the prac­
tice of veterinary medicine.
(j) By written agreement, authorize the bureau of occupational licenses as agent to act in its interest.
The powers enumerated above are granted for the purpose of enabl­
ing the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objec­
tive.

SECTION 69. That Section 54-2304, Idaho Code, be, and the same is hereby amended to read as follows:

54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is hereby created in the department of self-governing agencies, an Idaho state board of psychologist examiners as follows:
(a) Said board shall consist of three (3) members who are citi­zens of the United States, residents of the state of Idaho, and appointed by the governor within thirty (30) days after July 1, 1963, to serve the following terms: one (1) member for a term ending July 30, 1964; one (1) member for a term ending June 30, 1965; one (1) member for term ending June 30, 1966.
(b) Each board member shall be licensed under this act, except that members comprising the board as first appointed shall be persons who have rendered services, teaching, training or research in psychol­ogy for at least five (5) years and who have held a doctoral degree in psychology or closely related field from an accredited school for a period of three (3) years.
(c) When the term of each member of the board ends, the governor
shall appoint his successor for a term of three (3) years from a list of eligible candidates for board membership submitted to the governor by the president of the Idaho psychological association. Any vacancy occurring on the board shall be filled by the governor, from a list of all eligible candidates for board membership, by appointment for the unexpired term. The governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(d) At all times, the board shall have at least one (1) member who is engaged primarily in rendering services in psychology and at least one (1) member who is engaged primarily in teaching, training, or research in psychology.

(e) No board member shall serve more than two (2) consecutive terms.

(f) Each board member shall receive actual necessary traveling expenses and a per diem allowance of twenty-five dollars ($25.00) for each day actually engaged in board meetings as provided by section 59-509(f), Idaho Code.

(g) The board shall within sixty (60) days after the effective date of this act, and annually thereafter in the month of July, hold a meeting, and elect a chairman and vice chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

SECTION 70. That Section 54-2405, Idaho Code, be, and the same is hereby amended to read as follows:

54-2405. STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS -- POWERS -- PROCEDURES TO BE FOLLOWED -- FUNCTIONS -- PAYMENT OF EXPENSES OF BOARD MEMBERS. The members of the board shall, as soon as appointed, organize and annually thereafter in the month of June elect from their number a chairman, and chief of the bureau of occupational licenses or his duly appointed representative shall act as secretary and treasurer to the board.

The board, by written agreement, may authorize the bureau of occupational licenses as agent to act in its interest.

The board shall make and adopt all necessary rules not inconsistent with this act, the laws of this state or of the United States of America, whereby to perform the duties and to transact the business required under the provisions of this act, and shall hold at least two (2) meetings each year to receive and review applications for registration as environmental health specialists, hold interviews, prepare and approve reports and transact such other business as may be necessary to carry out the provisions of this act. Two (2) members of the board shall constitute a quorum and special meetings of the board shall be called by the secretary upon written request of any two (2) members; all meetings shall be open to any registered environmental
health specialist and to others who have interest in the board's work. The members of the board shall receive traveling expenses; a per-diem allowance not to exceed thirty-five dollars (§35-00) per day for each day--actually--engaged--in--official-board-meetings; provided; that no funds shall be disbursed for such purposes without the approval of the board; and; provided; further; that approval and payment of claims--for travel;--per-diem--expenses;--or-for-any-other-purposes;--shall--be--compensated as provided by section 59-509(g), Idaho Code, subject to availability of funds collected under the provisions of this act. Funds collected under the provisions of the act shall be used to pay the expenses of the board and for such other proper purposes approved by the board which will improve the professional status of environmental health specialists registered under the provisions of this act.

SECTION 71. 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-thirty-five dollars (§35-00) per day,--for--each--day--while--in--attendance--at--official business of the commission be compensated as provided by section 59-509(g), Idaho Code. 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.

SECTION 72. That Section 54-2805, Idaho Code, be, and the same is hereby amended to read as follows:

54-2805. COMPENSATION FOR BOARD MEMBERS. Each member of the board shall receive--as--compensation--for--his--services--such--sum--as--the--board shall--from--time--to--time--fix;--but--not--exceeding--twenty-five--dollars (§25-00)--for--each--day--actually--spent--in--attending--to--the--work--of--the board--or--any--of--its--committees--and--for--the--time--spent--in--necessary travel;--and;--in--addition--thereto;--he--shall--be--reimbursed--within--legal limitations--for--all--actual--travel;--incidentals--and--eierials--expense necessarily--incurred--in--carrying--out--the--provisions--of--this--act be compensated as provided by section 59-509(f), Idaho Code.

SECTION 73. That Section 54-2915, Idaho Code, be, and the same is hereby amended to read as follows:

54-2915. BOARD OF HEARING AID DEALERS AND FITTERS. (a) There
shall be established in the department of self-governing agencies a board of hearing aid dealers and fitters which shall exercise such functions as may be required under the act.

(b) Members of the board shall be residents of the state. The board shall consist of three (3) hearing aid dealers and fitters, one (1) otolaryngologist or otologist, and one (1) audiologist holding the certificate of clinical competence. Each hearing aid dealer and fitter on the board shall have no less than two (2) years of experience and hold a valid license as a hearing aid dealer and fitter, as provided under this act. Exception shall be the hearing aid dealers and fitters of the first board appointed, who shall have no less than five (5) years of experience and shall fulfill all qualifications for licensure as provided by section 54-2905, Idaho Code.

(c) The members of the board shall be appointed by the governor to serve at his pleasure. Within thirty (30) days after July 1, 1971, the governor shall select three (3) members who are hearing aid dealers and fitters from a list of nine (9) persons recommended by the Idaho hearing aid dealers association; one (1) member who is either an otolaryngologist or an otologist from a list of three (3) persons recommended by the Idaho medical association; and one (1) member who is an audiologist from a list of three (3) persons recommended by the Idaho speech and hearing association.

The members of the board shall be appointed to serve the following terms: one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1972; one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1973; one (1) member who is a hearing aid dealer and fitter shall serve for a term ending July 30, 1974; one (1) member who is an otolaryngologist or otologist shall serve for a term ending July 30, 1973; and one (1) member who is an audiologist shall serve for a term ending July 30, 1974. Upon the expiration of the term of any member, the governor shall appoint a successor for a term of three (3) years. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

The members of the board shall annually designate one (1) member to serve as chairman, another to serve as vice chairman and another to serve as secretary. No member of the board who has served two (2) consecutive terms may be reappointed to the board for at least one (1) year following the expiration of his term of office.

(d) Members of the board shall serve without remuneration but shall receive reimbursement for actual and necessary travel and other expenses; reimbursement to be paid from appropriations made for this purpose; Expenses of members shall not exceed the limit established by standard travel regulations of the department of administration in effect at the time of the expenditures be compensated as provided by section 59-509(b), Idaho Code.

SECTION 74. That Section 54-3003, Idaho Code, be, and the same is hereby amended to read as follows:

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- CERTIFICATES
OF REGISTRATION -- FEES -- RECIPROCITY -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL.

(a) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture for hire, shall be required to submit evidence that he is qualified to so practice and shall be registered under the provisions of this act.

(b) Qualifications. For license as a landscape architect, evidence must be submitted to the board that the applicant:

(1) is eighteen (18) years of age or older;
(2) has, before admission to the examination, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. He shall also submit, before admission to the examination, evidence of actual practical experience in landscape architectural work of grade and character satisfactory to the board. Each complete year of study in such approved college or school of landscape architecture may be accepted in lieu of one (1) year of such experience, and the applicant must submit evidence of sufficient additional acceptable experience to total four (4) years of combined education and experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least four (4) years of actual, practical experience in landscape architectural work of a grade and character satisfactory to the board.

(c) Examinations. Examinations for the license shall be held by the board at least once each year, provided that applications shall have been received during the time announced. The board shall adopt rules and regulations covering the subjects and scope of the examinations at the times designated. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify, and supervise the installation of landscape projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(d) The board. There is hereby created in the department of self-governing agencies an Idaho state board of landscape architects. The board shall consist of three (3) landscape architects. Members of the board shall be appointed by the governor and must be residents of this state, have the qualifications of landscape architects required by this act, and after the initial board is organized be licensed hereunder. The terms of the members of the board first appointed shall expire as follows:

Two (2) members two (2) years later, one (1) member three (3) years later. Thereafter, appointments shall be for four (4) year terms. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term. No member shall serve more than eight (8) consecutive years. The board may by written agreement authorize the bureau of
occupational licenses to act as agent in its interest, and shall have
the power to make such rules and regulations as shall be necessary in
the performance of its duties. The board shall elect, at its first
meeting of every calendar year, from its members, a president, and a
secretary who may or may not be a member of the board. The secretary
shall hold such office at the pleasure of the board and shall receive
a salary fixed by the board. In carrying out the provisions of this
act, all members of the board shall receive reimbursement
for travel and other expenses as provided by law and shall be compensated as
provided by section 59-509(b), Idaho Code. Payment of travel and other
expenses shall be made from the occupational licenses fund.

(e) Revenue. Certificates of registration shall expire on the
last day of June following their issuance or renewal. Renewal may be
affected during the month of June by payment to the board of the
required fee.

(1) In case any registrant fails to pay the renewal fee before
thirty (30) days after the due date, the renewal fee shall be the
current fee plus an amount set by the board; provided, that any
registrant in good standing, upon fully retiring from landscape
architectural practice, may withdraw from practice by giving written
notice to the board and may thereafter resume practice at any
time upon payment of the then current renewal fee. Any registrant,
other than a properly withdrawn licensee, who fails to renew his
registration for a period of one (1) year may be reinstated only
on reexamination as is required for new registrants, or reciprocity.
The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

(2) Amounts. The amount of fees shall be as determined by the
board within the following stated limits:

(A) The application fee for investigation not to exceed
fifty dollars ($50.00).
(B) The fee for examination not to exceed fifty dollars
($50.00).
(C) The fee for an original certificate not to exceed thirty
dollars ($30.00).
(D) The fee for a duplicate certificate not to exceed twenty
dollars ($20.00).
(E) The annual license fee not to exceed eighty dollars
($80.00).

(3) Refund. Fees shall be nonrefundable.

(4) Deposit. All fees received under the provisions of this act
shall be deposited in the state treasury to the credit of the
occupational licenses fund and all costs and expenses incurred by
the board under the provisions of this act shall be a charge
against and paid from said fund for such purposes, and the funds
collected hereunder shall be immediately available for the admin-
istration of this act, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be
obligated to pay any claims which in aggregate with claims already
paid exceed the income to the occupational licenses fund which has
been derived by the application of this act.
(5) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this act.

(f) Reciprocal provisions. The board may certify for registration without examination an applicant who is legally registered as a landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state and which extends the same privilege of reciprocity to landscape architects registered in this state.

(g) Exemptions. (1) None of the provisions of this act shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(2) None of the provisions of this act shall apply to the business conducted in this state by any horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that he is a registered landscape architect unless he is registered as provided in this act.

(3) This act shall not apply to architects, professional engineers, geologists, and land surveyors, licensed to practice their respective professions.

(h) Act applies to natural persons only.

(1) All certificates of registration shall be issued to natural persons only but nothing contained in this act shall prevent a duly registered landscape architect from performing his services for a corporation, firm, partnership, or association.

(2) Partners. Each partner in a partnership of landscape architects shall be registered to practice. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(A) The names of two (2) or more landscape architects.

(B) The names of one (1) or more landscape architects and one (1) or more professional engineers, architects, or planners.

(3) Any person applying to the licensing official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such licensing official satisfactory evidence under the seal of the board and the hand of its secretary that such applicant possesses a current registration. The license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(i) Qualifications for practice--seal:

(1) No person shall use the designation "landscape architect" or "landscape architecture," or advertise any title or description
tending to convey the impression that he is a landscape architect, 
or practicing landscape architecture, unless such person is a 
registered landscape architect. Every holder of a registration 
shall display it in his principal office, place of business, or 
place of employment.

(2) Every landscape architect shall have a seal approved by the 
board, which shall contain the name of the landscape architect and 
the words "Registered Landscape Architect, State of Idaho," and 
such other words or figures as the board may deem necessary and 
prescribe. All drawings and title pages of specifications, pre-
pared by such landscape architect or under the supervision of such 
landscape architect, shall be stamped with the aforesaid seal. 
Nothing contained herein shall be construed to permit the seal of 
a landscape architect to serve as a substitute for the seal of a 
licensed architect, a licensed professional engineer or a licensed 
land surveyor.

SECTION 75. That Section 54-3106, Idaho Code, be, and the same is 
hereby amended to read as follows:

54-3106. ORGANIZATION OF BOARD -- MEETINGS -- QUORUM -- COMPEN-
sation. (a) The board shall organize by the election of one (1) of its 
members as president, one (1) of its members as secretary and one (1) 
of its members as treasurer; provided that the offices of secretary 
and treasurer may be held by one (1) person. Officers of the board 
shall be elected for terms of one (1) year at the annual meeting of 
the board, but the same person may not hold the office of president 
more than three (3) years in succession.

(b) The board shall meet at least annually to conduct its busi-
ness and perform its duties, and shall meet at such other times as 
designated by the president or by request of two (2) or more members 
of the board.

(c) A majority of the board shall constitute a quorum for all 
purposes and the majority vote of the members voting shall constitute 
the action of the board.

(d) The secretary of the board shall keep a complete record of 
all of its proceedings.

(e) Members of the board shall serve without compensation but 
shall be reimbursed their actual travel and other necessary expenses 
inured in attending meetings of the board or for performing duties 
prescribed by this act and approved by the board be compensated as 
provided by section 59-509(b), Idaho Code.

SECTION 76. That Section 54-3203, Idaho Code, be, and the same is 
hereby amended to read as follows:

54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- 
APPOINTMENTS -- TERMS. (1) A state board of social work examiners is 
hereby created and made a part of the department of self-governing 
agencies. It shall be the duty of the board to administer the provi-
sions of this act pursuant to the provisions of chapters 26 and 52,
title 67, Idaho Code. The board shall consist of five (5) members, three (3) of which shall be certified social workers, and two (2) of which shall be social workers. Board members shall be appointed by the governor after reviewing and considering a list of three (3) nominees for each position to be filled, submitted to him by the executive board of the Idaho chapter of the National Association of Social Workers. The board shall be appointed within thirty (30) days after the effective date of this act for terms beginning on the effective date of this act, and shall serve the following terms commencing upon appointment: one (1) shall be appointed for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; one (1) for a term of four (4) years; and one (1) for a term of five (5) years. Thereafter all terms shall be for a period of five (5) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired term after reviewing and considering a list of three (3) nominees supplied by the executive board of the Idaho chapter of the National Association of Social Workers.

(2) All members of the board shall be citizens of the United States, residents of the state of Idaho, and shall be eligible for licensing as provided by this act.

(3) The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by a majority vote of the members of the board, a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(4) Each member of the board shall be reimbursed for actual travel and incidental and clerical expenses necessarily incurred while actually engaged in the services of the board compensated as provided by section 59-509(b), Idaho Code.

SECTION 77. That Section 57-719, Idaho Code, be, and the same is hereby amended to read as follows:

57-719. BOARD -- APPOINTMENT OF MEMBERS -- TERM -- REMOVAL -- VACANCIES -- ORGANIZATION -- QUORUM -- MEETINGS -- COMPENSATION. The members of the board appointed by the governor shall serve for terms of four (4) years, provided that for the first term the governor shall appoint three (3) members who shall serve for a term of two (2) years, two (2) members who shall serve for a term of three (3) years, and two (2) members who shall serve for a term of four (4) years. Members of the board shall serve until their successors have been selected and qualified.

A member of the board appointed by the governor shall not hold an office, position, or employment in a political party, with the exception of those members from the house of representatives and the senate. An appointed member may be removed from the board for cause by a two-thirds (2/3) vote of the full board.

A vacancy in the appointive membership of the board during a term
thereof shall be filled by appointment by the governor for the unexpired term.

There shall be a chairman of the board elected by a majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business.

The meetings of the board shall be held quarterly at the state capitol in Boise and at other times upon the call of the chairman or a majority of the board. The board members appointed hereunder shall be paid the sum of thirty-five dollars ($35.00) for each day spent on-board-business-and-their-necessary-travel-and-living-expenses-incident-to compensated as provided by section 59-509(g), Idaho Code, for attending meetings of the board.

SECTION 78. That Section 59-1326, Idaho Code, be, and the same is hereby amended to read as follows:

59-1326. RETIREMENT BOARD -- APPOINTMENT. (1) There is hereby created in the office of the governor a governing authority of the system to consist of a board of five (5) persons known as the retirement board. Each member of the board shall be appointed by the governor to serve a term of five (5) years. The governor shall designate one (1) member of the board to serve as chairman.

(2) Two (2) board members shall be appointed from among active members having at least ten (10) years of credited service.

(3) Three (3) board members shall be appointed from among Idaho citizens who are not members of the system except by reason of having served on the board.

(4) Members of the board shall receive an honorarium of thirty-five dollars ($35.00) for each day the board is in session; or on official business authorized by the board, notwithstanding any provision of law to the contrary; plus an allowance for expenses they may incur through service on the board be compensated as provided by section 59-509(g), Idaho Code. These allowances shall be paid from the administration account of the fund.

(5) A board member shall serve until his successor qualifies. Each board member shall be entitled to one (1) vote, and three (3) board members shall constitute a quorum. Three (3) votes shall be necessary for resolution or action by the board at any meeting except as otherwise provided in this act.

(6) The board shall hold regular meetings and shall hold special meetings at such times and at such places as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of all its proceedings.

SECTION 79. That Section 63-3804, Idaho Code, be, and the same is hereby amended to read as follows:

63-3804. COMPENSATION. Each member of the board shall receive fifty dollars ($50.00) per day for time spent in performance of his duties. He shall also receive reimbursement for travel and other expenses as provided by law be compensated as provided by section
SECTION 80. That Section 65-206, Idaho Code, be, and the same is hereby amended to read as follows:

65-206. COMPENSATION AND TRAVELING EXPENSES OF COMMISSIONERS. The members of said commission shall receive compensation of twenty-five dollars ($25.00) per day for each day while in attendance at official meetings of the commission and while on official business authorized by said commission. The traveling expenses of the members of the commission and its employees, when traveling in performance of official duty, and other necessary expenses incurred in the performance of duty, shall be paid upon the same basis and in the same manner as the expenses of other state employees are paid; provided, however, no member of said commission shall receive per diem compensation in excess of $75.00 per fiscal year be compensated as provided by section 59-509(f), Idaho Code.

SECTION 81. That Section 67-406a, Idaho Code, be, and the same is hereby amended to read as follows:

67-406a. CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION -- MEMBERS -- APPOINTMENT -- TERMS -- ELECTION OF CHAIRMAN. There is hereby established the citizens' committee on legislative compensation, to consist of three (3) members appointed by the governor and three (3) members appointed by the Supreme Court. Members of the committee shall be residents of the state of Idaho and shall be appointed from the public and without regard to political affiliation. No one may be appointed to the committee who is an official or employee of the state of Idaho or any department, agency, or political subdivision thereof or who is an official or employee of any county, municipality or other unit of local government or of any agency or institution to which any state funds are appropriated.

Of the members of the committee first to be appointed, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of two (2) years, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of three (3) years, and one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of four (4) years, commencing July 1, 1967. Thereafter, all members of the committee shall be appointed for a four (4) year term, commencing July 1st. Vacancies shall be filled in the same manner as the original appointments and for the balance of the unexpired term.

The committee shall elect one (1) of its members chairman, and members of the committee shall be reimbursed for actual and necessary expenses incurred while performing the duties imposed by this act compensated as provided by section 59-509(b), Idaho Code, which expenses shall be paid from the moneys appropriated for the operation of the legislature.

SECTION 82. That Section 67-4125, Idaho Code, be, and the same is
hereby amended to read as follows:

67-4125. BOARD MEETINGS -- OFFICERS -- QUORUM -- EXPENSES. The board shall hold such meetings as may be necessary for the orderly conduct of its business, with at least one (1) meeting in each calendar quarter, and from time to time on seventy-two (72) hours' notice of the chairman or of a majority of the members. At the first meeting of the board, and every two (2) years thereafter, the members of the board shall select a chairman and a vice chairman. Three (3) members shall be necessary to constitute a quorum at any meeting and action of the majority of members present shall be the action of the board.

The members of the board of trustees of the society shall not receive compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the board be compensated as provided by section 59-509(f), Idaho Code.

SECTION 83. That Section 67-4221, Idaho Code, be, and the same is hereby amended to read as follows:

67-4221. PARK AND RECREATION BOARD -- MEMBERS -- APPOINTMENT -- TERMS -- HONORARIUMS AND EXPENSES -- MEETINGS AND QUORUMS -- REMOVAL OF MEMBERS. (a) There is hereby created a governing authority of the department to consist of a board of six (6) persons to be known as the "park and recreation board." Each member of the board shall be appointed by the governor of the state of Idaho, with the advice and consent of the senate, to serve a term of six (6) years, except the terms of the initial appointees shall commence on the date of appointment and shall be of staggered lengths so that a term of one (1) member will expire annually. Each member of the board shall be a qualified elector of the state. One (1) member of the board shall be appointed from each of the six (6) districts hereinafter created. Not more than three (3) members of the board shall be from any one (1) political party.

(b) For the purposes of this act, the state of Idaho is divided into six (6) districts, numbered from one (1) to six (6) as follows:

- District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Benewah and Shoshone.
- District No. 2 shall consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho.
- District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee.
- District No. 4 shall consist of the counties of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia.
- District No. 5 shall consist of the counties of Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.
- District No. 6 shall consist of the counties of Lemhi, Custer, Clark, Fremont, Butte, Jefferson, Madison, Teton and Bonneville.

(c) The members of the board shall receive an honorarium of twenty-five-dollars-($25.00) for each day the board actually spent in the discharge of the official duties or work of the board; notwith-
standing any laws to the contrary plus an allowance for expenses they may incur in carrying out their duties be compensated as provided by section 59-509(g), Idaho Code.

(d) Each board member shall be entitled to one (1) vote and a majority of the members of the board shall constitute a quorum. The board shall hold regular meetings at least once each three (3) months and shall hold special meetings at such times as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of its proceedings.

(e) A member of the board may be removed for inefficiency, neglect of duty, misconduct in office or if he is no longer a resident of the district from which he was appointed.

(f) This section shall be exempt from the provisions of section 59-102, Idaho Code.

SECTION 84. That Section 67-4401, Idaho Code, be, and the same is hereby amended to read as follows:

67-4401. MANAGEMENT AND CONTROL. All right to the operation, management and control, and to the maintenance and improvement of the lands and property belonging to the state of Idaho situated within and near the city of Lava Hot Springs, in Bannock County, state of Idaho, hereinafter more particularly described is hereby vested in the Lava Hot Springs Foundation which shall be an agency within the department of parks and recreation. Said foundation shall consist of three (3) members who shall be appointed by the governor and who shall hold office for a term of six (6) years, save and except the first members who shall be appointed by the governor as follows: one (1) to be appointed for a term of six (6) years, one (1) to be appointed for a term of four (4) years and one (1) to be appointed for a term of two (2) years, and thereafter as their terms expire the governor to appoint their successors for terms of six (6) years. The said members to receive their actual expenses while travelling to or meeting for the purposes of the foundation and a per diem of thirty-five dollars ($35.00) while actually engaged in the business of the foundation shall be compensated as provided by section 59-509(g), Idaho Code. The said foundation shall not receive any property from, nor operate any school, college or institution of learning.

SECTION 85. That Section 67-4704, Idaho Code, be, and the same is hereby amended to read as follows:

67-4704. DEVELOPMENT AND PUBLICITY COUNCIL -- APPOINTMENT OF MEMBERS -- QUALIFICATIONS. There shall be a development and publicity council in the division of tourism and industrial development to advise with the division in the preparation and execution of plans, projects and programs in furtherance of the power and duties conferred on the division by section 67-4703, Idaho Code, which council may be divided into such subcouncils with such duties as may be deemed necessary and desirable by the administrator, with the advice and consent of the governor. The development and publicity council shall consist
of seven (7) persons, who shall be appointed by the governor, and who shall serve at his pleasure, without-pay,-but-who-shall-receive-allowance-for-actual-and-necessary-expenses-incurred-in-the-performance-of their--duties--in-the--same-manner-as-other-employees-of-the-state-of Idaho and shall be compensated as provided by section 59-509(b), Idaho Code. The persons appointed to such councils shall represent the several geographical areas, and the several economic groups of the state. Membership shall be divided between political parties.

SECTION 86. That Section 67-5004, Idaho Code, be, and the same is hereby amended to read as follows:

67-5004. STATE ADVISORY COUNCIL CREATED -- MEMBERSHIP. There is hereby created a state aging advisory council in the office to advise in the preparation and execution of plans, projects, and programs in furtherance of the powers and duties conferred on the office by this act. The council shall consist of seventeen (17) members, each of whom is at least sixty (60) years of age. A minimum of twelve (12) members shall be representatives elected from the local advisory councils in a manner to assure representation from all geographic areas of the state. The additional members shall be appointed by the administrator of the Idaho office on aging, as representatives of public and community interest groups. Membership of the council shall be for two (2) year terms. Members shall serve-without-compensation; however, they shall receive-allowances-for-expenses-incurred-in-the--performance-of their--duties--in-the--same-manner-as-other-employees-of-the-state be compensated as provided by section 59-509(b), Idaho Code.

SECTION 87. That Section 67-5307, Idaho Code, be, and the same is hereby amended to read as follows:

67-5307. ORGANIZATION OF COMMISSION. (1) The Idaho personnel commission created by this act shall consist of five (5) members, not more than three (3) of which at any time may belong to the same political party. The members of the commission shall be appointed by the governor on the basis of experience in personnel management, business or governmental management and their known sympathy with merit principles for the impartial selection of efficient state government employees; provided, however, that at least two (2) of the members shall have had at least five (5) years of personnel management experience.

(2) Members of the commission shall be appointed for overlapping terms of six (6) years, except that in the first instance one (1) member shall be appointed for two (2) years, one (1) member for four (4) years and one (1) member for six (6) years. Initial members shall be appointed to take office within thirty (30) days after the effective date March 29, 1965 of this act. The members of the personnel commission serving on the effective date March 27, 1975 of this act shall continue in office subject to the provisions of this act. The additional members of the commission shall be appointed one (1) for four (4) years and one (1) for six (6) years, the term of each to be
designated by the governor. Their successors shall be appointed for terms of six (6) years. If, for any reason, a member should leave the commission before his term expires, the governor shall appoint another member to fill out the unexpired term.

(3) No member of the commission shall hold political office or be an officer of a political organization during his term, nor shall any member have held political office or have been an officer of a political organization during the twelve (12) months preceding his appointment. No member of the commission shall have been employed as an official or employee of the state of Idaho during the twelve (12) months preceding his appointment, nor be so employed during his term. At its first meeting the commission shall elect one (1) of the members as chairman. Thereafter, the chairman shall be elected during the first meeting of each calendar year.

(4) Any department aggrieved by any action or inaction of the commission shall be afforded an opportunity for a hearing before the commission upon request therefor in writing. Minutes or summary of the proceedings of all hearings shall be made and filed with the commission, together with findings of fact and conclusions of law made by the commission.

(5) The governor may remove a commissioner for inefficiency, neglect of duty or misconduct in office after first giving him a copy of charges against him and an opportunity to be heard publicly before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

(6) The commission shall meet at regularly scheduled intervals or on call of the chairman. Three (3) members shall constitute a quorum for the transaction of business. Members shall each be paid--an honorarium--of--twenty--five--dollars--($25.00)--per-day,--not-to-exceed sixty-(60)--days--in-any--calendar--year;--when-on-official-business--of-the commission--and--shall--be--reimbursed--for--ordinary--and--actual--travel expenses;--including--subsistence;--incurred-in-accordance-with-regula­tions-applicable-to-other-state-employees compensated as provided by section 59-509(h), Idaho Code.

SECTION 88. That Section 67-5404, Idaho Code, be, and the same is hereby amended to read as follows:

67-5404. COMPENSATION. Members of the commission shall receive-a salary-of-$25.00-per-day-for-each-day-they-are-actually-and--necessar­ily-engaged-in-the-transaction-of-business-of-the-commission;--together with--the--same-subistence-and-travel-expense-allowed-by-law-to-state employees be compensated as provided by section 59-509(f), Idaho Code.

SECTION 89. That Section 67-5603, Idaho Code, be, and the same is hereby amended to read as follows:

67-5603. TERMS OF MEMBERS -- APPOINTMENT OF OFFICERS -- SERVICE OF MEMBERS WITHOUT--PAY------EXPENSES -- COMPENSATION. The term of office of each member shall be four (4) years; provided, however that of the members appointed March, 1979, six (6) shall be appointed for
terms of two (2) years, and seven (7) for terms of four (4) years. The governor shall designate a chairman and a vice-chairman from the members of the commission to serve as such at the pleasure of the governor. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the commission shall not receive any compensation for their services; but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission at the rate allowed by law for state employees be compensated as provided by section 59-509(b), Idaho Code.

SECTION 90. That Section 67-5740, Idaho Code, be, and the same is hereby amended to read as follows:

67-5740. ADDITIONAL AUTHORITY AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING. (a) The administrator of the division of purchasing is authorized and empowered (1) to acquire from the United States of America under and in conformance with the provisions of section 203(j) [U.S.C., tit. 41, sec 203] of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as the "Act," such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes of education, public health or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law; (2) to warehouse such property; and (3) to distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under section 501(c)(3) [U.S.C., tit. 26, sec 501] of the United States Internal Revenue Code of 1954, to civil defense organizations of the state, or political subdivision and instrumentalities thereof, which are established pursuant to state law, and to such other types of institutions or activities as may now be or hereafter become eligible under federal law to acquire such property.

(b) The administrator is hereby authorized to receive applications from eligible institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting such applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under section 203(k) [U.S.C., tit. 41, sec 203(k)] of this act.

(c) For the purpose of executing its authority under this act, the administrator is authorized and empowered to adopt, amend, or rescind such rules and regulations and prescribe such requirements as may be deemed necessary and take such other action as is deemed neces-
sary and suitable, in the administration of this act, to assure maxi-
mum utilization by and benefit to health, educational and civil
defense and other eligible institutions and organizations within the
state from property distributed under this act.

(d) The administrator, subject to approval of the director of
administration, is authorized and empowered to appoint advisory boards
or committees, who shall be compensated as provided by section
59-509(b), Idaho Code, and to employ such personnel and to fix their
compensation and prescribe their duties, as are deemed necessary and
suitable for the administration of this act. Expenditures incurred
hereunder shall be paid as are other claims against the state.

(e) The administrator is authorized and empowered to make such
certifications, take such action, make such expenditures and enter
into such contracts, agreements and undertakings for and in the name
of the state (including cooperative agreements with any federal agen-
cies providing for utilization by and exchange between them of the
property, facilities, personnel and services of each by the other),
require such reports and make such investigations as may be required
by law or regulation of the United States of America in connection
with the disposal of real property and the receipt, warehousing, and
distribution of personal property received by him from the United
States of America; provided, that all expenditures, contracts, agree-
ments and undertakings for and in the name of the state shall have the
approval of the state board of examiners.

(f) The administrator is authorized and empowered to act as
clearing house of information for the public and private nonprofit
institutions, organizations and agencies referred to in subparagraph
(a), and other institutions eligible to acquire federal surplus real
property, to locate both real and personal property available for
acquisition from the United States of America, to ascertain the terms
and conditions under which such property may be obtained, to receive
requests from the above mentioned institutions, organizations and
agencies and to transmit to them all available information in refer-
ence to such property, and to aid and assist such institutions, orga-
nizations and agencies in every way possible in the consummation
of acquisitions or transactions hereunder.

(g) The administrator, in the administration of this act, shall
cooperate to the fullest extent consistent with the provisions of the
act, with the departments or agencies of the United States of
America and shall file a state plan of operation, operate in accordance there-
with, and take such action as may be necessary to meet the minimum
standard prescribed in accordance with the act, and make such reports
in such form and containing such information as the United States of
America or any of its departments or agencies may from time to time
require, and it shall comply with the laws of the United States of
America and the rules and regulations of any of the departments or
agencies of the United States of America governing the allocation,
transfer, use or accounting for, property donable or donated to the
state.

(h) The administrator, with approval of the board of examiners,
is authorized to contract with agencies of other states responsible
for the handling of surplus property for:

(1) The acquisition, warehousing, and distribution of surplus property on behalf of the state of Idaho and the delivery of surplus property within the state of Idaho; and

(2) The acquisition, warehousing, and distribution of surplus property on behalf of other states and the delivery of surplus property in other states; provided that any contract negotiated under the authority of this subparagraph (2) shall obligate the other states to pay the cost of the surplus property and the administrative costs incurred in the acquisition, warehousing, and distribution of the surplus property; and

(3) The furnishing of any services to the state of Idaho concerning the acquisition, warehousing, and distribution of surplus property, and the sorting, dividing into lots, crating, preparing for shipment, and any other handling of surplus property for the state of Idaho.

SECTION 91. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS. The commission shall annually select a president and vice president. Members shall each be paid an honorarium of twenty-five dollars ($25.00) per day, not to exceed sixty (60) days in any calendar year, when on official business of the commission and shall be reimbursed for ordinary and actual travel expenses, including subsistence, incurred in accordance with regulations applicable to other state employees compensated as provided by section 59-509(f), Idaho Code. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

SECTION 92. That Section 67-6003, Idaho Code, be, and the same is hereby amended to read as follows:

67-6003. MEMBERS SERVE-WITHOUT-PAY -- EXPENSES ALLOWED. The members of the commission shall serve without pay, but shall receive travel and subsistence expenses in amounts to be determined by the governor and the chairman, but not in excess of the amounts provided by the standard travel pay and allowance set forth in section 59-509(b), Idaho Code.

SECTION 93. That Section 67-6405, Idaho Code, be, and the same is hereby amended to read as follows:

67-6405. APPOINTMENT AND REMOVAL OF COMMISSIONERS. (a) The powers of the authority shall be vested in a board of seven (7) commissioners appointed by the governor for terms of five (5) years with advice and consent of a majority of the members of the senate. No commissioner appointed after January 1, 1978, shall also serve as a member of the permanent building council created in section 67-5710, Idaho Code. Of
the commissioners first appointed, two (2) commissioners shall serve for terms ending one (1) year from January first next succeeding the date of their appointment, two (2) commissioners shall serve for terms ending two (2) years from January first next succeeding their appointment and one (1) of the remaining three (3) commissioners shall serve for a term of three (3), four (4) and five (5) years, respectively. Any vacancies in the membership of the authority shall be filled in like manner but only for the remainder of an unexpired term. Each commissioner shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Any commissioner shall be eligible for reappointment.

(b) The commissioners shall elect from among their number a chairman and a vice-chairman annually and such other officers as it may determine. Meetings shall be held at the call of the chairman or whenever two (2) commissioners so request. Four (4) commissioners of the authority shall constitute a quorum and the affirmative vote of four (4) commissioners shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(c) Commissioners shall be compensated on-a-per-diem-basis-to-be determined--by-the--authority--not--in-excess-of-twenty-five-dollars ($25.00) for each day spent in the exercise of authority business—and shall--be-reimbursed-for-reasonable-expenses-incurred-in-carrying-out their-duties-under-this-set as provided by section 59-509(f), Idaho Code.

(d) For incompetency or neglect of duty or malfeasance in office, a commissioner of the authority may be removed from office by the governor in the manner provided by law.

Approved March 31, 1980.

CHAPTER 248
(S.B. No. 1469)

AN ACT

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, 1980, through June 30, 1981:

FOR:
Educational Programs \(\$79,893,700\)
FROM:
General Account \(\$69,996,200\)
Federal Endowment Funds \(211,800\)
State Endowment Accounts:
- Lewis-Clark Normal School Income Account \(614,400\)
- Idaho State University Income Account \(255,800\)
- Idaho State University Teacher Training Account \(617,500\)
- University of Idaho Income Account \(1,212,700\)
- Agricultural College Income Account \(473,100\)
- School of Science Income Account \(1,409,500\)
Miscellaneous Receipts Account \(5,102,700\)
TOTAL \(\$79,893,700\)

SECTION 2. There is hereby appropriated out of the account
enumerated to the State Board of Education for College of Southern
Idaho and North Idaho College the following amount, to be expended for
the designated purposes for the period July 1, 1980, through June 30,
1981:

FOR:
Emergency Funds for College of Southern Idaho \$ 100,000
Emergency Funds for North Idaho College 100,000
General Education Programs at College of Southern
Idaho and North Idaho College \(3,957,700\)
TOTAL \(\$4,157,700\)
FROM:
General Account \(\$4,157,700\)

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 Uni-
versity, Lewis-Clark State College and the University of Idaho the
following amounts, to be expended for designated programs for the
period July 1, 1980, through June 30, 1981:

FOR:
General Education Programs \(\$75,736,000\)
FROM:
General Account \(\$65,838,500\)
Federal Endowment Funds \(211,800\)
State Endowment Accounts:
- Lewis-Clark Normal School Income Account \(614,400\)
- Idaho State University Income Account \(255,800\)
- Idaho State University Teacher Training Account \(617,500\)
- University of Idaho Income Account \(1,212,700\)
- Agricultural College Income Account \(473,100\)
- School of Science Income Account \(1,409,500\)
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 1981 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

Approved March 31, 1980.

CHAPTER 249
(S.B. No. 1467)

AN ACT
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, 1980 THROUGH JUNE 30, 1981.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals the following amounts from the General Account, to be expended according to expense classes designated for the period July 1, 1980 through June 30, 1981.

<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><strong>TOTAL</strong></td>
<td><strong>FROM:</strong></td>
</tr>
</tbody>
</table>

Approved March 31, 1980.

CHAPTER 250
(S.B. No. 1472)

AN ACT
APPROPRIATING $5,870,200 FROM THE PERMANENT BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; APPROPRIATING $35,000 FROM THE PUBLIC BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE SPECIFIED; APPROPRIATING $26,000 FROM THE PUBLIC BUILDING ACCOUNT TO THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE SPECIFIED;
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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. DEPARTMENT OF ADMINISTRATION:</td>
<td>Life-Safety Code/Handicap Access Projects, Statewide</td>
<td>$1,075,000</td>
</tr>
<tr>
<td></td>
<td>Capitol Mall Development: Monitoring System and Geothermal Well Testing</td>
<td>400,000</td>
</tr>
<tr>
<td>B. DEPARTMENT OF CORRECTION:</td>
<td>Phase One of Cell Block</td>
<td>750,000</td>
</tr>
<tr>
<td></td>
<td>Remodel Idaho Security Medical Facility</td>
<td>125,000</td>
</tr>
<tr>
<td></td>
<td>Visiting Room/Control Center, Farm Dormitory Site</td>
<td>105,000</td>
</tr>
<tr>
<td>C. STATE BOARD OF EDUCATION:</td>
<td>Boise State University: Phase One, Arts and Humanities Center</td>
<td>2,500,000</td>
</tr>
<tr>
<td></td>
<td>College of Southern Idaho: Matching Funds, Vocational-Technical Building</td>
<td>500,000</td>
</tr>
<tr>
<td>D. DEPARTMENT OF HEALTH AND WELFARE:</td>
<td>Coeur d'Alene Laboratory Addition</td>
<td>138,200</td>
</tr>
<tr>
<td></td>
<td>Idaho Falls Laboratory</td>
<td>89,000</td>
</tr>
<tr>
<td>E. CONSTRUCTION CONTINGENCY:</td>
<td></td>
<td>4,000,000</td>
</tr>
</tbody>
</table>

REAPPROPRIATING MONEYS APPROPRIATED BY CHAPTER 276, LAWS OF 1965, FOR THE PURPOSE SPECIFIED; REAPPROPRIATING MONEYS APPROPRIATED BY CHAPTER 422, LAWS OF 1967, AND CHAPTER 457, LAWS OF 1969, FOR THE PURPOSE SPECIFIED; APPROPRIATING CERTAIN MONEYS APPROPRIATED IN THIS ACT IN THE EVENT THE WOMEN'S PRISON IS NOT LOCATED AT STATE HOSPITAL NORTH IN OROFINO; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN PROJECTS AT STATE HOSPITAL SOUTH; 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.
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.

<table>
<thead>
<tr>
<th>Contingency</th>
<th>188,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAND TOTAL</td>
<td>$5,870,200</td>
</tr>
</tbody>
</table>

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 sum of $35,000 for the recarpeting of the House Chambers.

SECTION 3. There is hereby appropriated from the Public Building Account to the House of Representatives the sum of $26,000 for renovation and repair of the House voting and electrical system.

SECTION 4. Of the moneys appropriated by Section 1, Chapter 276, Laws of 1965, to the Permanent Building Fund Advisory Council and the Department of Public Works for the State Youth Training Center to attach sewer lines to city sewer, the sum of $8,000 is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for repairs of the sewer system at the State Youth Services Center.

SECTION 5. Of the moneys appropriated by Section 1, Chapter 422, Laws of 1967, to the Permanent Building Fund Advisory Council and the Department of Public Works for the Idaho State Penitentiary, Ada County, and of the moneys appropriated by Section 1, Chapter 457, Laws of 1969, to the Permanent Building Fund Advisory Council and the Department of Public Works for the Idaho State Penitentiary, New Site, Boise, the sum of $36,200 is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for repairs to shower facilities at the Idaho State Penitentiary.

SECTION 6. In the event the Women's Prison is not located at State Hospital North in Orofino, the sum of $475,000, or so much thereof as may be necessary of the moneys appropriated in Section 1 of this act for Life-Safety Code/Handicap Access Projects is hereby appropriated for construction of a Women's Prison.

SECTION 7. It is legislative intent that the fire hydrant system, fire locator system, parapet wall repair and tree removal projects at State Hospital South shall be funded from moneys appropriated in Section 1 of this act for Life-Safety Code/Handicap Access Projects.

SECTION 8. 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 inten-
tion of the legislature that this authority be effective from the effective date of this act.

SECTION 9. 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 10. 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 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 31, 1980.

CHAPTER 251
(S.B. No. 1339)

AN ACT
RELATING TO INVESTIGATION OF CRIMINAL ACTIVITY; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1116, IDAHO CODE, TO PROVIDE FOR A SPECIAL INQUIRY JUDGE TO PRESIDE OVER INVESTIGATIONS OF CRIMINAL ACTIVITIES; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1117, IDAHO CODE, TO PROVIDE FOR A PETITION OF A SPECIAL INQUIRY JUDGE TO PRODUCE WITNESSES OR EVIDENCE CONCERNING CRIME OR CORRUPTION; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1118, IDAHO CODE, TO PROVIDE FOR THE DISQUALIFICATION OF A SPECIAL INQUIRY JUDGE FROM PRESIDING OVER CERTAIN SUBSEQUENT PROCEEDINGS; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1119, IDAHO CODE, TO PROVIDE FOR THE PARTICIPATION OF THE PROSECUTING ATTORNEY IN A SPECIAL INQUIRY PROCEEDING IN ANOTHER COUNTY; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1120, IDAHO CODE, TO PROVIDE FOR THE CALLING OF WITNESSES IN A SPECIAL INQUIRY PROCEEDING; AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1121, IDAHO CODE, TO PROVIDE FOR RIGHT TO COUNSEL FOR WITNESSES IN A SPECIAL INQUIRY PROCEEDING; AMENDING CHAPTER
11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1122, IDAHO CODE, TO PROVIDE FOR WITNESSES' REFUSAL TO TESTIFY OR GIVE EVIDENCE; AND AMENDING CHAPTER 11, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1123, IDAHO CODE, TO REQUIRE SECRECY OF PROCEEDINGS.

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

SECTION 1. That Chapter 11, 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 19-1116, Idaho Code, and to read as follows:

19-1116. SPECIAL INQUIRY JUDGE. Upon the petition by affidavit of a prosecuting attorney of any county of the state of Idaho for the appointment of a special inquiry judge to conduct an inquiry into the existence of suspected crime or corruption within his jurisdiction, the administrative district court judge of the judicial district wherein the county is situated, may designate a judge from the magistrate division of the district court to preside over said inquiry.

SECTION 2. That Chapter 11, 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 19-1117, Idaho Code, and to read as follows:

19-1117. SPECIAL INQUIRY JUDGE -- PETITION FOR ORDER. (1) When the prosecuting attorney of any county has reason to suspect crime or corruption, within his jurisdiction, and there is reason to suspect that there are persons who may be able to give material testimony or provide material evidence concerning such suspected crime or corruption, such attorney may issue subpoenas directed to such persons commanding them to appear at a designated time and place in said county before the special inquiry judge and to then and there answer such questions under oath concerning the suspected crime or corruption as may be asked by the prosecuting attorney or special inquiry judge.

(2) At any time after service of such subpoenas and before the return date thereof, the prosecuting attorney may apply to the special inquiry judge for an order vacating or modifying the subpoena on the grounds that such is in the public interest. Upon such application, the court may in its discretion vacate the subpoena, extend its return date, attach reasonable conditions to directions, or make such other qualification thereof as is appropriate.

(3) The proceedings to summon a person and compel him to testify or provide evidence shall as far as possible be the same as proceedings to summon witnesses and compel their attendance. Such persons shall receive only those fees paid witnesses in district court criminal trials.

SECTION 3. That Chapter 11, 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 19-1118, Idaho Code, and to read as follows:

19-1118. SPECIAL INQUIRY JUDGE -- DISQUALIFICATION FROM SUBSEQUENT PROCEEDINGS. The judge serving as a special inquiry judge shall be disqualified from acting as a magistrate or judge in any subsequent court proceeding arising from such inquiry except alleged contempt for neglect or refusal to appear, testify or provide evidence at such inquiry in response to an order, summons or subpoena.

SECTION 4. That Chapter 11, 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 19-1119, Idaho Code, and to read as follows:

19-1119. SPECIAL INQUIRY JUDGE -- DIRECTION TO PROSECUTING ATTORNEY TO PARTICIPATE IN PROCEEDINGS IN ANOTHER COUNTY -- PROCEDURE. Upon petition of a prosecuting attorney to the special inquiry judge that there is reason to suspect that there exists evidence of crime and corruption in another county, and with the concurrence of the special inquiry judge and prosecuting attorney of the other county, the special inquiry judge shall direct the prosecuting attorney of the initiating county to attend and participate in special inquiry judge proceedings in the other county held to inquire into crime and corruption which relates to crime or corruption under investigation in the initiating county. The proceedings of such special inquiry judge may be transcribed, certified and filed in the county of the initiating prosecuting attorney's jurisdiction at the expense of that county.

SECTION 5. That Chapter 11, 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 19-1120, Idaho Code, and to read as follows:

19-1120. WITNESSES -- ATTENDANCE. (1) A prosecuting attorney may call as a witness, in a special inquiry judge proceeding, any person suspected by him to possess information or knowledge relevant thereto and may issue legal process and subpoena to compel his attendance and the production of evidence.

(2) The special inquiry judge may cause to be called as a witness any person suspected by him to possess relevant information or knowledge. If the special inquiry judge desires to hear any such witness who was not called by a prosecuting attorney, it may direct the prosecuting attorney to issue and serve a subpoena upon such witness and the prosecuting attorney must comply with such direction.

SECTION 6. That Chapter 11, 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 19-1121, Idaho Code, and to read as follows:
19-1121. SELF-INCRIMINATION -- RIGHT TO COUNSEL. Any individual called to testify before a special inquiry judge, whether as a witness or principal, if not represented by an attorney appearing with the witness before the special inquiry judge, must be told of his privilege against self-incrimination. Such an individual must be informed that he has the right to have an attorney present to advise him as to his rights, obligations and duties before the special inquiry judge. Such attorney may be present as an observer and advisor during all proceedings, unless immunity has been granted pursuant to sections 19-1114, 19-1115 or 19-1122, Idaho Code. After immunity has been granted, such an individual may leave the special inquiry room to confer with his attorney.

SECTION 7. That Chapter 11, 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 19-1122, Idaho Code, and to read as follows:

19-1122. SELF-INCRIMINATION -- REFUSAL TO TESTIFY OR GIVE EVIDENCE -- PROCEDURE. If in any proceedings before a special inquiry judge, a person refuses, or indicates in advance a refusal, to testify or provide evidence of any other kind on the ground that he may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but none of the testimony nor evidence presented by the witness relative to the issue under investigation before the special inquiry judge, nor any information directly or indirectly derived from his testimony, can be used against him in any further criminal proceeding. He may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the special inquiry judge.

SECTION 8. That Chapter 11, 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 19-1123, Idaho Code, and to read as follows:

19-1123. SECRECY ENJOINED -- EXCEPTIONS -- USE AND AVAILABILITY OF EVIDENCE. (1) No individual, who is present during a special inquiry judge proceeding or who shall gain information with regard to said inquiry, shall disclose the testimony of a witness examined before the special inquiry judge or other evidence received by him, except such testimony or evidence may be disclosed in the following cases: when the district court requires disclosure of such testimony to determine whether it is consistent with testimony given by the
witness before district court; by a prosecuting attorney when communicating with any law enforcement officer; upon a charge against the witness for perjury in giving his testimony in the special inquiry judge proceeding or upon trial therefor; or when permitted by the district court in the furtherance of justice.

(2) The prosecuting attorney shall have access to all special inquiry judge evidence and may introduce such evidence before any grand jury or judicial proceeding in which the same may be relevant.

(3) Any witness testimony, given before a special inquiry judge and relevant to any subsequent proceeding against the witness, shall be made available to the witness upon proper application to the district court. The district court may also, upon proper application and upon a showing of good cause, make available to a defendant in a subsequent criminal proceeding other testimony or evidence when given or presented before a special inquiry judge, if the court finds that doing so is necessary to prevent an injustice and that there is no reason to believe that doing so would endanger the life or safety of any witness or his family. The cost of any such transcript made available shall be borne by the applicant.

Approved March 31, 1980.

CHAPTER 252
(S.B. No. 1324, As Amended in the House)

AN ACT
RELATING TO THE SALARIES OF JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO PROVIDE FOR THE SALARIES OF JUSTICES AND JUDGES.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. The salary of the justices of the Supreme Court shall be thirty-eight forty-three thousand dollars ($38,0043,000) per annum, and the salary of the judges of the district courts shall be thirty-five forty-one thousand dollars ($35,0041,000) per annum. Salaries of magistrates shall be as prescribed by section 1-2205(c), Idaho Code. Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the Supreme Court as due out of the state treasury, but no justice of the Supreme Court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved March 31, 1980.
CHAPTER 253
(H.B. No. 732)

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, 1980, 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, 1980, through the completion of the project.

FOR:
Personnel Costs $283,600
Operating Expenditures 342,200
TOTAL $625,800

FROM:
General Account $625,800

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 Repre-
sentatives and to the Joint Senate Finance-House Appropriations Committee on its program to assist the counties with property tax assessment.

Approved March 31, 1980.

CHAPTER 254
(H.B. No. 645)

AN ACT
RELATING TO ACCEPTANCE OF FEDERAL ACTS; AMENDING SECTION 33-2301, IDAHO CODE, TO INCLUDE REHABILITATION ACT AMENDMENTS OF 1978 IN THOSE ACTS ACCEPTED BY THE STATE OF IDAHO.

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

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


Approved March 31, 1980.

CHAPTER 255
(H.B. No. 741)

AN ACT
APPROPRIATING MONEYS FROM THE MOTOR VEHICLE ACCOUNT TO THE DEPARTMENT OF LAW ENFORCEMENT FOR THE DESIGNATED PURPOSE FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; AND EXPRESSING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Department of Law Enforcement from the Motor Vehicle Account the following amount for the purpose of funding four Motor Carrier auditors and related expenses, to be expended according to designated expense classes, for the period July 1, 1980, through June 30, 1981.
FOR:
Personnel Costs $98,800
Operating Expenditures 28,300
Capital Outlay 1,500
TOTAL $128,600
FROM:
Motor Vehicle Account $128,600

SECTION 2. It is legislative intent that the four Motor Carrier auditors funded through this appropriation shall generate not less than $400,000 for the State Highway Fund through audit collections during the period July 1, 1980, through June 30, 1981, or these positions shall be eliminated at the close of Fiscal Year 1981.

Approved March 31, 1980.

CHAPTER 256
(H.B. No. 733)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1312, IDAHO CODE, BY CONFORMING THE PROVISIONS OF THE SECTION TO THE PROVISIONS OF THE FEDERAL UNEMPLOYMENT TAX ACT, AND BY PROVIDING THAT NO PERSON SHALL BE DEEMED UNEMPLOYED WHILE ATTENDING SCHOOL DURING THE CUSTOMARY WORKING HOURS OF HIS OCCUPATION, AND STRIKING REFERENCE TO CERTAIN BENEFITS THAT COULD HAVE BEEN RECEIVED, IF CLAIMED; AMENDING SECTION 72-1332, IDAHO CODE, BY PROVIDING SPECIFIC JURISDICTION TO THE INDUSTRIAL COMMISSION IN CASES ARISING UNDER THE FEDERAL UNEMPLOYMENT TAX ACT; AMENDING SECTION 72-1367, IDAHO CODE, BY STRIKING REFERENCES TO RETIREMENT INCOME, AND TO PROVIDE THAT FOR AN INDIVIDUAL TO BE ELIGIBLE FOR BENEFITS A CLAIMANT SHALL HAVE EARNED AT LEAST NINE HUNDRED TEN DOLLARS AND ONE CENT IN THE CALENDAR QUARTER WITHIN HIS BASE PERIOD IN WHICH SUCH WAGES WERE HIGHEST INSTEAD OF FOUR HUNDRED SIXTEEN DOLLARS AND ONE CENT IN SUCH QUARTER; DECLARING AN EMERGENCY, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1312, Idaho Code, be, and the same is hereby amended to read as follows:

72-1312. COMPENSABLE WEEK. (a) A week of unemployment with respect to which an eligible benefit claimant shall be entitled to benefits shall be known as a compensable week; provided, however, that no person shall be deemed to be unemployed while he is attending a regular-established school excluding night school, during the customary working hours of his occupation, except where he has been assigned
to a refresher or special training course by the director.

(b) A compensable week of a benefit claimant shall be a week of either no work or less than full-time work--

(1) all of which occurred within this benefit year; and
(2) with respect to which benefits have not been paid to him; and
(3) in which he complied with all of the personal eligibility conditions prescribed in section 72-1366, Idaho Code; and
(4) in which the total wages payable to him for less than full-time work performed in such week amounted to less than one and one-half (1 1/2) times his weekly benefit amount; provided, however, that for the purpose of this section all amounts which a benefit claimant receives or would receive if claimed after normal retirement--for his primary benefits under the Federal Old-Age and Survivors Insurance Act or a retirement plan in which his employer has paid all or a part of the cost shall be treated as wages; but this provision shall not apply to retirement payments received as a result of service in the armed forces of the United States; or monetary entitlement under section 72-1367; accruing as a result of covered employment after retirement for any week which begins after the effective date of the pension deduction provisions in section 3304(a)(15) of the federal unemployment tax act shall be reduced by an amount equal to the amount received as pension, retirement pay, annuity, or any other similar payment which is based on the previous work of such individual which is reasonably attributable to such week; provided that, if the provisions of the federal unemployment tax act permit, the director may prescribe in regulations which are consistent with the federal unemployment tax act that--

(A) the requirements of this paragraph shall only apply in the case of a pension, retirement or retired pay, annuity, or other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer; and
(B) the amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar period payment; and
(5) all of which occurred after a waiting period as defined in section 72-1329, Idaho Code.

SECTION 2. That Section 72-1332, Idaho Code, be, and the same is hereby amended to read as follows:

72-1332. AUTHORITY AND DUTIES OF THE COMMISSION. The commission shall have the power and authority to hear and decide all matters appealed to it in accordance with other the provisions of this act and the federal unemployment tax act. In addition to salaries paid from the industrial administration fund each member of the commission shall receive a salary to be paid from the employment security administration fund in an amount equal to one-half (1/2) of the salary paid from the industrial administration fund. In addition to the amount paid to
the commission for salaries, prior to the beginning of each fiscal year, the department of employment and the industrial commission shall negotiate an amount to be paid the industrial commission to reimburse it for the cost of personal and nonpersonal services involved in hearing appeals as provided in section 72-1368(f), Idaho Code.

SECTION 3. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. (a) To be eligible an individual shall have at least four nine hundred sixteen ten dollars and one cent ($416.01) in total wages paid for services performed for covered employers in the calendar quarter within his base period in which such wages were highest, and shall have total base period wages of at least one and one-quarter (1 1/4) times his high quarter wages.

(b) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages rounded to the next higher dollar amount if not an even dollar amount except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

(1) The director, by regulations as he may prescribe, prior to June 30 of each year, shall compute the average weekly wage paid by covered employers for the preceding calendar year and the maximum weekly benefit amount for benefit years beginning July 1, 1973, and on each July 1 thereafter, shall be sixty per cent (60%) of the state average weekly wage paid by covered employers for the preceding calendar year. Weekly benefit amounts which are not in even multiples of one dollar ($1.00) shall be computed to the nearest multiple of one dollar ($1.00).

(c) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing in the following table on the line which includes his ratio of total base period earnings to highest quarter base period earnings.

<table>
<thead>
<tr>
<th>Ratio of Total Base Period Earnings to Highest Quarter Base Period Earnings</th>
<th>Full Weeks Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Least</td>
<td>Less Than</td>
</tr>
<tr>
<td>1.25</td>
<td>1.50</td>
</tr>
<tr>
<td>1.50</td>
<td>1.75</td>
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<tr>
<td>1.75</td>
<td>2.00</td>
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<td>2.00</td>
<td>2.25</td>
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<td>2.50</td>
<td>2.75</td>
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<tr>
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</tr>
<tr>
<td>3.00</td>
<td>3.25</td>
</tr>
<tr>
<td>3.25</td>
<td>--</td>
</tr>
</tbody>
</table>

(d) If in any compensable week the total wages payable to such individual for less than full-time work performed in such week exceed one-half (1/2) of his weekly benefit amount, the excess shall be deducted from his weekly benefit amount. Such excess, if not a multi-
ple of a dollar, shall be computed to the next higher multiple of a dollar; provided, however, that for the purpose of this section all amounts to which a benefit claimant receives or would receive if claimed after normal retirement for his primary benefits under the Federal Old-Age and Survivors Insurance Law or a retirement plan in which his employer has paid all or a part of the cost shall be treated as wages; but this provision shall not apply to retirement payments received as a result of service in the armed forces of the United States; or monetary entitlement under section 72-1367, Idaho Code; accruing as a result of covered employment after retirement.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, on and after March 31, 1980.

Approved March 31, 1980.

CHAPTER 257
(H.B. No. 703)

AN ACT
RELATING TO RECREATIONAL WATER AND SEWER DISTRICT BIENNIAL ELECTIONS;
AMENDING SECTION 42-3211, IDAHO CODE, TO PROVIDE THAT BIENNIAL ELECTIONS FOR RECREATIONAL WATER AND SEWER DISTRICTS BE HELD IN JULY, PROVIDING THAT AFFECTED ELECTIONS NOT BE DELAYED MORE THAN SIX MONTHS, AND PROVIDING THAT BOARD MEMBERS WHOSE CURRENT TERM OF SERVICE ENDS IN JANUARY SHALL CONTINUE TO SERVE UNTIL JULY ELECTIONS ARE HELD.

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

SECTION 1. That Section 42-3211, Idaho Code, be, and the same is hereby amended to read as follows:

42-3211. ELECTIONS -- TERMS OF OFFICE. (1) Except as provided in subsection (2), below, on the second Tuesday of January, in the second calendar year after the organization of any district, and on the second Tuesday of January every second year thereafter an election shall be held, which shall be known as the biennial election of the district.

(2) In districts created under section 42-3202B, Idaho Code, biennial elections shall be held on the second Tuesday in July.

(3) At the first biennial election in any district hereafter organized, and each sixth year thereafter, there shall be elected by the qualified electors of the district, one (1) member of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years, and at the third bien-
nial election, and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years.

Not later than thirty (30) days before any such election, nominations may be filed with the secretary of the board and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The board shall provide for holding such election and shall appoint judges to conduct it. The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the board may direct. The returns of the election shall be certified to and shall be canvassed and declared by the board. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

SECTION 2. Elections in districts created under section 42-3202B, Idaho Code, shall be held on the second Tuesday in July of the same year as scheduled before the effective date of this act.

SECTION 3. Any person serving as a board member for a recreational water district, recreational sewer district or a recreational water and sewer district, whose term of office would, after the effective date of this act, expire in January shall continue to serve until the following July election, and all subsequently elected board members shall serve terms of office beginning and ending in July.

Approved March 31, 1980.

CHAPTER 258
(H.B. No. 702, As Amended)

AN ACT
RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; AMENDING SECTION 31-3104, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE MAXIMUM SALARY FOR CERTAIN COUNTY COMMISSIONERS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3104, Idaho Code, be, and the same is hereby amended to read as follows:

31-3104. SALARIES OF THE COUNTY COMMISSIONERS -- SCHEDULE [EFFECTIVE--AFTER--OCTOBER-1, 1979]. 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 no higher than as follows:
<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$21,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$5,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$18,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$4,200</td>
</tr>
<tr>
<td>Benewah</td>
<td>$7,500</td>
</tr>
<tr>
<td>Bingham</td>
<td>$12,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$5,400</td>
</tr>
<tr>
<td>Boise</td>
<td>$5,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$14,000</td>
</tr>
<tr>
<td>Bonnevile</td>
<td>$12,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$7,100</td>
</tr>
<tr>
<td>Butte</td>
<td>$2,400</td>
</tr>
<tr>
<td>Camas</td>
<td>$2,700</td>
</tr>
<tr>
<td>Canyon</td>
<td>$17,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$4,200</td>
</tr>
<tr>
<td>Cassia</td>
<td>$5,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$2,400</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$5,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$3,000</td>
</tr>
<tr>
<td>Elmore</td>
<td>$6,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$4,200</td>
</tr>
<tr>
<td>Fremont</td>
<td>$6,500</td>
</tr>
<tr>
<td>Gem</td>
<td>$5,800</td>
</tr>
<tr>
<td>Gooding</td>
<td>$4,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>$8,400</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$5,000</td>
</tr>
<tr>
<td>Jerome</td>
<td>$5,500</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$18,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$10,000</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$3,600</td>
</tr>
<tr>
<td>Lewis</td>
<td>$3,600</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$4,000</td>
</tr>
<tr>
<td>Madison</td>
<td>$6,500</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$6,000</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$15,000</td>
</tr>
<tr>
<td>Oneida</td>
<td>$4,000</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$5,500</td>
</tr>
<tr>
<td>Payette</td>
<td>$4,800</td>
</tr>
<tr>
<td>Power</td>
<td>$4,200</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$37,500</td>
</tr>
<tr>
<td>Teton</td>
<td>$2,400</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>$32,700</td>
</tr>
<tr>
<td>Valley</td>
<td>$5,300</td>
</tr>
<tr>
<td>Washington</td>
<td>$6,500</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 and retroactively to October 1, 1979.

Approved March 31, 1980.
C. 259 '80  IDAHO SESSION LAWS 673

CHAPTER 259
(H.B. No. 701, As Amended)

AN ACT
RELATING TO THE SALARIES OF COUNTY PROSECUTING ATTORNEYS; AMENDING SECTION 31-3113, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE MAXIMUM SALARY FOR CERTAIN COUNTY PROSECUTING ATTORNEYS; DECLARING AN EMERGENCY, AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3113, Idaho Code, be, and the same is hereby amended to read as follows:

31-3113. SALARIES OF PROSECUTING ATTORNEYS -- SCHEDULE {EFFECTIVE AFTER--08/01/79}. The salaries of the prosecuting attorneys in the various counties shall be no higher than as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$30,508,333.05</td>
</tr>
<tr>
<td>Adams</td>
<td>$12,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$30,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$7,500,9,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$12,000,16,000</td>
</tr>
<tr>
<td>Bingham</td>
<td>$19,000,21,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$23,000</td>
</tr>
<tr>
<td>Boise</td>
<td>$9,000,14,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$16,000,17,120</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>$10,000,12,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$27,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$16,000,11,000</td>
</tr>
<tr>
<td>Cassia</td>
<td>$18,000,19,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$4,000,10,000</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$19,500,17,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$7,000,7,300</td>
</tr>
<tr>
<td>Elmore</td>
<td>$17,500,20,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$9,000,10,000</td>
</tr>
<tr>
<td>Fremont</td>
<td>$13,000,13,900</td>
</tr>
<tr>
<td>Gem</td>
<td>$13,200,18,720</td>
</tr>
<tr>
<td>Gooding</td>
<td>$13,000,14,900</td>
</tr>
<tr>
<td>Idaho</td>
<td>$17,500</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$12,000</td>
</tr>
<tr>
<td>Jerome</td>
<td>$17,000,18,400</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$24,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$17,000,19,040</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$11,000,12,000</td>
</tr>
<tr>
<td>Lewis</td>
<td>$10,000,11,220</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$12,000,13,000</td>
</tr>
<tr>
<td>Madison</td>
<td>$16,000,17,000</td>
</tr>
</tbody>
</table>
If the prosecuting attorney of a county is not a resident of that county, the county commissioners shall set the salary of the prosecuting attorney, not to exceed the amount prescribed for the county in this section. 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. An emergency existing 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 October 1, 1979.

Approved March 31, 1980.

CHAPTER 260
(H.B. No. 509, As Amended)

AN ACT
RELATING TO SPECIAL PARKING PRIVILEGES FOR THE HANDICAPPED; AMENDING SECTION 49-236, IDAHO CODE, TO PROVIDE THAT CERTAIN SPECIAL PARKING PRIVILEGES SHALL BE AVAILABLE FOR A MOTOR VEHICLE DISPLAYING SPECIAL LICENSE PLATES FOR THE HANDICAPPED; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-237, IDAHO CODE, TO PROVIDE TEMPORARY SPECIAL PARKING PRIVILEGES AND CARDS FOR CERTAIN DISABLED PERSONS, PROVIDING QUALIFICATIONS, AND RULES AND PENALTIES.

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

SECTION 1. That Section 49-236, Idaho Code, be, and the same is hereby amended to read as follows:
49-236. SPECIAL LICENSE PLATES FOR HANDICAPPED -- SPECIAL PARKING PRIVILEGES. (1) Any motor vehicle which is owned by or used primarily to transport a handicapped person or persons shall be eligible for the use of special license plates in lieu of regular numbered license plates.

(2) A "handicapped person" means a person who is so severely disabled as to be unable to move without the aid of a mechanical device.

(3) The director of the department of law enforcement shall specify the form of applications for special license plates for the handicapped, and provide for implementation of the provisions of this section.

(4) Fees for special license plates for the handicapped shall be as provided in section 49-126, Idaho Code.

(5) Special license plates for the handicapped shall be the same size and color as other license plates, and shall have displayed upon them the registration numbers assigned to the vehicle and to the owner thereof. The plates shall be numbered in a manner prescribed by the director of the department of law enforcement, but all such plates shall display the international handicapped symbol as shown herein.

International Handicapped Symbol

(6) Local governments may designate parking zones to be used exclusively by vehicles displaying a special license plate for the handicapped, the zone shall be identified by blue marking.

(7) Any motor vehicle displaying special license plates for the handicapped shall be allowed to park for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This subsection shall not be applicable to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles, nor to privately owned parking facilities.

SECTION 2. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-237, Idaho Code, and to read as follows:

49-237. CARDS FOR CERTAIN TEMPORARILY DISABLED PERSONS -- QUALIFICATIONS -- RULES AND PENALTY. Any person who shall submit satisfactory proof to the director of the department of law enforcement that he is so temporarily disabled as to be unable to move without the aid of crutches or a wheelchair, shall be entitled to receive for one (1) motor vehicle only, a special card to be affixed to a motor vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is utilized by such a temporarily disabled person, such card granting special parking
privileges temporarily as provided by section 49-236(7), Idaho Code. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section. Any unauthorized use of such distinguishing card shall constitute a misdemeanor.

Approved March 31, 1980.

CHAPTER 261
(H.B. No. 532, As Amended)

AN ACT
RELATING TO OPERATING FEES FOR PASSENGER CARRYING MOTOR VEHICLES; AMENDING SECTION 49-126, IDAHO CODE, BY STRIKING REFERENCES TO PRIVATELY OWNED AUTOMOBILES USING SPECIAL FUEL, STRIKING REFERENCE TO A SPECIFIC TAX RATE PER GALLON OF SPECIAL FUEL; AND PROVIDING THAT REGISTRATION FEES PAID IN LIEU OF ORDINARY MOTOR VEHICLE FUELS TAX SERVE AS ACCEPTABLE PAYMENT OF THE SPECIAL FUEL TAX UNTIL THE EXPIRATION DATE OF SUCH REGISTRATION FEE OCCURS; AND DECLARING AN EMERGENCY.

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

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

49-126. OPERATING FEES FOR PASSENGER CARRYING MOTOR VEHICLES AND PICKUP TRUCKS NOT IN EXCESS OF 8,000 LBS. GWT. (1) All vehicles required by this section to be registered shall be registered for a period of twelve (12) consecutive calendar months. All vehicles required by any other section of this chapter to be registered shall be registered for a calendar year, expiring midnight December 31 of each year.

(2) There are ten (10) registration periods, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. The months of November and December are excluded from the monthly series registration system. The periods shall be designated, in accordance with the ending date, as follows:

(a) January 31, first period; designated by the ending numeral 1.
(b) February 28 or 29, second period; designated by the ending numeral 2.
(c) March 31, third period; designated by the ending numeral 3.
(d) April 30, fourth period; designated by the ending numeral 4.
(e) May 31, fifth period; designated by the ending numeral 5.
(f) June 30, sixth period; designated by the ending numeral 6.
(g) July 31, seventh period; designated by the ending numeral 7.
(h) August 31, eighth period; designated by the ending numeral 8.
(i) September 30, ninth period; designated by the ending numeral 9.
(j) October 31, tenth period; designated by the ending numeral 0. Registration periods shall expire midnight on the last day of the registration period in the year designated by the registration sticker or year embossed on the plate. The last numeral digit on the number plate or plates shall, as does the registration card, fix the registration period under the "staggered plate system" of Idaho for the purpose of reregistration and notice of expiration.

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

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

- Vehicles one (1) and two (2) years old: $29.40
- Vehicles three (3) and four (4) years old: $27.00
- Vehicles five (5) and six (6) years old: $21.00
- Vehicles seven (7) and eight (8) years old: $18.00
- Vehicles over eight (8) years old: $12.60

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

(6) In addition to the annual fee prescribed in this section any such motor vehicle designed for the purpose of carrying passengers and not used for hire, which is propelled by special fuel, as defined in section 49-1236, Idaho Code, shall pay a fee per month for each month of a registration period, which fee shall be considered in lieu of ordinary motor vehicle fuels tax levied upon fuels used by other motor vehicles enumerated in this section. This fee shall be based on environmental protection agency estimated average miles per gallon and shall be as follows:

<table>
<thead>
<tr>
<th>Estimated-Average-Miles-Per-Gallon</th>
<th>Fee-Per-Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 14</td>
<td>$5.25</td>
</tr>
<tr>
<td>15-19</td>
<td>$3.70</td>
</tr>
<tr>
<td>20-24</td>
<td>$2.85</td>
</tr>
<tr>
<td>25-29</td>
<td>$2.35</td>
</tr>
<tr>
<td>30-34</td>
<td>$2.00</td>
</tr>
<tr>
<td>35-39</td>
<td>$1.70</td>
</tr>
<tr>
<td>40-44</td>
<td>$1.50</td>
</tr>
</tbody>
</table>
Motor vehicles designed for the purpose of carrying passengers and not used for hire, which are propelled by special fuel as defined in section 49-1230, Idaho Code, for which a fee per month for each month of a registration period has been paid in lieu of ordinary motor vehicle fuels tax levied upon fuels used by other motor vehicles enumerated in this section, shall not be required to pay a tax on special fuel defined in section 49-1230, Idaho Code, prior to the expiration date for which registration fees have been paid in lieu of ordinary motor vehicles fuels tax.

(7) No Idaho resident owner or operator of a motor vehicle propelled by special fuel, as defined in section 49-1230, Idaho Code, which vehicle has complied with the special fuel requirements of sections 49-126 and 49-127, Idaho Code, shall be subject to the special fuel tax imposed by section 49-1231, Idaho Code. All other motor vehicles propelled by special fuel operated on the highways of this state, including motor vehicles operated by a currently licensed Idaho motor vehicle dealer, with valid Idaho dealer plates, shall pay the special fuel tax (nine-and-one-half-cents-(9-1/2¢)-per-gallon) imposed by section 49-1231, Idaho Code, whenever such special fuel is dispensed into the fuel supply tank or tanks of such motor vehicles.

(8) No Idaho resident owner or operator of a motor vehicle propelled by special fuel as defined in section 49-1230, Idaho Code; excepting Idaho motor vehicle dealers as defined in section 49-2402, Idaho Code; with current valid Idaho dealer plates; or owners or operators of motor vehicles propelled by special fuel in Idaho without complying with the special fuel requirements of sections 49-126 and 49-127, Idaho Code, shall dispense fuel into the fuel supply tank or tanks of motor vehicles propelled by special fuel in Idaho without complying with the special fuel requirements of sections 49-126 and 49-127, Idaho Code.

(9) No Idaho special fuel dealer as defined in section 49-1230, Idaho Code, shall dispense special fuel into the fuel supply tank or tanks of motor vehicles propelled by special fuel in Idaho without obtaining the special fuel tax (nine-and-one-half-cents-(9-1/2¢)-per-gallon) imposed by section 49-1231, Idaho Code; or verifying that the Idaho resident owner or operator complies with the special fuel requirements of sections 49-126 and 49-127, Idaho Code.

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

Approved March 31, 1980.
CHAPTER 262
(H.B. No. 536, As Amended)

AN ACT
RELATING TO DEFINITIONS RELATIVE TO MOTOR FUELS TAXES; AMENDING
SECTION 49-1230, IDAHO CODE, BY REDEFINING SPECIAL FUEL TO STRIKE
PRIVATELY OWNED AUTOMOBILES REGISTERED UNDER SECTION 49-126, IDAHO
CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1230, Idaho Code, be, and the same is
hereby amended to read as follows:

49-1230. DEFINITIONS. As hereinafter used in this act:
(a) "Person" includes every natural person, fiduciary, association or
corporation. Whenever used in any clause prescribing and
imposing a fine or imprisonment, or both, the term "person" as applied
to an association means and includes the partners or members thereof,
and as applied to corporations, the officers thereof.
(b) "Collector" means the state tax commission of the state of
Idaho.
(c) "Highway" means every way or place of whatever nature open to
the use of the public as a matter of right for the purpose of vehic­
ular travel which is maintained by the state of Idaho or some taxing
subdivision or unit thereof or the federal government or agency
thereof.
(d) "Motor vehicle" means any self-propelled vehicle licensed for
operation and operated upon the highways as herein defined or permit­
ted to operate upon such highways by agreement between the state of
Idaho and any foreign state, country or territory.
(e) "Special fuel" means and includes all combustible gases and
liquids suitable for the generation of power for propulsion of motor
vehicles, except that it does not include motor fuel as defined in
section 63-2402, Idaho Code, nor does it include fuel used in motor
vehicles paying a use fee under schedule "B" of subsection 6 of sub­
division (d) of section 49-127, Idaho Code, nor does it include fuel used--in--privately-owned-automoobiles-not-used-for-commercial-purposes
using-diesel-or-propane-fuel-only-and-registered-under-subsection-4-of
section-49-126;--Idaho-Code;--nor does it include special fuel for off
road agricultural use, domestic heating or other nonhighway use.
(f) "Use" means either the receipt, delivery or placing of spe­
cial fuels by a special fuel dealer into the fuel supply tank or tanks
of any motor vehicle not owned or controlled by him while such vehicle
is within this state, or the consumption by a special fuel user of
special fuels in propulsion of a motor vehicle on the highways of this
state.
(g) "Special fuel dealer" means any person in the business of
handling special fuel who delivers any part thereof into the fuel
supply tank or tanks of a motor vehicle not then owned or controlled
by him. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(h) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(i) "Bond" means:

1. A bond duly executed by such fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 26, title 41, Idaho Code, which bond shall be payable to the state of Idaho conditioned upon faithful performance of all requirements of this act, including the payment of all taxes, penalties and other obligations of such special fuel dealer or special fuel user, arising out of this act; or
2. A deposit with the collector by the special fuel dealer or special fuel user, under such terms and conditions as the collector may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Idaho, or any county of said state, of an actual market value not less than the amount so fixed by said collector.

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

Approved March 31, 1980.
C. 263 '80  IDAHO SESSION LAWS  681

CHAPTER 263  
(H.B. No. 739)

AN ACT

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

SECTION 1. There is hereby appropriated to the 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, 1980, through June 30, 1981:

<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>$107,700</td>
<td>$16,100</td>
<td>$68,500</td>
<td>$192,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>336,900</td>
<td>249,700</td>
<td>$7,600</td>
<td>594,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>490,400</td>
<td>490,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Veterans Home Income Account</td>
<td>185,500</td>
<td>185,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$935,000</td>
<td>$451,300</td>
<td>$7,600</td>
<td>$1,462,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 31, 1980.
CHAPTER 264
(H.B. No. 417, As Amended)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTIONS 72-1314 AND 72-1315A, IDAHO CODE, BY PROVIDING PROPER CODE CITATIONS; AMENDING SECTION 72-1323, IDAHO CODE, TO INCLUDE WITHIN THE TERM "INTERESTED PARTY" THE COST REIMBURSEMENT EMPLOYER WHO MAY BE BILLED FOR ANY PORTION OF BENEFITS CLAIMED; AMENDING SECTION 72-1349A, IDAHO CODE, TO PROVIDE THAT NONPROFIT ORGANIZATIONS DELINQUENT IN MAKING PAYMENTS TO THE EMPLOYMENT SECURITY FUND ARE SUBJECT TO THE JEOPARDY ASSESSMENT PROVISIONS OF SECTION 72-1359, IDAHO CODE; AMENDING SECTION 72-1351, IDAHO CODE, TO PROVIDE THAT AN EMPLOYER'S EXPERIENCE RATING ACCOUNT WILL NOT BE CHARGED FOR BENEFITS PAID TO A WORKER WHO CONTINUES TO PERFORM SERVICES FOR SUCH COVERED EMPLOYER; AMENDING SECTION 72-1354, IDAHO CODE, TO CHANGE REFERENCES TO INTEREST MADE THEREIN TO PENALTY AND CHANGING THE RATE FOR A PENALTY FROM FIFTY CENTS TO TWO DOLLARS ON DELINQUENT CONTRIBUTIONS; AMENDING SECTION 72-1359, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY DECLARE PAYMENTS IN LIEU OF CONTRIBUTION IMMEDIATELY PAYABLE IF HE DETERMINES THAT COLLECTION OF SAME WOULD BE JEOPARDIZED BY DELAY; AMENDING SECTION 72-1365, IDAHO CODE, TO STRIKE THEREFROM THE REFERENCE TO REGULATIONS AND INSERT IN LIEU THEREOF THE TERM "RULES" AND TO STRIKE THE REFERENCE TO PUBLIC EMPLOYMENT OFFICES; AMENDING SECTION 72-1366, IDAHO CODE, TO STRIKE REFERENCE TO REGULATIONS, BY MAKING A CONDITION OF PERSONAL ELIGIBILITY THE REQUIREMENT THAT THE CLAIMANT PROVIDE ALL NECESSARY INFORMATION PERTINENT TO HIS ELIGIBILITY, AND TO ALLOW THE DIRECTOR TO PRESCRIBE CONDITIONS FOR REPORTING TO AN OFFICE; AMENDING SECTION 72-1367, IDAHO CODE, TO PROVIDE THAT FOR AN INDIVIDUAL TO BE ELIGIBLE FOR BENEFITS A CLAIMANT SHALL HAVE Earned AT LEAST NINE HUNDRED TEN DOLLARS AND ONE CENT IN THE CALENDAR QUARTER WHEREIN HIS BASE PERIOD IN WHICH SUCH WAGES WERE HIGHEST INSTEAD OF FOUR HUNDRED SIXTEEN DOLLARS AND ONE CENT IN SUCH QUARTER; AMENDING SECTION 72-1368, IDAHO CODE, TO STRIKE REFERENCES TO REGULATIONS, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 72-1369, IDAHO CODE, TO ALLOW FIVE YEARS FOR THE COLLECTION OF OVERPAYMENTS OF BENEFITS, AND TO ALLOW THE DIRECTOR TO WAIVE OVERPAYMENTS WHICH OCCURRED AS A RESULT OF NONFRAUDULENT MEANS, IF SAID PAYMENTS WERE MADE SOLELY AS A RESULT OF DEPARTMENT ERROR OR INADVERTENCE AND WERE MADE TO A CLAIMANT WHO HAD NO WAY OF KNOWING HE WAS RECEIVING BENEFITS TO WHICH HE WAS NOT ENTITLED AND THAT HE WOULD BE LIABLE TO REPAY SUCH BENEFITS IF SUBSEQUENTLY DETERMINED INELIGIBLE FOR THOSE BENEFITS.

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

SECTION 1. That Section 72-1314, Idaho Code, be, and the same is hereby amended to read as follows:
72-1314. CONTRIBUTIONS. The term "contributions" means the money payments required by this act to be paid into the employment security fund by any covered employer pursuant to sections 72-1349 to 72-1353, Idaho Code, inclusive; payments made in lieu of contributions by cost reimbursement employers as provided in section 72-1349(g1A), Idaho Code, are not contributions.

SECTION 2. That Section 72-1315A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1315A. COST REIMBURSEMENT EMPLOYER. The term "cost reimbursement employer" means a covered employer who is eligible and elects to reimburse the fund for proportionate benefit cost in lieu of contributions as provided in section 72-1349(g1A), Idaho Code.

SECTION 3. That Section 72-1323, Idaho Code, be, and the same is hereby amended to read as follows:

72-1323. INTERESTED PARTIES. The term "interested party" with respect to a claim for benefits means the claimant, the claimant's last regular employer, the covered employer whose account is chargeable for experience rating purposes, the cost reimbursement employer who may be billed for any portion of benefits claimed, and the director or a duly authorized representative of any of them; an "interested party" with respect to proceedings involving employer liability means the employer and the director or a duly authorized representative of either of them.

SECTION 4. That Section 72-1349A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1349A. FINANCING OF BENEFIT PAYMENTS BY NONPROFIT ORGANIZATIONS. (a) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this section. For the purpose of this section, a nonprofit organization is a religious, charitable, educational or other organization which is described in section 501 (c)(3) of the Federal Internal Revenue Code and which is exempt from tax under section 501(a) of such code.

A group of nonprofit organizations may elect with the approval of the director to act as a group in fulfilling the requirements of this section or of this act.

(1) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of section 72-1349, Idaho Code, unless it elects in accordance with this paragraph to pay to the director for the unemployment fund an amount equal to the full amount of regular benefits and one-half (1/2) the amount of extended benefits paid, for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently reversed, if said payment or any portion thereof
was made as a result of wages earned in the employ of such non-profit organization, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the nonprofit organization which reimbursed the fund for the payment of said benefits. Where such benefits are paid utilizing wages paid by two (2) or more employers, the portion of benefits to be repaid by a nonprofit organization shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for such nonprofit organization and the total wages utilized in paying such benefits.

(A) Any nonprofit organization may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1972, if such organization is, or becomes subject to this act on January 1, 1972, or the date of the determination that such organization is subject if it becomes subject after January 1, 1972, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The nonprofit organization must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective. The director may terminate the election as provided in this paragraph. The director may for good cause extend the period within which a notice of election, or a notice of termination must be filed.

(B) Any nonprofit organization which has been paying contributions under this act for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(C) The director shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal, and review in accordance with provisions of subsections (f), (g), (h) and (i) of section 72-1368, Idaho Code.

(2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

(A) At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization (or group of nonprofit organizations) which has elected to make payments in lieu of contributions for an amount
equal to the full amount of regular benefits and one-half (1/2) the amount of extended benefits paid for any reason as herein provided in paragraph (a)(1) above during such quarter or other prescribed period which is paid as a result of wages earned in the employ of such organization.

2. Bond on surety requirements. Any nonprofit organization that elects to become liable for payments in lieu of contributions may be required to obtain and deposit with the director a surety bond approved by the director. The amount of the bond shall be determined by the director on the basis of potential liability for benefit costs of each employing nonprofit organization. Such bond shall be in force for a period of not less than two (2) years, and shall be renewed not less frequently than two (2) year intervals for as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in the bond filed as deemed appropriate. When upward adjustments are required, the adjusted bond shall be filed within thirty (30) days of the date notice of the required adjustment was mailed. Failure by an organization covered by such bond to pay the full amount of payments due, together with interest and penalties, as provided in section 72-1354, Idaho Code, shall render the surety liable on said bond to the extent of the bond, as though the surety was a liable organization.

(B) Payment in advance. Nonprofit organizations may elect to make payments in lieu of contributions in advance of actual billing for payment costs. Advance payments shall be made as follows: At the end of each calendar quarter, the nonprofit organization shall pay one percent (1%) of its total quarterly payroll. Such payments shall become due and payable within thirty (30) days following the quarter ending. At the end of such taxable year the director shall compute the benefit costs attributable to such nonprofit organization, as provided in subsection (A) 1 above. The director will then debit the employer's account with these costs. When payments exceed benefit costs, the employer will be credited on subsequent benefit costs with the overpayment, or given a refund upon request. When payments are not sufficient to pay such benefit costs, the employer will be billed the additional amount necessary to pay such costs.

(C) 1. Failure to pay timely. If any nonprofit organization is delinquent in making payments in lieu of contributions, as required under paragraph (A) 1 or (B) of this subsection, the director may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.
2. Any nonprofit organization becoming delinquent in making payment in lieu of contributions as required in (A)1 and (B) of this subsection shall be subject to the penalty provisions provided in section 72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code, and the jeopardy assessment provision of section 72-1359, Idaho Code.

(D) Appeals procedure. The nonprofit organization making payments in lieu of contributions may appeal the director's determination of benefit costs and payment credits as provided in section 72-1368, Idaho Code.

(b) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 5. That Section 72-1351, Idaho Code, be, and the same is hereby amended to read as follows:

72-1351. EXPERIENCE RATING. (a) Subject to the other provisions of this act, each eligible and deficit employer's (except cost reimbursement employers) contribution rate shall be determined in the manner set forth below for the calendar year 1963 and for each calendar year thereafter:

(1) (i) Each eligible employer shall be given an "experience factor" which shall be the ratio of excess of contributions over benefits paid on the employer's account since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the four (4) fiscal years immediately preceding the computation date, except that when an employer first becomes eligible, his "experience factor" will be computed on his average annual taxable payroll for the two (2) fiscal years or more, but not to exceed four (4) fiscal years, immediately preceding the computation date. The computation of such "experience factor" shall be to six (6) decimal places.

(ii) Each deficit employer shall be given a "deficit experience factor" which shall be the ratio of excess of benefits paid on the employer's account over contributions since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the one or more fiscal years, but not to exceed four (4) fiscal years, for which he had covered employment ending on the computation date; provided, however, that any employer who on any computation date has a "deficit experience factor" for the period immediately preceding such computation date but who has filed all reports, paid all contributions and penalties due on or before the cut off date, and has during the last four (4) fiscal years occurring after June 30, 1958, paid contributions at a rate of not less than the standard rate applicable for each such year and in excess of benefits charged to his experience rating account during such years,
shall have any balance of benefits charged to his account which on the computation date immediately preceding such four (4) fiscal years were in excess of contributions paid, deleted from his account, and the excess benefits so deleted shall not be considered in the computation of his contribution rate for the rate years following such four (4) fiscal years. For the rate year following such compensation date, he shall be given the standard rate for that year.

(iii) In the event an employer's coverage has been terminated because he has ceased to do business or because he has not had covered employment for a period of four (4) years, and if said employer thereafter becomes a covered employer, he will be considered as though he were a new employer, and he shall not be credited with his previous experience under the act for the purpose of computing any future "experience factor."

(2) Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each such employer in addition to the experience factor (a) the amount of his taxable payroll for the fiscal year ending on the computation date, and (b) cumulative total consisting of the sum of such employer's taxable payroll for the fiscal year ending on the computation date and the corresponding taxable payrolls for all other employers preceding him on such schedules.

(3) The cumulative taxable payroll amounts listed on the schedules provided for in paragraph (2) of this subsection shall be segregated into groups whose limits shall be those set out in the table of schedules of contribution rates, section 72-1350, Idaho Code, subsection (f). Each of such groups shall be identified by the rate class number listed in the table which represents the percentage limits of each group. Each employer on the schedules shall be assigned that contribution rate opposite his rate class for the tax schedule in effect for the taxable year.

(4) (i) If the grouping of rate classes requires the inclusion of exactly one-half (1/2) of an employer's taxable payroll, such employer shall be assigned the lower of the two (2) rates designated for the two (2) classes in which the halves of his taxable payroll are so required.

(ii) If the group of rate classes requires the inclusion of a portion other than exactly one-half (1/2) of an employer's taxable payroll, such employer shall be assigned the rate designated for the class in which the greater part of his taxable payroll is so required.

(iii) If one or more employers on the schedules have experience factors identical to that of the last employer included in a particular rate class, all such employers shall be included in and assigned the contribution rate specified for such class, notwithstanding the provisions of paragraph (3) of this subsection.
(5) If the taxable payroll amount or the experience factor or both such taxable payroll amount and experience factor of any eligible or deficit employer listed on the schedules is changed, such employer shall be placed in that position on the schedules which he would have occupied had his taxable payroll amount and/or experience factor as changed been used in determining his position in the first instance, but such change shall not affect the position or rate classification of any other employer listed on the schedules and shall not affect the rate determination for previous years.

(b) For experience rating purposes, all previously accumulated benefit charges to covered employers' accounts, except cost reimbursement employers, pursuant to the applicable regulations prior to the effective date {January-1;--1976} of this subsection shall not be changed except as provided by this act. Benefits paid prior to June 30, with respect to benefit years commencing with July 1, 1967, and thereafter shall, as of June 30 of each year preceding the calendar year for which a covered employer's contribution rate is effective, be charged to the account of the covered employer, except cost reimbursement employers, who paid the largest individual amount of base period wages as shown on the determination used as the basis for the payment of such benefits, except that after the effective date {January-1; 1976} of this act no charge shall be made to the account of such covered employer with respect to benefits paid under the following situations:

(1) If paid to a worker who terminated his services voluntarily without good cause attributable to such covered employer, or who had been discharged for misconduct in connection with such services;
(2) If paid in accordance with the provisions of section 72-1368(j), Idaho Code, and such determination of decision to pay benefits is subsequently reversed; or
(3) For that portion of benefits paid to multistate claimants pursuant to section 72-1344, Idaho Code, which exceeds the amount of benefits that would have been charged had only Idaho wages been used in paying the claim.
(4) If paid in accordance with the extended benefit program triggered by either national or state indicators.
(5) If paid to a worker who continues to perform services for such covered employer.

(c) A covered employer whose experience rating account is chargeable, as prescribed by this section, is an interested party as defined in section 72-1323, Idaho Code. An experience rating record shall be maintained for each covered employer. The record shall be credited with all contributions which the covered employer has paid for covered employment prior to the cut off date, pursuant to the provisions of this and preceding acts, and which covered employment occurred prior to the computation date. The record shall also be charged with the amount of benefits paid which are chargeable to the covered employer's account as provided by the appropriate provisions of the unemployment compensation law, and employment security law, and regulations there-
under in effect at the time such benefits were paid. Nothing in this section shall be construed to grant any covered employer or individual in his service a priority with respect to any claim or right because of amounts paid by such covered employer into the employment security fund.

(d) (1) Whenever any individual or type of organization (whether or not a covered employer within the meaning of section 72-1315, Idaho Code) in any manner succeeds to, or acquires all/or substantially all, of the business of an employer who at the time of acquisition was a covered employer, and in respect to whom the director finds that the business of the predecessor is continued solely by the successor, the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor shall, upon the joint application of the predecessor and the successor within the ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution, and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such ninety (90) day period may be extended at the discretion of the director, and provided further that whenever a predecessor covered employer has a deficit experience rating account as of the last computation date such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer.

(2) Whenever any individual or type of organization, whether or not a covered employer within the meaning of section 72-1315, Idaho Code, in any manner succeeds to, or acquires, part of the business of an employer who at the time of acquisition was a covered employer, and such portion of the business is continued by the successor, so much of the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor as is attributable to the portion of the business transferred, as determined on a pro rata basis in the same ratio that the wages of covered employees properly allocable to the transferred portion of the business bears to the payroll of the predecessor in the last four (4) completed calendar quarters immediately preceding the date of transfer, shall, upon the joint application of the predecessor and the successor within ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such ninety (90) day period may be extended at the discretion of the director, and provided further that whenever a predecessor covered employer has a deficit experience rating
account as of the last computation date, such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer. Whenever such mandatory transfer involves only a portion of the experience rating record, and the predecessor or successor employers fail within ten (10) days after notice to supply the required payroll information, the transfer shall be based on estimates of the allocable payrolls.

(3) (i) If the successor was a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate of contribution, effective the first day of the calendar quarter immediately following the date of acquisition, shall be a newly computed rate based on the combined experience of the predecessor and successor, the resulting rate remaining in effect the balance of the rate year.

(ii) If the successor was not a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate shall be the rate applicable to the predecessor with respect to the period immediately preceding the date of acquisition, but if there were more than one predecessor the successor's rate shall be a newly computed rate based on the combined experience of the predecessors, becoming effective immediately after the date of acquisition, and shall remain in effect the balance of the rate year.

SECTION 6. That Section 72-1354, Idaho Code, be, and the same is hereby amended to read as follows:

72-1354. INTEREST PENALTY ON UNPAID CONTRIBUTIONS -- EFFECT OF FAILURE TO PAY CONTRIBUTIONS. If contributions are not paid by any covered employer on or before the date on which they are due and payable, such contributions shall bear interest penalty at the rate of one per centum (1%) or fifty-cents two dollars ($0.50), whichever is the larger, for each month or fraction thereof until paid; provided, that in no case shall the interest penalty exceed the actual amount of contributions due and payable. The date of payment of contributions shall be deemed the date of actual receipt by the director, or if mailed, the date of mailing. Interest Penalties collected pursuant to this section shall be paid into the state employment security administrative and reimbursement fund as established by section 72-1348, Idaho Code.

Furthermore, if any employer shall be in default under section 72-1349, Idaho Code, for a period of thirty (30) days, he may be enjoined, by the district court of any county in which such employer carries on any part of his trade or occupation, from carrying on his business while such default continues. All proceedings in the courts are to be brought by the director in the name of the state of Idaho.
SECTION 7. That Section 72-1359, Idaho Code, be, and the same is hereby amended to read as follows:

72-1359. JEOPARDY ASSESSMENTS. If the director determines that the collection of any contribution, payment in lieu of contribution, or penalty due from any covered employer under the provisions of this act will be jeopardized by delay, he may, whether or not the time prescribed by this act or any regulations issued pursuant thereto for making reports and paying such contributions or payments in lieu of contributions has expired, determine upon the best information obtainable the amount of wages paid by such employer for covered employment and in accordance with the contribution rates or provisions for payments in lieu of contributions prescribed in this act, compute and declare the amount of contributions or payments in lieu of contributions due and immediately payable, and shall give written notice of such declaration to such employer. Within fourteen (14) days after the mailing of such declaration to the last known address of such employer or in the absence of such mailing, within fourteen (14) days after delivery thereof, the employer may appeal to the employment security agency setting forth grounds for such appeal. In such cases, however, the right of appeal shall be conditioned upon the payment of contributions or payments in lieu of contributions and penalties declared to be due or upon giving any appropriate security to the director for the payment thereof. Proceedings on such appeals shall be had in accordance with the provisions of section 72-1361, Idaho Code.

SECTION 8. That Section 72-1365, Idaho Code, be, and the same is hereby amended to read as follows:

72-1365. PAYMENT OF BENEFITS. (a) With respect to unemployment occurring after July 1, 1947, benefits shall be paid from the employment security fund to any unemployed individual who is eligible for benefits as provided by section 72-1366, Idaho Code.

(b) Benefits shall be paid only to the extent that moneys are available for such payments in the employment security fund.

(c) All benefits shall be paid at such times not less frequently than bi-weekly, and in such manner as the director shall, by regulations, rules prescribe, through public employment offices in this state, or such other agencies approved by the social security administration, as the director shall, by regulations, prescribe.

SECTION 9. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(l) He shall have made a claim for benefits; and provided all necessary information pertinent to eligibility.
(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 in a manner prescribed by the director.

(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 shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) 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 (other than an institution of higher education) shall not be paid to any individual for any week which commences during a period between two (2) successive school years or terms 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 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 10. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. (a) To be eligible an individual shall have at least four nine hundred sixteen ten dollars and one cent ($416.81910.01) in total wages paid for services performed for covered employers in the calendar quarter within his base period in which such wages were highest, and shall have total base period wages of at least one and one-quarter (1 1/4) times his high quarter wages.

(b) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages rounded to the next higher dollar amount if not an even dollar amount except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

(1) The director, by regulations as he may prescribe, prior to June 30 of each year, shall compute the average weekly wage paid by covered employers for the preceding calendar year and the maximum benefit amount for benefit years beginning July 1, 1973, and on each July 1 thereafter, shall be sixty per cent (60%) of the state average weekly wage paid by covered employers for the preceding calendar year. Weekly benefit amounts which are not in even multiples of one dollar ($1.00) shall be computed to the nearest multiple of one dollar ($1.00).

(c) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing in the following table on the line which includes his ratio of total base period earnings to highest quarter base period earnings.

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<th>Ratio of Total Base Period Earnings to Highest Quarter Earnings</th>
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<td>At Least</td>
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(d) If in any compensable week the total wages payable to such individual for less than full-time work performed in such week exceed one-half (1/2) of his weekly benefit amount, the excess shall be deducted from his weekly benefit amount. Such excess, if not a multiple of a dollar, shall be computed to the next higher multiple of a dollar; provided, however, that for the purpose of this section all amounts to which a benefit claimant receives or would receive if claimed after normal retirement for his primary benefits under the Federal Old Age and Survivors Insurance Law or a retirement plan in which his employer has paid all or a part of the cost shall be treated as wages, but this provision shall not apply to: retirement payments received as a result of service in the armed forces of the United States; or monetary entitlement under section 72-1367, Idaho Code, accruing as a result of covered employment after retirement.

SECTION 11. That Section 72-1368, Idaho Code, be, and the same is hereby amended to read as follows:

72-1368. CLAIMS FOR BENEFITS AND APPELLATE PROCEDURE. (a) Claims for benefits shall be made in accordance with such rules and regulations as the director may prescribe.

(b) Each employer shall post and maintain in places readily accessible to individuals performing services for him printed statements concerning benefit rights, claims for benefits and such other matters relating to the administration of this act as the director may by regulation rules prescribe. Each employer shall supply to such individuals copies of such printed statements or other materials relating to claims for benefits when and as the director may by regulation rules prescribe. Such printed statements and other materials shall be supplied by the director to each covered employer without cost to the covered employer.

(c) A representative of the department of employment, appointed by the director and hereinafter referred to as a claims examiner, shall examine promptly a claim filed pursuant to subsection (a) above and, on the basis of the facts found by him, shall determine whether or not the claimant is eligible for benefits and, if eligible, date of commencement of his benefit year, the weekly benefit amount payable, the total benefit amount payable, his base period wages, and his base period covered employers. In the event of a denial or a finding by the claims examiner that a claimant is ineligible for benefits, the determination shall include the reasons for the ineligibility. The determination shall become final unless, within fourteen (14) days after notice, as provided in subsection (e) following, a request for redetermination is filed with the department of employment.
(d) A request for redetermination may be filed by any interested party and shall be filed in accordance with such rules and regulations as may be prescribed by the director. A redetermination upon such request shall be promptly made by a claims examiner and, on the basis of facts found by him, shall include a statement as to whether or not the determination is affirmed, reversed or modified, and if modified, to what extent, as well as a statement showing the reasoning upon which the redetermination is based if adverse to the claimant requesting it; or, upon such request and before notices of the redetermination have been served, the director may, on his own motion, transfer the request for redetermination directly to an appeals examiner in which event such request shall be deemed to constitute an appeal, as of the date of the request, from the determination. A redetermination shall become final unless, within fourteen (14) days after notice, as provided in subsection (e) following, an appeal is filed by an interested party with the department of employment in accordance with such rules and regulations as may be prescribed by the director. The director may make special redetermination whenever he finds that an error in computation or identity has occurred in connection with a determination, or that additional wages of the claimant pertinent to such determination have become available or have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosure or misrepresentation of fact. Such special redetermination must be made within one (1) year from the date of the original determination, except that a special redetermination involving a finding that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosures or misrepresentations of fact may be made within two (2) years from the date of the original determination. Subject to the same limitations and for the same reasons, the director may make a special redetermination in any case in which the final decision has been rendered by an appeals examiner, the board commission, or a court and may apply to the appeal tribunal which rendered such final decision to issue a revised decision. In the event that an appeal involving an original determination is pending as of the date a special redetermination is issued, such appeal, unless withdrawn, shall be treated as an appeal from such special redetermination.

(e) All interested parties as defined in section 72-1323, Idaho Code, shall be entitled to prompt service of notice of determinations and redeterminations. The claimant shall be served with notice of all determinations and redeterminations, but in the event that a claimant files more than one (1) claim arising out of the same unemployment, the last employer need not be served with notice of more than the initial determination and redetermination unless he specifically requests service of additional notices. For purposes of this section, a notice shall be deemed served if delivered to the person being served or if mailed to his last known address; service by mail shall be deemed complete on the date of mailing.

(f) To hear and decide appeals from determinations and redeterminations the director shall appoint one or more appeals examiners. Unless the appeal is withdrawn, the appeals examiner, after
affording the interested parties reasonable opportunity for a fair hearing, shall affirm, modify, set aside or reverse the determination or redetermination involved and shall notify the interested parties of his decision by serving notice in the same manner as provided in subsection (e) above. Such decision shall set forth the findings of fact upon which the decision is based together with a statement showing how the appeals examiner applied the employment security law to such findings of fact in order to reach his conclusion. The appeals examiner may, either upon application for rehearing by an interested party or on his own motion, proceed to rehear, affirm, modify, set aside or reverse any prior decision on the basis of the evidence previously submitted in such case or on the basis of additional evidence; provided, that such application or motion be made within ten (10) days after the date of service of such decision. A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at any hearing before an appeals examiner shall be recorded but need not be transcribed unless a claim for review of the appeals examiner's decision is filed with the board commission. Witnesses subpoenaed by the appeals examiner shall be allowed fees at a rate prescribed in the regulations rules of the director. Such fees shall be deemed a part of the expenses of administering this act. If any interested party to a hearing formally requests the appeals examiner to issue a subpoena for a witness whose evidence is deemed necessary, the appeals examiner shall promptly issue the subpoena, unless such request is determined to be unreasonable. Unless an interested party shall within fourteen (14) days after service of the decision of the appeals examiner file with the board commission a claim for review or unless an application or motion is made for a rehearing of such decision, the decision of the appeals examiner shall become final.

(g) The board commission shall hear and decide all claims for review filed by any interested party in accordance with its own rules of procedure not in conflict herewith. The record of the proceedings before the appeals examiner shall become part of the record of the proceedings on a claim for review before the board commission with respect to the evidence admitted into testimony received before the appeals examiner, but the board commission is not precluded from hearing the same witnesses as appeared before the appeals examiner nor any additional witnesses nor is the board commission precluded in any way from receiving any additional evidence. In order to have it become a part of the record before the board commission, in no event shall any party be required, in the course of a hearing before the board commission, to introduce and have admitted any documentary evidence which was previously admitted into the record by the appeals examiner. After affording a fair and impartial hearing to the parties involved in a claim for review, the board commission shall affirm, reverse, modify, set aside or revise the decision of the appeals examiner or may refer the matter back to the appeals examiner for further findings of fact. The board commission shall file its decision and shall promptly serve notice of its decision to all the interested parties. No party shall as a matter of right be entitled to a second hearing before the board commission upon any question of fact.
(h) No person acting on behalf of the director or any member of the board commission shall participate in any case in which he has a direct or indirect personal interest.

(i) An appeal may be made to the Supreme Court by such parties from such decisions and orders of the commission and within such times and in such manner as prescribed by rule of the Supreme Court.

(j) (1) Benefits shall be paid promptly in accordance with a determination, redetermination, appeals examiner decision or board commission findings allowing such benefit rights, regardless of:
   (a) The pendency of a time period for requesting a redetermination, filing an appeal or petitioning for board commission review, or
   (b) Pendency of a request for determination, appeal, or petition for review.

(2) Such payments shall not be withheld until a subsequent redetermination, appeals examiner decision, or board commission findings modifies or reverses the previous decision, in which event benefits shall be paid or denied in accordance with such decision.

(k) Any right, fact, or matter in issue, directly based upon or necessarily involved in a determination, redetermination, decision of the appeals examiner or decision of the board commission which has become final, shall be conclusive for all the purposes of this act as between the interested parties who had notice of such determination, redetermination or decision. Subject to appeal proceedings and judicial review by the Supreme Court as set forth in this section, any determination, redetermination or decision as to rights to benefits shall be conclusive for all purposes of this act and shall not be subject to collateral attack irrespective of notice.

SECTION 12. That Section 72-1369, Idaho Code, be, and the same is hereby amended to read as follows:

72-1369. OVERPAYMENTS, COLLECTION AND WAIVER. (a) Any person who received benefits to which he was not entitled under the provisions of this act shall be liable to repay said benefits and said benefits shall, for the purpose of this act, be considered to be overpayments. Said overpayments shall be repaid as follows:

(1) Any overpayment which has not been repaid may be collected without interest by civil action brought in the name of the state of Idaho;

(2) A. Overpayments, other than those resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, which have not been repaid or collected, may, at the discretion of the director or his authorized representative, be deducted from any future benefits payable to said claimant under this act;

B. Overpayments resulting from a false statement, misrepresentation, or concealment of a material fact by the claimant and which have not been repaid or collected shall be deducted from any benefits payable at any time in the future,
without regard to any statute of limitation, to said claimant under the provisions of this act;

(3) Overpayments, other than those resulting from a false statement, misrepresentation or failure to report a material fact, not recovered within three-(3) five (5) years from the date of the initial determination establishing liability to repay shall be deemed uncollectible;

(4) The director or his authorized representative may waive the requirement to repay such overpayment described in paragraph (3) above if such payments were

(a) paid to the claimant in good faith by the department;  
(b) claimed by the claimant in good faith;  
(c) for weeks of unemployment in which the claimant met all eligibility provisions of this act, made solely as a result of department error or inadvertence, and made to a claimant who had no way of knowing that he was receiving benefits to which he was not entitled and that he would have to repay the benefits he received if it were subsequently determined that he was ineligible for those benefits.

(b) Neither the director nor any of his agents or employees shall be liable for benefits paid to persons not entitled to the same under the provisions of this act if it appears that such payments have been made in good faith and that ordinary care and diligence have been used in the determination of the validity of the claim or claims under which such benefits have been paid.

Approved March 31, 1980.
CHAPTER 265
(H.B. No. 740)

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, 1980, through June 30, 1981:

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<td>$10,000</td>
<td></td>
<td>$464,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
<td>390,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>103,300</td>
<td>54,700</td>
<td></td>
<td>405,100</td>
<td>563,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$371,600</td>
<td>$261,000</td>
<td>$10,000</td>
<td></td>
<td>$1,417,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 31, 1980.
CHAPTER 266
(H.B. No. 493)

AN ACT
RELATING TO THE TRANSFER OF MONEYS FROM THE MOTOR VEHICLE ACCOUNT;
REPEALING SECTION 49-1302, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1302, Idaho Code, be, and the same is hereby repealed.

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

Approved March 31, 1980.

CHAPTER 267
(H.B. No. 447, As Amended)

AN ACT
RELATING TO CERTIFICATES OF TITLE FOR MOTOR VEHICLES; AMENDING SECTION 49-405, IDAHO CODE, BY PROVIDING NEW CRITERIA RELATING TO A NEW MOTOR VEHICLE BEING TITLED FOR THE FIRST TIME.

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

SECTION 1. That Section 49-405, Idaho Code, be, and the same is hereby amended to read as follows:

49-405. APPLICATIONS TO DEPARTMENT OF LAW ENFORCEMENT FOR CERTIFICATES -- PROCEDURE -- IDENTIFICATION NUMBERS. (a) Application for a certificate of title shall be made upon a form furnished and approved by the department and shall contain a full description of the motor vehicle including the make, the engine or identification numbers, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and such other information as the department may require. Such application shall be filed with the director of the department of law enforcement of the state of Idaho, and if a certificate of title has previously been issued for such motor vehicle in this state, shall be accompanied by said certificate of title duly assigned, unless otherwise provided for in this chapter.

(b) If a certificate of title has not previously been issued for such motor vehicle in this state, said application, unless otherwise
provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which such motor vehicle was brought into this state.

(c) In the case of a new motor vehicle being registered titled for the first time, no certificate of title or registration shall be issued unless such application is indorsed by an enfranchised franchised new car motor vehicle dealer authorized licensed to sell such new motor vehicle in the state of Idaho. Each such application shall be accompanied by a manufacturers' certificate of origin or manufacturers' statement of origin executed by the manufacturer and delivered to his agent or his franchised motor vehicle dealer. No person shall bring into this state an untitled new motor vehicle unless he has in his possession a certificate or statement of origin. The certificate or statement of origin shall be in such form as set by the director in accordance with the provisions of the administrative procedures act and shall contain the year of manufacture or the model year of the motor vehicle, the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new motor vehicle, the manufacturer, his agent or franchised dealer shall execute and deliver to the purchaser assignment of the certificate of statement, together with any lien or encumbrance to which the vehicle is subject.

(d) The department of law enforcement shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department of law enforcement shall maintain an engine or identification numbers index of registered motor vehicles, and upon receiving an application for a certificate of title, shall first check the engine or identification number shown in the application against said index and against the stolen and recovered motor vehicle index required to be maintained by section 49-411, Idaho Code. The department, when satisfied that the applicant is the owner of such motor vehicle and that the application is in proper form, shall thereupon issue in the name of the owner of the vehicle a certificate of title bearing a title number and the signature of the director and the seal of his office, and setting forth the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(e) In all cases of transfer of motor vehicles the application for certificates of title shall be filed within seven (7) days after the delivery of such motor vehicles, provided, licensed dealers need not apply for certificate of title for such motor vehicles in stock or when such are acquired for stock purposes.

The owner shall verify every application for a certificate of title for a motor vehicle which has not previously been registered in this state, before a person authorized to administer oaths; and officers, agents and employees of the department of law enforcement desig-
nated--by-the-director-are-hereby-authorized-to-administer-oaths; and it is their duty to do so without fee for the purpose of this chapter.

(f) In the case of the sale of a motor vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in all other cases such certificates shall be obtained by the purchaser.

In all cases of transfer of motor vehicles--the application for certificates--of--title shall be filed within seven (7) days after the delivery of such motor vehicle; provided, dealers need not apply--for certificate of title for such motor vehicles in stock or when such are acquired for stock purposes.

The owner shall verify every application for a certificate of title for a motor vehicle which has not previously been registered--in this state, before a person authorized to administer oaths; and officers, agents and employees of the department of law enforcement designated by the director are hereby authorized to administer oaths; and it is their duty to do so without fee for the purpose of this chapter.

(g) If the motor vehicle has no engine and no identification number, then the department shall designate an identification number for such motor vehicle at the time of issuance of the certificate of title, which identification number shall be permanently affixed to or indented upon the frame of the motor vehicle and legibly maintained thereon by the owner at all times while a certificate of title to such vehicle shall be issued and outstanding.

Approved March 31, 1980.

CHAPTER 268
(H.B. No. 503)

AN ACT
RELATING TO MOTOR CLUB APPLICATION FOR CERTIFICATE OF AUTHORITY; AMENDING SECTION 49-2307, IDAHO CODE, TO REQUIRE NEW MOTOR CLUBS APPLYING FOR ORIGINAL CERTIFICATES OF AUTHORITY TO PAY A FEE OF THREE HUNDRED TWENTY DOLLARS FOR THE APPLICATION, FILING AND APPOINTMENT; AMENDING SECTION 49-2309, IDAHO CODE, TO INCREASE CONTINUATION FEES AND REINSTATEMENT FEES; AND AMENDING SECTION 49-2319, IDAHO CODE, TO INCREASE THE LICENSE FEES OF A CLUB AGENT.

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

SECTION 1. That Section 49-2307, Idaho Code, be, and the same is hereby amended to read as follows:

49-2307. APPLICATION FOR CERTIFICATE OF AUTHORITY -- FILING REQUIREMENTS -- APPLICATION FEE. To apply for its original certificates of authority, a motor club shall:
(1) File with the commissioner director a formal verified application therefor in such form and detail as the commissioner director may reasonably require, executed by its president or other principal officer, showing:
(a) Its name, home office, location, organization date, state or country of its domicile;
(b) The nature and type of service it proposes to transact;
(c) Such additional information as the commissioner director may reasonably require.
(2) File with the commissioner director:
(a) A copy of its charter and amendments thereto, and, if a foreign company, the same shall be certified by the proper public officer of the state or country of domicile;
(b) A copy or facsimile of its insignia;
(c) A copy of its by-laws, if any, certified by its proper officer;
(d) A statement of its financial condition, management and affairs;
(e) A copy of each form of service agreement, contract, and service brochure it proposes to use in this state;
(f) If a foreign company, a certificate from the proper public official from its state or country of domicile showing that it is duly organized and is authorized to transact the type of motor club service which it proposes to be transacted in Idaho;
(g) A certificate issued by the secretary of state showing that it has qualified to do business as a corporation in this state;
(h) Other documents or stipulations as the commissioner director may reasonably require to evidence compliance with the provisions of the laws of the state of Idaho.
(3) Pay to the commissioner director initial application, filing and appointment fees of $320.
(4) Appoint the commissioner director, upon such form as he may prescribe, its attorney to receive service of legal process. The provisions of sections 41-333 and 41-334, Idaho Code, shall apply to such appointment and proceedings thereunder.

SECTION 2. That Section 49-2309, Idaho Code, be, and the same is hereby amended to read as follows:

49-2309. CERTIFICATE OF AUTHORITY -- OWNERSHIP -- TERM -- EXPIRATION -- REINSTATEMENT. (1) A certificate of authority issued by the commissioner director to any motor club is evidence of its authority to transact in this state the business of motor club service.
(2) Although issued to the motor club, the certificate of authority is and shall at all times be and remain the property of the state of Idaho and upon any expiration, suspension or termination thereof, the motor club shall promptly redeliver the certificate of authority to the commissioner director.
(3) A certificate of authority shall continue in force so long as the motor club is entitled thereto under the provisions of this act and such rules and regulations prescribed by the commissioner director.
pursuant thereto and until suspended or revoked by the commissioner director or terminated at the request of the motor club; subject, however, to continuance of the certificate by the motor club each year by:

(a) Payment prior to March 1st of a continuation fee of $100 two hundred dollars ($200); and
(b) Due filing by the motor club of its annual statement for the calendar year preceding as required by this act.

(4) If not so continued, its certificate of authority shall expire as of midnight on the 31st day of March next following such failure of the motor club to continue it in force or immediately upon failure to file annual statement within any extended time granted by the commissioner director as herein provided. The commissioner director shall promptly notify the motor club of the occurrence of any failure on its part which will or might result in the expiration of its certificate of authority.

(5) The commissioner director may, in his discretion, upon the motor club’s request made within three (3) months after expiration of certificate of authority, reinstate such certificate of authority, reinstate such certificate after the motor club has fully cured all of its failures which resulted in such expiration and upon payment by the motor club of a reinstatement fee of $500.00 one hundred dollars ($100) in addition to a regular continuation fee. Otherwise, the motor club shall be granted another certificate of authority only after filing application therefor and meeting all other requirements as for an original certificate of authority.

SECTION 3. That Section 49-2319, Idaho Code, be, and the same is hereby amended to read as follows:

49-2319. CLUB AGENT -- RENEWAL OF LICENSE -- FEE. A club agent’s license shall be renewable on April 1st of each year. A fee of $5.00 ten dollars ($10.00) shall be paid to the commissioner director for each original license issued and a fee of $2.00 ten dollars ($10.00) shall be paid to the commissioner director for each renewal thereof.

Approved March 31, 1980.

CHAPTER 269
(H.B. No. 415)

AN ACT
RELATING TO THE STATE HIGHWAY ACCOUNT; AMENDING SECTION 40-405, IDAHO CODE, TO INCLUDE CITIES IN THE FORMULA USED TO DISTRIBUTE MONEYS IN THE STATE HIGHWAY ACCOUNT; AMENDING SECTION 49-1231A, IDAHO CODE, BY STRIKING PROVISIONS FOR DISTRIBUTING SPECIAL FUEL TAX REVENUE TO CITIES; AMENDING SECTION 63-2432, IDAHO CODE, BY STRIKING PROVISIONS FOR DISTRIBUTING MOTOR FUEL TAX REVENUE TO CITIES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-405, Idaho Code, be, and the same is hereby amended to read as follows:

40-405. APPROPRIATION OF FUNDS -- APPORTIONMENT OF STATE HIGHWAY FUND ACCOUNT. There is hereby appropriated and allocated out of the state highway fund account of the state of Idaho, to the local units of government of the state, twenty-six thirty-three and one-third per cent (26 1/3%) of all highway user revenues accruing to such state highway fund account between January 1 and December 31 of each year, but in no event shall the total of the appropriation to the local units of government for any one (1) year be less than one million dollars ($1,000,000), which said appropriation shall be distributed among the local units of government as follows:

(a) Said sum shall be apportioned as follows: Thirty per cent (30%) of said sum to be apportioned among local units of government 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.

(b) The remainder of said sum shall be apportioned as follows:
1. Ten per cent (10%) shall be divided equally among all counties of the state.
2. Forty-five per cent (45%) shall be divided among the counties of the state in the proportion that the amount collected from motor vehicle registrations in each county during the last calendar year bears to the total amount of such collections in all counties in the state.
3. Forty-five per cent (45%) shall be divided among the counties of the state in the proportion that the number of miles of improved roads in the county road system of each county bears to the total number of miles of improved roads in the county road systems of all counties in the state. The director of the Idaho transportation department is directed to certify to the state auditor, on or before January 1 of each year, the number of miles of improved roads in each county. An improved road shall be a graded and drained earth road or better, and a graded and drained earth road shall be a traveled way of natural earth, aligned and graded to permit reasonable convenient use by a motor vehicle, and drained by longitudinal and transverse systems, natural or artificial, sufficiently to prevent serious impairment of the roadway by surface water.

(c) The appropriation hereby made shall be remitted to the counties, and incorporated or specially chartered cities on the following dates and in the following amounts: twenty-six thirty-three and one-third per cent (26 1/3%) of all highway user revenues accruing to said fund account in the months of January, February, and March of each year not later than April 25 of each year; twenty-six
thirty-three and one-third per cent (2633 1/3%) of all highway user revenues accruing to said fund account in the months of April, May and June of each year not later than July 25 of each year; twenty-six thirty-three and one-third per cent (2633 1/3%) of all highway user revenues accruing to said fund account in the months of July, August, and September of each year not later than the 25th of October of each year; twenty-six thirty-three and one-third per cent (2633 1/3%) of all highway user revenues accruing to said fund account in the months of October, November, and December of each year not later than January 15 25 of the succeeding year; the state auditor shall ascertain the sums set for the above and shall remit to the several local units of government their pro rata share of the amount so computed.

(d) Such moneys paid to incorporated or specially chartered cities shall be expended by the governing bodies thereof solely in the construction and maintenance of roads and streets within their corporate limits.

(e) Such moneys paid to the counties shall be placed by each county in a fund to be known as the county road fund and the county shall apportion the same as follows: To the interest and sinking fund of said county such amount as may be necessary to meet the interest and sinking fund requirements for the current year on any unpaid bonds issued by said county for road and bridge purposes, or refunding bonds issued to take up such bonds; the county shall pay over to each highway and good roads district within such county such portion of the balance of such county road fund as the following apportion shall apply:

1. Ten per cent (10%) shall be divided equally among the county, if the county maintains any roads, the highway districts and good roads districts;
2. Forty-five per cent (45%) shall be divided among the county, if the county maintains any roads, the highway districts and the good roads districts of the county in the proportion that the amount collected from motor vehicle registrations in each area designated herein during the last calendar year bears to the total amount of such collections in the entire county;
3. Forty-five per cent (45%) shall be divided among the county, if the county maintains any roads, the highway districts and good roads districts in the proportion that the number of miles of improved roads in the county road, highway or good roads district bears to the total number of miles of improved roads in the entire county road system as defined in subparagraph (ab) 3 hereinbefore set forth; and the county shall apportion as and when needed for disbursement for current expenses for the construction and maintenance of highways any further balance of such county road fund to the road and bridge fund of the said county, and the county may expend all or any portion thereof in the construction and maintenance of state highways in such county.

(f) Each highway and good roads district receiving such apportionment from the county road fund shall apportion the same as follows: To the interest and sinking fund of such district, such amount as may be necessary to meet the interest and sinking fund requirements
for that year on any unpaid bonds issued by such district, and any balance of such funds shall be used for road and bridge maintenance and construction. Each district may expend all or any portion of such balance of such funds in the construction and maintenance of state highways in such district.

(g) No part of such county road fund or any apportionment therefrom shall ever be used for any purposes other than those hereinbefore provided, except as hereinafter provided, and if, at the end of any fiscal year there shall remain an unexpended balance of such funds in the hands of the treasurer of any highway district or good roads district, such balance shall be carried forward and retained and thereafter applied to the maintenance and construction of highways or the payment of bond interest and principal and sinking fund requirements as hereinbefore provided.

SECTION 2. 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) The balance remaining with the state treasurer after transferring the amounts in subsections (a) and (b) of this section:

1. Sixteen-and-two-thirds-percent-(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--percent--(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) (c) 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 3. 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 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 motor fuels refund fund account.

(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 paragraphs (a), (b) and (c) of subsection (1) of this section:

(1) one per cent (1%) shall be transferred to the waterways improvement fund account, as created in chapter 15, title 57, Idaho Code;

(2) one per cent (1%) shall be transferred to the off-road motor vehicle fund account; and

(3) sixteen and two-thirds percent (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 ninety-eight percent (81.398%) shall be transferred to the state highway fund account, 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 account, 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.

Approved March 31, 1980.
CHAPTER 270
(H.B. No. 734)

AN ACT
APPROPRIATING MONEYS FROM THE ENUMERATED ACCOUNTS TO THE DEPARTMENT OF INSURANCE, TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981.

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

SECTION 1. There is hereby appropriated from the enumerated accounts to the Department of Insurance the following amounts, to be expended for the designated program, according to expense classes designated for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>REGULATION OF INSURANCE INDUSTRY PROGRAM:</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: General Account</td>
<td>$464,800</td>
<td>$131,300</td>
<td>$596,100</td>
</tr>
<tr>
<td>Title Insurance Account</td>
<td></td>
<td>16,900</td>
<td>16,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$464,800</td>
<td>$148,200</td>
<td>$613,000</td>
</tr>
</tbody>
</table>

Approved March 31, 1980.

CHAPTER 271
(H.B. No. 377, As Amended, As Amended in the Senate)

AN ACT
RELATING TO THE REGISTRATION OF ELECTORS; AMENDING SECTION 34-406, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF AT-LARGE REGISTRARS.

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

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

34-406. APPOINTMENT OF OFFICIAL REGISTRAR FOR EACH VOTING PRECINCT -- DUTIES. (1) Each county clerk shall appoint an official registrar for each voting precinct within the county on or before March 1, preceding each general election. Each registrar shall be a qualified elector of the precinct for which he is appointed and shall serve until his successor is appointed and qualified. Each precinct committeeman may recommend persons for the position to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the registrar from such lists if the persons recommended are qualified,
but if no recommendations are received from a precinct committeeman as herein provided, then the county clerk shall appoint a qualified elector of the precinct as registrar. In the event the county clerk does not appoint a registrar for each precinct, then the board of county commissioners shall, by no later than April 15, appoint such registrars.

(2) In addition to the registrar for each election precinct, each county clerk may appoint one or more registrars at-large for the county.

(3) The county clerk shall furnish each precinct registrar and at-large registrar with the supplies and materials necessary for the performance of his functions and shall supervise and instruct him in such performance.

(4) Each official precinct registrar shall establish and maintain a permanent place, and such temporary places he deems necessary for the registration of electors. In so far as practicable, he shall acquaint the public with the location of such place or facility, the facilities available for registration and the ease and convenience with which registration may be accomplished.

(5) Each precinct registrar and at-large registrar shall receive such compensation as determined by the board of county commissioners which shall not exceed fifty cents (50¢) for each voter personally registered by him.

(6) Each official precinct registrar and at-large registrar may administer oaths and affirmations in connection with the performance of his functions.

(7) Each official precinct registrar and at-large registrar shall deliver the official registration cards of all electors registered by him in a manner prescribed by the secretary of state.

Approved March 31, 1980.

CHAPTER 272
(H.B. No. 731)

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, 1980, THROUGH JUNE 30, 1981; REAPPROPRIATING THE BALANCE OF CERTAIN GENERAL ACCOUNT MONEYS APPROPRIATED BY SECTION 2, CHAPTER 269, LAWS OF 1979, TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE PURPOSES SPECIFIED; AND PROVIDING EFFECTIVE DATES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
<td>$353,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td>137,100</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
<td>3,793,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>$4,283,600</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
</tr>
<tr>
<td>I. STATE BOARD OF EDUCATION:</td>
<td>TOTAL</td>
</tr>
<tr>
<td>General Account</td>
<td>$16,000</td>
</tr>
<tr>
<td>II. GENERAL ADMINISTRATION:</td>
<td>$27,600</td>
</tr>
<tr>
<td>General Account</td>
<td><strong>$43,600</strong></td>
</tr>
<tr>
<td>Postsecondary Education</td>
<td>$254,000</td>
</tr>
<tr>
<td>Commission Account</td>
<td>$69,400</td>
</tr>
<tr>
<td>Title I Higher Education</td>
<td><strong>$323,400</strong></td>
</tr>
<tr>
<td>Account</td>
<td>9,500</td>
</tr>
<tr>
<td>Student Financial Aid Assistance Training Program Account</td>
<td>26,600</td>
</tr>
<tr>
<td>Corporation for Public Broadcasting Account</td>
<td>$4,200</td>
</tr>
<tr>
<td>Student Financial Aid Assistance Training Program Account</td>
<td>2,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>100</td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>$505,100</strong></td>
</tr>
<tr>
<td>III. PUBLIC BROADCASTING:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td><strong>$1,193,800</strong></td>
</tr>
<tr>
<td>Corporation for Public</td>
<td></td>
</tr>
<tr>
<td>Broadcasting Account</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>$1,885,300</strong></td>
</tr>
</tbody>
</table>
IV. MEDICAL EDUCATION:
FROM:
General Account $1,258,600

V. SCHOLARSHIPS & GRANTS:
FROM:
General Account $306,000
State Student Incentive Grant Account $285,000
TOTAL $591,000

GRAND TOTAL $353,100 $137,100 $3,793,400 $4,283,600

SECTION 3. The balance of the general account moneys appropriated by Section 2, Chapter 269, Laws of 1979, to the State Board of Education and the Board of Regents of the University of Idaho in trustee and benefit payments in the State Board of Education program is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for the following purposes during fiscal year 1981: 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, 1981.

SECTION 4. This act shall be in full force and effect on and after July 1, 1980, except for Section 3 hereof. Section 3 of this act shall be in full force and effect on and after June 30, 1980.

Approved March 31, 1980.
C. 273 '80

IDaho Session Laws

715

Chapter 273
(H.B. No. 730)

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, 1980, Through June 30, 1981; 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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Program</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee &amp; Benefit Payments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,944,600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>$1,719,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Standards Commission Account</td>
<td>$32,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commodity Distribution Account</td>
<td>$24,387,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local School District Contributions Account</td>
<td>$24,387,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$2,700</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Accounts</td>
<td>$2,700</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$29,084,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Program</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td></td>
</tr>
<tr>
<td>A. MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$106,200</td>
<td>$36,100</td>
<td>$6,700</td>
<td>$149,000</td>
<td></td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>$73,600</td>
<td>$38,600</td>
<td>$200</td>
<td>$500</td>
<td>$112,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$179,800</td>
<td>$74,700</td>
<td>$8,900</td>
<td>$500</td>
<td>$261,900</td>
</tr>
</tbody>
</table>
### B. FINANCE AND 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>$372,200</td>
<td>$95,900</td>
<td>$1,300</td>
<td>$224,100</td>
<td>$693,500</td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>75,600</td>
<td>34,700</td>
<td>4,300</td>
<td>1,040,000</td>
<td>1,154,600</td>
</tr>
<tr>
<td>Commodity Distribution Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Food Services Account</td>
<td>318,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>154,300</td>
<td>31,200</td>
<td>400</td>
<td>185,900</td>
<td></td>
</tr>
<tr>
<td>Veterans Approval Account</td>
<td>69,700</td>
<td>18,400</td>
<td>200</td>
<td>88,300</td>
<td></td>
</tr>
<tr>
<td>Adult Basic Education Account</td>
<td>71,800</td>
<td>23,800</td>
<td>400</td>
<td>385,500</td>
<td>481,500</td>
</tr>
<tr>
<td>Total</td>
<td>$830,400</td>
<td>$550,800</td>
<td>$7,300</td>
<td>$8,549,600</td>
<td>$9,938,100</td>
</tr>
</tbody>
</table>

### C. STATE-FEDERAL INSTRUCTIONAL SERVICES:

<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>$456,200</td>
<td>$247,200</td>
<td>$1,900</td>
<td>$7,000</td>
<td>712,300</td>
</tr>
<tr>
<td>Indian Education Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>874,200</td>
<td>401,600</td>
<td>2,600</td>
<td>15,340,000</td>
<td>16,618,400</td>
</tr>
<tr>
<td>Special Education-Teacher Training Account</td>
<td>19,400</td>
<td>60,500</td>
<td>100</td>
<td>135,600</td>
<td>215,600</td>
</tr>
<tr>
<td>Professional Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>16,500</td>
<td>27,000</td>
<td></td>
<td></td>
<td>43,500</td>
</tr>
<tr>
<td>School Food Services Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$1,396,300</td>
<td>$767,300</td>
<td>$4,700</td>
<td>$15,837,300</td>
<td>$18,005,600</td>
</tr>
</tbody>
</table>

### D. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEM:

<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>$378,900</td>
<td>$202,300</td>
<td>$12,800</td>
<td></td>
<td>594,000</td>
</tr>
<tr>
<td>Local School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributions Account</td>
<td>159,200</td>
<td>121,300</td>
<td>1,200</td>
<td>281,700</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>2,700</td>
<td></td>
<td></td>
<td></td>
<td>2,700</td>
</tr>
<tr>
<td>Total</td>
<td>$538,100</td>
<td>$326,300</td>
<td>$14,000</td>
<td></td>
<td>$878,400</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$2,944,600</td>
<td>$1,719,100</td>
<td>$32,900</td>
<td>$24,387,400</td>
<td>$29,084,000</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 31, 1980.
CHAPTER 274
(H.B. No. 569, As Amended)

AN ACT
RELATING TO THE LIQUIDATION OF INSURANCE COMPANIES; AMENDING SECTION 41-3327, IDAHO CODE, TO PROVIDE A SYSTEM OF DISTRIBUTION PRIORITIES IN THE LIQUIDATION OF INSURANCE COMPANIES; AND TO PROVIDE THE ACT SHALL NOT APPLY TO PROCEEDINGS FILED PRIOR TO THE DATE OF ENACTMENT.

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

SECTION 1. That Section 41-3327, Idaho Code, be, and the same is hereby amended to read as follows:

41-3327. PRIORITY OF CLAIMS FOR COMPENSATION DISTRIBUTION IN LIQUIDATION PROCEEDINGS. The priorities of distribution in a liquidation proceeding shall be in the following order:

(1) The costs and expenses of administration, including the claims handling expenses of the Idaho insurers' insolvency fund and of any similar organization in any other state.

(2) Compensation actually owing to employees other than officers of an insurer, for services rendered within three (3) months prior to the commencement of a proceeding against the insurer under this chapter, but not exceeding three hundred dollars ($300) for each such employee, shall be paid prior to the payment of any other debt or claim, and in the discretion of the director, may be paid as soon as practicable after the proceeding has been commenced, except that at all times the director shall reserve such funds as will, in his opinion, be sufficient for the expenses of administration.

(3) Federal, state, and local taxes.

(4) Claims by policyholders, beneficiaries, and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and liability claims against insureds which claims are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and claims of the Idaho insurers' insolvency fund and any similar organization in another state.

(5) All other claims.

SECTION 2. This act shall not apply to any proceedings filed prior to the date of enactment.

Approved March 31, 1980.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-3608, Idaho Code, be, and the same is hereby amended to read as follows:

41-3608. OBLIGATIONS AND POWERS OF ASSOCIATION. (1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency, or before the policy expiration date if less than thirty (30) days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty (30) days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of one hundred dollars ($100) and is less than fifty three hundred thousand dollars ($50,000,000), except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to a policy holder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the three accounts separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under paragraph (a) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 41-3613, Idaho Code, and other expenses authorized by this act. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty (30) days before it is due. No member insurer may be assessed in any year on any account an amount greater than one per cent (1%) of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets
of the association in any account, does not provide in any one (1) year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be pro rated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested.

(e) Notify such persons as the director directs under section 41-3610(2)(a).

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the director, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this act.

(2) The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of this act in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this act.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this act.

(f) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

Approved March 31, 1980.
AN ACT
RELATING TO WATER RIGHTS; AMENDING SECTION 42-247, IDAHO CODE, TO MODIFY TELEVISION ADVERTISING REQUIREMENTS.

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

SECTION 1. That Section 42-247, Idaho Code, be, and the same is hereby amended to read as follows:

42-247. NOTICE OF CHAPTER PROVISIONS -- HOW GIVEN -- REQUIREMENTS. To ensure that all persons referred to in sections 42-242 and 42-243, Idaho Code, are notified of the provisions of this chapter, the department of water resources is directed to give notice of the provisions of this chapter as follows:

(1) It shall cause a notice in writing to be placed in a prominent and conspicuous place in at least one (1) newspaper published and of general circulation in each county of the state, if there is such newspaper, otherwise in a newspaper of general circulation in the county, at least once each year for five (5) consecutive years.

(2) It shall cause a notice substantially the same as a notice in writing to be broadcast by each commercial television station operating in the United States and viewed in the state, and by at least one (1) commercial radio station operating from each county of the state having such a station, regularly, at six (6) month intervals for five (5) consecutive years.

(3) It shall cause a notice in writing to be placed in a prominent and conspicuous location in each county courthouse in the state.

(4) The county treasurer of each county shall enclose with each mailing of one (1) or more statements of taxes due issued in 1981 a copy of a notice in writing and a declaration that it shall be the duty of the recipient of the statement of taxes due to forward the notice to the beneficial owner of the property. A sufficient number of copies of the notice and declaration shall be supplied to each county treasurer by the director of the department of water resources before the fifteenth day of January, 1981.

The director of the department may also in his discretion give notice in any other manner which will carry out the purposes of this section.

Approved March 31, 1980.
CHAPTER 277
(H.B. No. 386, As Amended)

AN ACT
RELATING TO THE DISTRIBUTION OF WATER AND OF STORED WATER CONVEYED THROUGH NATURAL CHANNELS; AMENDING SECTION 42-609, IDAHO CODE, PROVIDING PAYMENT FOR WATERMASTER ASSISTANTS; AND AMENDING SECTION 42-801, IDAHO CODE, TO CLARIFY THAT THE WATERMASTER IS NORMALLY THE SPECIAL DEPUTY RESPONSIBLE FOR DISTRIBUTION OF STORED WATER CONVEYED IN A NATURAL CHANNEL WITHIN A WATER DISTRICT AND PROVIDING FOR PAYMENT FOR DELIVERY THEREOF.

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

SECTION 1. That Section 42-609, Idaho Code, be, and the same is hereby amended to read as follows:

42-609. WATERMASTER'S ASSISTANTS -- EMPLOYMENT IN EMERGENCY -- OATH AND COMPENSATION. Said watermaster shall have power, in case of emergency, with the approval of the director of the department of water resources, to employ suitable assistants to aid him in the discharge of his duties, who shall take the same oath as the watermaster, and shall obey his instructions, and shall be entitled to not exceed five dollars ($5.00) per day for every day they are employed, a salary as set by the water users in their adopted budget and approved by the director of the department of water resources, or if no budget is adopted, then as set by the director of the department of water resources, to be paid in the same manner as provided for the payment of watermasters: provided, that not more than one (1) assistant shall be appointed to each fifteen (15) miles of the stream whose waters have been allotted.

SECTION 2. That Section 42-801, Idaho Code, be, and the same is hereby amended to read as follows:

42-801. CONVEYANCE OF STORED WATER THROUGH NATURAL CHANNEL -- APPOINTMENT OF SPECIAL DEPUTY AND ASSISTANTS. Whenever the owner of a reservoir shall desire to use the bed of a stream, or a natural water course, for the purpose of carrying stored water, he shall in writing notify the department of water resources, giving the date when it is proposed to discharge the water, its volume in acre feet, and in cubic feet per second at the point of discharge, and the persons and ditches entitled to its use. The department shall then appoint a special deputy, unless a state watermaster has already been appointed to deliver the waters from said stream, in which event the appointed watermaster and his assistants may be instructed to make the delivery of the stored water without further appointment, whose duty it shall be to adjust the headgates of all ditches not entitled to the stored water, and in such manner that those having the right to the use of such water shall secure the volume to which they are entitled. For the purpose of delivering such stored water the deputy appointed by the department of water resources may employ such number of assistants as,
with the approval of the department, he may deem necessary. The owner of any reservoir proceeding under the provisions of this section shall pay to the special deputy and to each assistant a sum—not—exceeding five--($5.00)--dollars per diem for each day consumed in the adjusting of headgates and the delivery of water as hereinbefore provided, as determined by the director of the department of water resources, or a salary and expenses as negotiated with the owner of the said stored water and approved by the director of the department of water resources, or pay to the water district, if there is one, a sum based upon the cost of delivering a unit of water. Said charge by the water district will be determined and collected in the same manner as prescribed in chapter 6, title 42, Idaho Code, for compensating the watermaster for delivery of natural flow water.

Approved March 31, 1980.

CHAPTER 278
(H.B. No. 683)

AN ACT
RELATING TO THE BOND FOR A DREDGE MINING PERMIT; AMENDING SECTION 47-1317, IDAHO CODE, BY INCREASING THE AMOUNT OF THE BOND FROM $10,000 TO $15,000, AND PROVIDING FOR COURT ACTION TO RECOVER AMOUNTS USED TO RECLAIM LAND WHEN SUCH AMOUNTS EXCEED THE BOND AMOUNT.

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

SECTION 1. That Section 47-1317, Idaho Code, be, and the same is hereby amended to read as follows:

47-1317. APPLICATION, PERMIT AND BOND REQUIRED. (a) Before any person, firm or corporation may conduct a dredge or other placer mining operation on lands and beds of streams in the state of Idaho, such person, firm or corporation shall file with the director of the department of lands an application for a permit upon a form provided by said director, and shall pay an application fee of fifty dollars ($50.00), for each ten (10) acres or fraction thereof above involved in such application.

(b) The permit to issue in any such case shall be in a form provided and approved by the Idaho state board of land commissioners. No such permit shall be issued to any applicant to conduct dredge or other placer mining operations, until such applicant files with said director an initial surety bond in the sum of ten fifteen thousand dollars ($15,000) for a specified and particularly-described ten (10) acre tract of the area covered by the permit or for all of the land covered by the permit if the permit covers an area less than ten (10) acres, with sureties acceptable to said director conditioned for the faithful performance by the applicant of all of the requirements of this act, relative to land and watercourse restoration. In lieu of such surety bond, cash may be deposited with said director in the sum
computed in the same manner as hereinabove set forth, to be retained as security for the faithful performance by the applicant of said requirements of this act.

It shall be unlawful for any person, firm or corporation to conduct dredge or other placer mining operations in this state on any of the permit area not covered by the initial or subsequent bond until and unless a similar bond has been filed with the director for at least ten (10) additional specified acres of the permit area upon which the operations are being conducted or for all of the remaining area covered by the permit in cases where it totals less than ten (10) acres, which bond shall be in the sum of the number of acres to be covered by the bond times one thousand dollars ($1,000). Provided, however, that no bond filed after the initial bond shall be in a sum of less than ten fifteen thousand dollars ($15,000). Provided, further, that such subsequent bonds may be in the form of cash.

(c) It shall be unlawful for any person, firm or corporation to conduct dredge or other placer mining operations in this state without first having obtained a permit as herein provided. Such application shall be on form supplied by the director and shall include an accurate description of the land proposed to be dredged or otherwise placer mined, by legal subdivisions and specify the number of acres involved. The permit issued in each such case shall in like manner describe the land and acres involved as shown by the related application. Each permit to conduct dredge or other placer mining operations pursuant to the provisions of this act shall be valid, unless terminated for cause as hereinafter provided, for continuous operations upon the lands described, commencing with the date of said permit.

(d) It shall be the duty of the Idaho state board of land commissioners in its administration of this act to cause periodic inspections to be made of the operations under such permits to determine compliance with this law and to make rules and regulations with respect thereto and the cost and expense of making such inspections shall be borne by the permittee, which such costs and expenses shall constitute a lien upon the lands specified in the permit and the minerals produced therefrom, and the failure to pay the amount thereof on demand by the board shall be cause for termination of permit.

(e) That if any applicant for such dredge or other placer mining operations as contemplated by this act be not the owner of the lands described in the application or any part thereof, the owner of such lands shall indorse his approval of the application, and no permit shall be issued in the absence of such approval by the owner of lands described in the application not owned by the applicant.

(f) Permits issued hereunder are not transferable, and persons to whom such permits are issued shall not transfer nor attempt to transfer them to another.

(g) No permit shall be issued proposing to alter or occupy the bed of a navigable stream or to dredge any stream or watercourse without notification to the department of water resources of the pending application. The department of water resources shall respond to said notification within twenty (20) days, and the response shall be included in any permit granted hereunder by a showing whether the permit constitutes a permit from the department of water resources or
whether an additional permit from the department of water resources shall be required.

(h) No permit shall issue hereunder to dredge nor otherwise placer mine any lands owned by the state of Idaho, including the beds of navigable streams, and including the mineral reservations in lands sold by the state, unless a mineral lease shall be made of such terms and at such royalty to the state as its board of state land commissioners shall prescribe and determine.

(i) The Idaho state board of land commissioners shall have the power to deny any application for a permit on state land, stream or river beds, or on any unpatented mining claims, upon its determination that a dredge mining operation on the land proposed would not be in the public interest, giving consideration to economic factors, recreational use for such lands, fish and wildlife habitat and other factors which in the judgment of the state land board may be pertinent, and may deny an application upon notification by the department of water resources that the grant of such permit would result in permanent damage to a stream channel.

(j) Upon default, in the event that the amount of the bond is insufficient to reclaim the land in compliance with the act and the approved plan, the attorney general is empowered to commence legal action against the operator in the name of the state board of land commissioners to recover the amount in excess of the bond necessary to reclaim the land in compliance with the act and the approved plan.

Approved March 31, 1980.

CHAPTER 279
(H.B. No. 402, As Amended)

AN ACT
RELATING TO THE TAXATION OF NEWLY CONSTRUCTED IMPROVEMENTS ON REAL PROPERTY; PROVIDING A STATEMENT OF INTENT; LEVYING A TAX ON NEWLY CONSTRUCTED IMPROVEMENTS UPON OCCUPANCY THEREOF; PRESCRIBING THE AMOUNT OF THE TAX; PROVIDING FOR EXEMPTIONS; ESTABLISHING THE METHOD OF REPORTING OCCUPANCY; PROVIDING FOR NOTICE OF TAX DUE; PROVIDING FOR THE DISTRIBUTION OF FUNDS RECEIVED; ESTABLISHING PENALTIES AND INTEREST FOR DELINQUENT PAYMENT; ALLOWING FOR CREDITS; CREATING A STATUTORY LIEN FOR FAILURE TO PAY THE TAX; ESTABLISHING AN APPEALS PROCESS; AND PLACING THE ADMINISTRATION AND REGULATORY POWER IN THE STATE TAX COMMISSION.

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

SECTION 1. STATEMENT OF INTENT. It is the intent of this act to provide that all real property subject to property taxation shall be valued and taxed based upon its status as of January 1 of each tax year. Improvements, other than additions to existing improvements, constructed upon real property shall not be subject to property taxation during the year of construction other than that portion actually in place on January 1 of each calendar year. In lieu of property taxes
on newly constructed improvements, other than additions to existing improvements, upon real property, the owner of such property shall pay a tax upon first occupancy or use of the improvement as provided in this act.

SECTION 2. IMPOSITION OF TAX. There is hereby levied a tax upon all newly constructed and occupied residential and commercial structures, except additions to existing improvements. The tax shall be upon those improvements for that portion of the calendar year in which first occupancy occurs.

SECTION 3. AMOUNT OF TAX. (a) The tax imposed by the foregoing section shall be an amount equal to the property taxes which would have been paid on that property had it been on the assessment rolls on January 1, prorated for the portion of the year for which the structure was occupied.

(b) As used in this section, the term "occupied" means:
(1) Use of the property by any person as a residence; or
(2) Use of the property for any business or commercial purpose unrelated to the construction and sale of the property; or
(3) Any possessory use of the property for which the owner received any compensation or consideration.

SECTION 4. EXEMPTIONS. Any improvement to real property exempt from property taxation under the laws of this state or under the laws of the United States shall be exempt from the taxes imposed by this act.

SECTION 5. REPORTING. The owner of any newly constructed improvement, except additions to existing improvements, of real property upon which no occupancy tax has yet been paid shall, on or before the date of first occupancy, report to the county assessor of the county in which the property is located, or to such other county officer as may be designated by the board of county commissioners, the fact that the improvement has been occupied. As soon as practical after receiving such a report, the county assessor shall cause the improvement to be appraised and shall determine the market value of the improvement for the purpose of determining the amount of the occupancy tax.

SECTION 6. NOTICE OF TAX DUE. When the amount of the occupancy tax has been determined, the county treasurer shall cause written notice of the amount of the tax to be given to the owner of the property at the time of notice applicable to real property subject to property taxation. Upon receipt of the written notice from the county treasurer by the owner, the amount of the occupancy tax shall become due and payable to the county treasurer according to the same schedule as is applicable to real property taxes.

SECTION 7. DISTRIBUTION OF FUNDS. The county treasurer shall cause the occupancy taxes paid pursuant to this act to be distributed to the various taxing authorities within which the real property subject to the tax is located in the same manner as property taxes and
additions are apportioned.

SECTION 8. PENALTIES AND INTEREST. (a) In the event that the tax imposed by this act is not paid, interest on any unpaid amount shall accrue at the same rate as is applicable to property taxes.

(b) In the event that the owner of the property on the date of first occupancy fails to report to the county assessor that the property is ready for occupancy, there may be imposed as penalty an additional amount equal to five percent (5\%) of the tax for each month following the date of first occupancy during which the report is not made, to a maximum of twenty-five percent (25\%) of the tax.

SECTION 9. OFFSET. At the time the county assessor determines the market value of any improvement pursuant to section 5 of this act, he shall allow as an offset against the market value of the improvement, the market value of any portion of that improvement which was existing on January 1 and placed upon the real property roll.

SECTION 10. LIEN FOR FAILURE TO PAY TAX. In any instance where the tax imposed by this act is not paid, the tax shall become a lien upon the property which lien may be enforced, and the outstanding tax collected, in the same manner and under the same statutes as provided by law for the enforcement of liens for nonpayment of real property taxes.

SECTION 11. APPEALS. In the event that any owner against which an occupancy is asserted under this act believes that the appraised value is incorrectly asserted or determined, the matter shall be brought before the county board of equalization at its next regular statutory meeting, and the issues presented shall be resolved by that board in the same manner and pursuant to the same procedures as are prescribed for resolving other appeals coming before the county board of equalization including the procedures for appealing decisions made by the board. The county board of equalization shall have the power to abate any penalties imposed under this act if in the opinion of the board just cause has been shown; but the board shall have no power to abate interest.

SECTION 12. ADMINISTRATION. The state tax commission shall have the power, and it shall be its duty, to generally supervise the administration and enforcement of this act and shall have the power to promulgate rules and regulations relating to this act:

Approved March 31, 1980.
AN ACT
RELATING TO SEWAGE TREATMENT PLANT OPERATORS; AMENDING SECTION 39-3602, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 39-3603, IDAHO CODE, TO ALLOW GRANTS FOR TRAINING; AMENDING SECTION 39-3604, IDAHO CODE, TO ALLOW FOR PAYMENTS FOR TRAINING AND DEVELOPMENT OF RULES AND REGULATIONS FOR TRAINING GRANTS; AND AMENDING SECTION 39-3606, IDAHO CODE, TO ALLOW FOR APPROPRIATION OF MONEYS FOR TRAINING PURPOSES.

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

SECTION 1. That Section 39-3602, Idaho Code, be, and the same is hereby amended to read as follows:

39-3602. DEFINITIONS. A. "Sewage treatment works" means any facility for the purpose of collecting, treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

B. "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of sewage treatment works, preliminary planning to determine the economic and engineering feasibility of sewage treatment works, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of sewage treatment works, and the inspection and supervision of the construction of sewage treatment works.

C. "Eligible construction project" means a project for construction of sewage treatment works:

1. For which approval of the Idaho board of health and welfare is required under section 39-118, Idaho Code;
2. Which is, in the judgment of the Idaho board of health and welfare, eligible for water pollution abatement assistance, whether or not federal funds are then available therefor;
3. Which conforms with applicable rules and regulations of the Idaho board of health and welfare;
4. Which is, in the judgment of the Idaho board of health and welfare, necessary for the accomplishment of the state's policy of water purity as stated in section 39-3601, Idaho Code; and
5. Which is needed, in the judgment of the Idaho board of health and welfare, to correct existing water pollution problems or public health hazards and to provide reasonable reserve capacity to prevent future water pollution problems or public health hazards.

D. "Municipality" means any county, city, special service dis-
strict or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.

E. "Board" means the Idaho board of health and welfare.
F. "Department" means the Idaho department of health and welfare.
G. "Director" means the director of the Idaho department of health and welfare.
H. "Nondomestic wastewater" means wastewater whose source of contamination is not principally human excreta.
I. "Training program" means any course of training established to provide sewage treatment plant operating personnel with increased knowledge to improve their ability to operate and maintain sewage treatment works.

SECTION 2. That Section 39-3603, Idaho Code, be, and the same is hereby amended to read as follows:

39-3603. AUTHORIZATION OF GRANTS -- DESIGNATION OF ADMINISTERING AGENCY -- RESERVATION OF FUNDS FOR ADMINISTRATION -- CRITERIA -- PRIORITY PROJECTS -- ELIGIBLE PROJECTS. A. The state of Idaho is hereby authorized to make grants, as funds are available, to any municipality to assist said municipality in the construction of sewage treatment works and to provide for training of treatment plant operating personnel.
B. The Idaho board of health and welfare shall be the agency for administration of funds granted by this state, and may reserve up to two percent (2%) of the moneys accruing annually to the water pollution control fund to be appropriated annually for the purpose of administering the grants program established pursuant to this section.
C. In allocating state construction grants under this act, the Idaho board of health and welfare shall give consideration to water pollution control needs and protection of public health.
D. Pursuant to subsection C the Idaho board of health and welfare shall establish a list of priority projects and it shall be used as a method for allocation of funds granted under this act.

SECTION 3. That Section 39-3604, Idaho Code, be, and the same is hereby amended to read as follows:

39-3604. PAYMENTS BY STATE BOARD OF HEALTH AND WELFARE -- CONTRACTS WITH MUNICIPALITIES -- RULES AND REGULATIONS -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. A. The Idaho board of health and welfare may make payments not to exceed ninety percent (90%) of the estimated reasonable cost of the an eligible construction project.
B. The Idaho board of health and welfare may, in the name of the state of Idaho, enter into contracts with municipalities, and any such municipality may enter into a contract with the Idaho board of health and welfare, concerning eligible construction projects. Any such contract may include such provisions as may be agreed upon by the parties.
thereto, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of the project as determined by the Idaho board of health and welfare.

2. An agreement by the municipality, binding for the actual service life of the sewage treatment works:
   a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to section 39-118, Idaho Code.
   b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the board of health and welfare.
   c. To operate and maintain the sewage treatment works in accordance with applicable provisions, rules and regulations of the board.
   d. To make available on an equitable basis the services of the sewage treatment works to the residents and commercial and industrial establishments of areas it was designed to serve.
   e. To provide for the payment of the municipality's share of the cost of the project.
   f. To develop and to secure the approval of the department of plans for the operation and maintenance of the sewage treatment works; and of plans and programs for the recovery of the capital costs and operating expenses of the works.
   g. To allow the state to give grants of up to ninety percent (90%) of the estimated reasonable cost of an eligible project to a municipality which does not have a nondomestic wastewater source which (1) contributes ten percent (10%) or more of the organic or hydraulic loading of the works or (2) requires the installation of special treatment processes which add an increment of ten percent (10%) or more to the capital cost of the works. The state may make grants of up to twenty-five percent (25%) of the estimated reasonable cost of an eligible project to a municipality which has such a nondomestic wastewater source; and
   h. To provide for the accumulation of funds through the use of taxing powers, through charges made for services, through revenue bonds, or otherwise, for the purposes of (1) capital replacement and (2) future improvement, betterment, and extension of such works occasioned by increased wastewater loadings on the works.

3. The terms under which the Idaho board of health and welfare may unilaterally terminate the contract and/or seek repayment from the municipality of sums already paid pursuant to the contract for noncompliance by the municipality with the terms and conditions of the contract and the provisions of this subsection.
C. The board may adopt rules and regulations necessary for the making and enforcing of contracts hereunder and establishing procedures to be followed in applying for state construction or training grants herein authorized as shall be necessary for the effective administration of the grants program.

D. All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by law on vouchers approved by the director.

SECTION 4. That Section 39-3606, Idaho Code, be, and the same is hereby amended to read as follows:

39-3606. APPROPRIATION OF WATER POLLUTION CONTROL FUND -- PURPOSE OF ACT. Sewage treatment works construction and training moneys in the water pollution control fund are hereby perpetually appropriated for the purposes of this chapter. The purposes of this chapter are:

1. To provide the state's matching share of construction grants made under the provisions of this chapter.

2. To provide revenue for the payment of general obligation bonds issued pursuant to section 39-3607, Idaho Code, and general obligation refunding bonds issued pursuant to chapter 115, 1973 laws of the state of Idaho.

3. To provide for the administration of the grants program established pursuant to this chapter.

4. To provide direct grants for the purpose of providing training for sewage treatment plant operating personnel.

Approved March 31, 1980.

CHAPTER 281
(H.B. No. 693)
PROVIDING FOR TRANSFER OF UNCLAIMED DIVIDENDS, PROFITS, DISTRIBUTIONS, INTEREST AND OTHER SUMS HELD OR OWING BY BUSINESS ASSOCIATIONS; PROVIDING FOR TRANSFER OF UNCLAIMED PROPERTY AFTER DISSOLUTION OR LIQUIDATION OF A BUSINESS ASSOCIATION; PROVIDING FOR TRANSFER OF UNCLAIMED PROPERTY HELD BY FIDUCIARIES AND AGENTS; PROVIDING FOR TRANSFER OF UNCLAIMED PROPERTY HELD BY GOVERNMENTS OR GOVERNMENTAL SUBDIVISIONS; PROVIDING FOR TRANSFER OF UNCLAIMED PROPERTY HELD OR OWING IN THE ORDINARY COURSE OF THE HOLDER'S BUSINESS; PROVIDING FOR TRANSFER OF UNCLAIMED EMPLOYEE BENEFIT TRUST DISTRIBUTIONS AND INCOME OR INCREASES THEREON; PROVIDING LIMITATIONS UPON CHARGES OR FEES DEDUCTED OR WITHHELD FROM PROPERTY SUBJECT TO TRANSFER; PROVIDING REQUIREMENTS FOR REPORTING BY HOLDERS OF UNCLAIMED PROPERTY; PROVIDING FOR PUBLICATION AND MAILING REQUIREMENTS TO LOCATE OWNERS OF UNCLAIMED PROPERTY; PROVIDING FOR PROCEDURES TO LOCATE OWNERS; PROVIDING FOR DISCLOSURE OF INFORMATION TO THE STATE TAX COMMISSION TO LOCATE OWNERS; PROVIDING FOR PAYMENT OR DELIVERY OF UNCLAIMED PROPERTY TO THE STATE; PROVIDING FOR CLAIMS PRIOR TO DELIVERY TO THE STATE; PROVIDING FOR RELIEVING HOLDERS OF LIABILITY FOR TRANSFER OF CERTAIN PROPERTY TO THE STATE; PROVIDING FOR REFUSAL BY THE STATE TO ACCEPT CUSTOM OF TANGIBLE PERSONAL PROPERTY; PROVIDING PROCEDURES FOR FILING CLAIMS; PROVIDING FOR INTEREST UPON CLAIMS; PROVIDING FOR JUDICIAL REVIEW OF DENIAL OF CLAIMS; PROVIDING FOR CLAIMS BY OTHER STATES; PROVIDING FOR CUSTODY OF UNCLAIMED PROPERTY BY THE STATE, PROVIDING RELIEF FROM LIABILITY FOR TRANSFERS TO THE STATE, PROVIDING FOR PAYMENT OF LIEN AGAINST CONTENTS OF SAFE DEPOSIT BOXES AND REPOSITORIES FOR RENT AND OTHER CHARGES, AND PROVIDING FOR REIMBURSEMENT CLAIMS AND CLAIMS FOR RETURN OF PERSONAL PROPERTY BY HOLDERS; PROVIDING FOR REFUND OR REDELIVERY BECAUSE OF MISTAKE; PROVIDING PROCEDURES FOR INCOME OR OTHER INCREMENTS REALIZED FROM UNCLAIMED PROPERTY; PROVIDING FOR SALE OF UNCLAIMED PROPERTY BY THE STATE; PROVIDING FOR DISPOSITION OF MONEY RECEIVED, PROVIDING FOR APPROPRIATION FROM UNCLAIMED PROPERTY ACCOUNT TO PAY CLAIMS, REFUNDS AND CERTAIN COSTS ASSOCIATED WITH ADMINISTRATION OF THIS CHAPTER, AND PROVIDING FOR TRANSFER OF EXCESS FUNDS TO THE GENERAL ACCOUNT; PROVIDING FOR DISPOSAL OF VALUELESS PROPERTY; PROVIDING FOR LIMITATIONS UPON LIABILITY OF THE STATE, ITS OFFICERS AND EMPLOYEES; PROVIDING FOR PRESERVATION OF PROPERTY OF HISTORICAL VALUE; PROVIDING NO TIME LIMITATION FOR ACTION AGAINST HOLDERS; PROVIDING FOR EXAMINATION OF RECORDS; PROVIDING FOR PROCEDURES AND ACTIONS TO ENFORCE UNCLAIMED PROPERTY LAW; PROVIDING FOR COOPERATION AND AGREEMENTS WITH OTHER STATES FOR ENFORCEMENT OF UNCLAIMED PROPERTY LAWS AND PROVIDING FOR NECESSARY REPORTING IN CONNECTION THEREWITH; PROVIDING FOR BRINGING ACTION ON BEHALF OF STATES WITH RECIPROCAL AGREEMENTS WHEN CERTAIN CONDITIONS ARE MET, AND PROVIDING CONDITIONS FOR OTHER STATES REPRESENTING IDAHO'S INTERESTS IN THEIR STATES AND PROVIDING FOR PAYMENT OF REASONABLE COSTS INCURRED; PROVIDING ADDITIONS AND PENALTIES FOR VIOLATION OF THIS ACT; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR MAINTENANCE OF RECORDS REGARDING TRAVELERS CHECKS, MONEY ORDERS AND SIMILAR INSTRUMENTS, AND PROVIDING PENALTIES FOR FAILURE TO
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 14, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 14, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 14, Idaho Code, and to read as follows:

CHAPTER 5
UNCLAIMED PROPERTY LAW

14-501. TITLE OF ACT. This chapter may be cited as the "Unclaimed Property Law."

14-502. DEFINITIONS. As used in this chapter, unless the context otherwise requires:
(a) "Apparent owner" means the person who appears, from the records of the holder, to be entitled to property held by the holder.
(b) "Banking organization" means any national or state bank, trust company, banking company, land bank, savings bank, safe deposit company, private banker, or any similar organization.
(c) "Business association" means any private corporation, joint stock company, business trust, partnership or any association for business purposes of two (2) or more individuals, whether or not for profit, including, but not by way of limitation, a banking organization, financial organization, life insurance corporation, and utility.
(d) "Financial organization" means any federal or state savings and loan association, building and loan association, credit union, investment company, or any similar organization.
(e) "Government or governmental subdivision or agency" does not include the United States government or any officer, department, or agency thereof.
(f) "Holder" means any person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.
(g) "Life insurance corporation" means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.
(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this act, or his legal representative.
(i) "Person" means any individual, business association, government or governmental subdivision or agency, two (2) or more persons
having a joint or common interest, or any other legal or commercial entity, whether such person is acting in his own right or in a representative or fiduciary capacity.

(j) "Employee benefit trust distribution" means any money, life insurance, endowment or annuity policy or proceeds thereof, securities or other intangible property, and any tangible property, distributable to a participant, former participant, or the beneficiary or estate of a participant or former participant or beneficiary, from a trust or custodial fund established under the plan to provide health and welfare, pension, vacation, severance, retirement benefit, death benefit, stock purchase, profit sharing, employee savings, supplemental unemployment insurance benefits or similar benefits.

14-503. EXEMPTIONS. (a) This chapter does not apply to:
(1) Any instrument issued in a foreign country.
(2) Any funds held only in a foreign country.
(b) As used in this act:
(1) "Old act" means this chapter as it existed prior to the effective date of this act.
(2) "New act" means this chapter as it exists on and after the effective date of this act.
(3) "Property not subject to the old act" means property that was not presumed abandoned under the old act.
(c) The holder is not required to file a report concerning, or to pay or deliver to the state tax commission, any property not subject to the old act if an action by the owner against the holder to recover such property was barred by an applicable statute of limitations prior to the effective date of this act.
(d) The holder is not required to file a report concerning, or to pay or deliver to the state tax commission, any unclaimed property not subject to the old act and not required to be reported under the old act, unless on the effective date of this act, such unclaimed property has been held by the holder for less than fifteen (15) years.
(e) This chapter does not require the holder to pay or deliver any property to this state if the property was escheated or delivered to the custody of another state prior to the effective date of this act, in compliance with the laws of that state. Nothing in this subdivision affects or limits the right of the state tax commission to recover such property from the other state.

14-504. DUTIES ARISING PRIOR TO EFFECTIVE DATE OF THIS ACT UNCHANGED. This chapter does not affect any duty to file a report with the state tax commission or to pay or deliver any property to the commission that arose prior to the effective date of this act, under the provisions of this chapter as it existed prior to the effective date of this act. Such duties may be enforced by the state tax commission, and the penalties for failure to perform such duties may be imposed, under the provisions of this chapter as it existed prior to the effective date of this act. The provisions of this chapter as it existed prior to the effective date of this act are continued in existence for the purposes of this section.
14-505. INTANGIBLE PERSONAL PROPERTY -- CONDITIONS FOR TRANSFER.
Unless otherwise provided by statute of this state, intangible personal property passes to this state under this chapter if the conditions stated in sections 14-507 through 14-516, Idaho Code, exist, and if:

(a) The last known address, as shown on the records of the holder, of the apparent owner is in this state.

(b) No address of the apparent owner appears on the records of the holder and:
   (1) The last known address of the apparent owner is in this state; or
   (2) The holder is domiciled in this state and has not previously paid the property to the state of the last known address of the apparent owner; or
   (3) The holder is a government or governmental subdivision or agency of this state and has not previously paid the property to the state of the last known address of the apparent owner.

(c) The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide by law for the escheat or transfer of such property to the state and the holder is:
   (1) Domiciled in this state; or
   (2) A government or governmental subdivision or agency of this state.

(d) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is:
   (1) Domiciled in this state; or
   (2) A government, governmental subdivision or agency of this state.

14-506. TRAVELERS CHECK OR MONEY ORDER -- STATE OF PURCHASE.
(a) Any sum payable on a money order, travelers check, or other similar written instrument (other than a third party bank check) on which a business association is directly liable must be transferred to this state under this chapter if the conditions for transfer stated in section 14-507, Idaho Code, exist and if:
   (1) The books and records of such business association show that such money order, travelers check, or similar written instrument was purchased in this state;
   (2) The business association has its principal place of business in this state and the books and records of the business association do not show the state in which such money order, travelers check, or similar written instrument was purchased; or
   (3) The business association has its principal place of business in this state, the books and records of the business association show the state in which such money order, travelers check, or similar written instrument was purchased, and the laws of the state of purchase do not provide for the escheat or transfer of the sum payable on such instrument.
14-507. DEPOSITS WITH BANKS AND OTHER FINANCIAL INSTITUTIONS -- TRAVELERS CHECKS, MONEY ORDERS, AND INSTRUMENTS ON WHICH BANKING AND FINANCIAL INSTITUTIONS ARE DIRECTLY LIABLE. Subject to sections 14-505 and 14-506, Idaho Code, the following property held or owing by a business association must be transferred to this state:

(a) Any demand, savings, or matured time deposit made with a banking organization, together with any interest or dividends thereon, excluding, from demand deposits only, any reasonable service charges which may lawfully be withheld, when the owner, for more than fifteen (15) years, has not:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or
(2) Corresponded in writing with the banking organization concerning the deposit; or
(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking organization.

No banking organization may discontinue any interest or dividends on any savings deposit, or impose service charges or any deposit which is not charged to similar active accounts, because of the inactivity contemplated by this section.

(b) Any funds paid toward the purchase of shares, or any matured investment certificate, or other interest in a financial organization or any deposit made therewith, and any interest or dividends thereon, excluding any service charges the amount of which is specifically provided by federal statute or regulation of a federal agency and which do not (where paid or made in this state) exceed those set forth in schedules filed by the financial organization from time to time with the state tax commission, when the owner, for more than fifteen (15) years, has not:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or
(2) Corresponded in writing with the financial organization concerning the funds or deposit; or
(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum or other record on file with the financial organization.

No financial organization may discontinue any interest or dividends or impose service charges on any funds paid toward purchase or shares or other interest, or on any deposit, because of the inactivity contemplated by this section.

(c) Any sum payable on a travelers check issued by a business association that has been outstanding for more than fifteen (15) years from the date of its issuance, when the owner, for more than fifteen (15) years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with such association.

(d) Any sum payable on any other written instrument on which a
banking or financial organization is directly liable, including, by way of illustration but not of limitation, any draft, certified check, or money order, that has been outstanding for more than fifteen (15) years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than fifteen (15) years, has not corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization.

(e) Any sum payable on a money order issued by a business association (other than a banking or financial organization) that has been outstanding for more than fifteen (15) years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than fifteen (15) years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the business association.

(f) No bank or other financial organization may discontinue any interest or dividends or impose service charges on any funds, deposits, shares or investment certificates because of the inactivity contemplated by this section.

14-508. NOTICE TO CUSTOMER. (a) Every banking or financial organization shall make reasonable efforts to notify any customer that the customer's deposit, shares or other interest in the banking or financial organization will be transferred to the state pursuant to subdivision (a) or (b) of section 14-507, Idaho Code, not less than six (6) nor more than twelve (12) months before the time such deposit, shares, or other interest will be transferred.

(b) The notice required by this section shall specify the time that the deposit, shares, or other interest will be transferred and the effects of transfer, including the necessity for filing a claim for the return of the deposit, shares, or other interest. It shall also include a form, as prescribed by the state tax commission, by which the customer may declare an intention to maintain the deposit, shares, or other interest. If that form is filled out, signed by the customer, and returned to the banking or financial organization, it shall satisfy the requirement of paragraph (3) of subsection (a) or paragraph (3) of subsection (b) of section 14-507, Idaho Code. The banking or financial organization may impose a service charge on such deposit, shares, or other interest for such notice in an amount not to exceed the administrative cost of mailing the notice and form and in no case to exceed one dollar ($1.00).

14-509. SAFE DEPOSIT BOX AND SAFEKEEPING REPOSITORY. The contents of any safe deposit box or any other safekeeping repository, held in this state by a business association, must be transferred to this state if unclaimed by the owner for more than fifteen (15) years from the date on which the lease or rental period, on the box or other repository expired, or from the date of termination of any agreement because of which the box or other repository was furnished to the
owner without cost, whichever occurs last.

14-510. LIFE INSURANCE AND ANNUITIES. (a) Subject to section 14-505, Idaho Code, funds held or owing by a life insurance corporation under any life or endowment insurance policy or annuity contract which has matured or terminated must be transferred to this state if unclaimed and unpaid for more than fifteen (15) years after the funds became due and payable as established from the records of the corporation.

(b) If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation. This presumption is a presumption affecting the burden of proof.

(c) A life insurance policy not matured by actual proof of the death of the insured according to the records of the corporation is deemed to be matured and the proceeds due and payable if:

1. The insured has attained, or would have attained if he were living, the limiting age under the mortality table on which the reserve is based;
2. The policy was in force at the time the insured attained, or would have attained, the limiting age specified in paragraph (1) of this section; and
3. Neither the insured nor any other person appearing to have an interest in the policy has, within the preceding fifteen (15) years, according to the records of the corporation (i) assigned, readjusted, or paid premiums on the policy, (ii) subjected the policy to loan, or (iii) corresponded in writing with the life insurance corporation concerning the policy.

(d) Any funds otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

14-511. DIVIDENDS, PROFIT, DISTRIBUTIONS, INTEREST, ETC. (a) Subject to section 14-505, Idaho Code, any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to its shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within fifteen (15) years after the date prescribed for payment or delivery, must be transferred to this state.

(b) Subject to section 14-505, Idaho Code, any intangible interest in a business association, as evidenced by the stock records or membership records of the association, must be transferred to this state if:

1. The interest in the association is owned by a person who for more than fifteen (15) years has neither claimed a dividend or
other sum referred to in subdivision (a) of this section nor corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association; and
(2) The association does not know the location of the owner at the end of such fifteen (15) year period. With respect to such interest, the business association shall be deemed the holder.
(c) Subject to section 14-505, Idaho Code, any dividends or other distributions held for or owing to a person at the time the stock or other security to which they attach which must be transferred to this state also must be transferred to this state as of the same time.

14-512. LIQUIDATING DISTRIBUTIONS. All property distributable in the course of a voluntary or involuntary dissolution or liquidation of a business association that is unclaimed by the owner within six (6) months after the date of final distribution or liquidation must be transferred to this state. This section applies to all tangible personal property located in this state and, subject to section 14-505, Idaho Code, to all intangible personal property.

14-513. FIDUCIARIES -- AGENTS. (a) All tangible personal property located in this state and, subject to section 14-505, Idaho Code, all intangible personal property, and the income or increment of such tangible or intangible property, held in a fiduciary capacity for the benefit of another person must be transferred to this state if, after it becomes payable or distributable, the owner has not within a period of fifteen (15) years increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.
(b) For the purpose of this section, when a person holds property as an agent for a business association; he is deemed to hold such property in a fiduciary capacity for the business association alone, unless the agreement between him and the business association clearly provides the contrary. For the purposes of this chapter, if a person holds property in a fiduciary capacity for a business association alone, he is the holder of the property only insofar as the interest of the business association in such property is concerned and the association is deemed to be the holder of the property insofar as the interest of any other person in the property is concerned.

14-514. GOVERNMENT OR GOVERNMENTAL AGENCIES. All tangible personal property located in this state, and subject to section 14-505, Idaho Code, all intangible personal property, held for the owner by any government or governmental subdivision or agency, that has remained unclaimed by the owner for more than fifteen (15) years must be transferred to this state.

14-515. PROPERTY HELD IN ORDINARY COURSE OF BUSINESS -- CHARGES. All tangible personal property located in this state and, subject to section 14-505, Idaho Code, all intangible personal property, except
property of the classes mentioned in sections 14-506, 14-507, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, and 14-516, Idaho Code, including any income or increment thereon and deducting any lawful charges, that is held or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than fifteen (15) years after it became payable or distributable must be transferred to this state.

For purposes of this section, "lawful charges" mean charges which are specifically authorized by statute, other than the unclaimed property law, or by a valid, enforceable contract.

14-516. EMPLOYEE BENEFIT TRUST DISTRIBUTION. (a) Except as provided in subsection (b) of this section, and subject to section 14-505, Idaho Code, all employee benefit trust distributions and any income or other increment thereon must be transferred to the state if the owner has not, within fifteen (15) years after it becomes payable or distributable, accepted such distribution, corresponded in writing concerning such distribution, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary of the trust or custodial fund or administrator of the plan under which such trust or fund is established.

(b) An employee benefit trust distribution and any income or other increment thereon shall not be transferred to this state if, at the time such distribution shall become payable to a participant in an employee benefit plan, such plan contains a provision for forfeiture or expressly authorizes the trustee to declare a forfeiture of a distribution to a beneficiary thereof who cannot be found after a period of time specified in such plan, and the trust or fund established under the plan has not terminated prior to the date on which such distribution would become forfeitable in accordance with such provision.

14-517. CHARGES -- LIMITATION. No service, handling, maintenance or other charge or fee of any kind may be deducted or withheld from any property subject to transfer under this chapter, unless specifically permitted by this chapter.

Even when specifically permitted by this chapter, such charges or fees may not be excluded, withheld or deducted from property subject to this chapter if, under its policy or procedure, the holder would not have excluded, withheld or deducted such charges or fees in the event the property had been claimed by the owner prior to being reported or remitted to the state tax commission.

14-518. REPORT BY HOLDER -- REQUIREMENTS. (a) Every person holding funds or other property which must be transferred to this state under this chapter shall report to the state tax commission as provided in this section.

(b) The report shall be on a form prescribed or approved by the state tax commission and shall include:

(1) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person
appearing from the records of the holder to be the owner of any property of value of twenty-five dollars ($25.00) or more required to be transferred under this chapter.

(2) In case of funds of life insurance corporations, the full name of the insured or annuitant, and his last known address, according to the life insurance corporation's records.

(3) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of such property and the place where it is held and may be inspected by the state tax commission, its agents or employees. The report shall set forth any amounts owing to the holder for unpaid rent or storage charges and for the cost of opening the safe deposit box or other safekeeping repository, if any, in which the property was contained.

(4) The nature and identifying number, if any, or description of any intangible property and the amount appearing from the records to be due, except that items of value under twenty-five dollars ($25.00) each may be reported in aggregate.

(5) Except for any property reported in the aggregate, the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property.

(6) Other information which the state tax commission prescribes which may be required for the proper administration of this chapter.

(c) If the holder is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1st of each year as of June 30th next preceding, but the report of life insurance corporations shall be filed before May 1st of each year as of December 31st next preceding. The state tax commission may postpone the reporting date upon its own motion or upon written request by any person required to file a report. Provided, however, a person requesting postponement may be required to pay the additional cost of publication resulting from postponement as a condition of postponement.

(e) Notwithstanding the provisions of subsection (d) of this section, any person who may be required to file reports pursuant to this chapter may make application to file its reports on a fiscal year basis. Upon approval of the application, the applicant shall file all future reports which may be required within four (4) months of the end of the applicant's fiscal year. Provided, however, a person making application to file reports on a fiscal year basis may be required to pay the additional costs of publication which may result from reporting on a fiscal year basis.

(f) The report, if made by an individual, shall be verified by the individual; if made by a partnership, by a partner; if made by an unincorporated association or private corporation, an officer; and if made by a public corporation, by its chief fiscal officer.
14-519. NOTICE CONTENT -- PUBLICATION -- MAILING. (a) Within one hundred twenty (120) days from the final date for filing the reports required by section 14-518, Idaho Code, the state tax commission shall cause a notice to be published at least once each week for two (2) successive weeks in an English language newspaper of general circulation in each county in this state which shall contain:

1. The last known address, as listed in the reports, of any person named in the reports as the apparent owner of property to be transferred to this state under this chapter; or
2. If no address of any apparent owner named in the reports is listed, or if the address listed in the reports for any apparent owner named therein is outside this state, the principal place of business within this state of the holder of the transferred property.

(b) Each published notice shall be entitled "notice of names of persons appearing to be owners of unclaimed property," and shall contain the names in alphabetical order and last known addresses, if any, of:

1. Those apparent owners listed in the reports as having a last known address within the county;
2. Those apparent owners listed as having a last known address outside this state or as having no last known address in a report filed by a holder with his principal place of business within the county; and
3. The insured or annuitant in the case of funds described in section 14-510, Idaho Code, if:
   1. The report does not list the name of the apparent owner of the funds and his last known address; and
   2. The last known address of the insured or annuitant is within the county.

(c) Each published notice shall also contain:
1. A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing any inquiry to the state tax commission.
2. A statement that, if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction before a date specified in the notice (which shall be the date five (5) months from the final date for filing the report), the property will be placed, not later than one (1) month after such date, in the custody of the state tax commission and all further claims must thereafter be directed to the state tax commission.

(d) The state tax commission is not required to publish in such notice any item of less than fifty dollars ($50.00) unless it deems such publication to be in the public interest.

(e) Within one hundred twenty (120) days from the final date for filing the report required by section 14-518, Idaho Code, the state tax commission shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars ($25.00) or more to be transferred under this
chapter.

(f) The mailed notice shall contain:

(1) A statement that, according to a report filed with the state tax commission, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the state tax commission and all further claims must be directed to the state tax commission.

(g) This section is not applicable to sums payable on travelers checks, money orders, and similar written instruments that transfer pursuant to section 14-506, Idaho Code.

14-520. PROCEDURE TO LOCATE OWNERS. The state tax commission shall establish and maintain a procedure to locate the owners of unclaimed property received pursuant to this chapter.

Notwithstanding any other provision of law, upon request of the state tax commission any state or local governmental agency shall furnish to the state tax commission from its records the address, or other identification or location information which could reasonably be used to locate an owner of unclaimed property.

If the address or other identification or location information requested by the state tax commission is deemed confidential under any laws or regulations of this state, it shall nevertheless be furnished to the state tax commission. However, neither the state tax commission nor any officer, agent, or employee of the state tax commission may use or disclose any such information except as may be necessary in attempting to locate the owner of unclaimed property.

14-521. PAYMENT OR DELIVERY -- CLAIMS PRIOR TO PAYMENT OR DELIVERY -- TRAVELERS CHECKS OR MONEY ORDERS -- SECURITIES -- PLACE OF PAYMENT OR DELIVERY. (a) Except as otherwise provided in subsections (b) and (c) of this section, every person who has filed a report as provided by section 14-518, Idaho Code, shall, within six (6) months from the final date for filing reports as required by section 14-518, Idaho Code, pay or deliver to the state tax commission all property specified in the report.

(b) If any person establishes his right to receive any property specified in the report to the satisfaction of the holder before such property has been delivered to the state tax commission, or if it appears that for some other reason the property is not subject to transfer to the state tax commission under this chapter, the holder need not pay or deliver the property to the state tax commission but in lieu thereof shall file with the state tax commission a written explanation of the proof of claim or of the reason the property is not subject to transfer.

(c) In the case of sums payable on travelers checks, money
orders, and similar written instruments, which must be transferred under subsections (c), (d), and (e) of section 14-507, Idaho Code, such sums shall be paid to the state tax commission not later than twenty (20) days after the final date for filing the report.

(d) The holder of any interest under subsection (b) of section 14-511, Idaho Code, shall deliver a duplicate certificate to the state tax commission. Upon delivery of a duplicate certificate to the state tax commission, the holder and any transfer agent, registrar or other person acting for or on behalf of the holder in executing or delivering such duplicate certificate shall be relieved from all liability of every kind to any person including, but not limited to, any person acquiring the original certificate or the duplicate of such certificate issued to the state tax commission for any losses or damages resulting to such person by the issuance and delivery to the state tax commission of such duplicate certificate.

(e) Payment of any intangible property to the state tax commission shall be made at the office of the state tax commission in Boise, Idaho, or at such other location as the state tax commission by regulation may designate. Except as otherwise agreed by the state tax commission and the holder, tangible personal property shall be delivered to the state tax commission at the place where it is held.

14-522. TANGIBLE PROPERTY -- NOTICE OF REFUSAL TO ACCEPT CUSTODY. Tangible personal property may be excluded from the notices required by section 14-519, Idaho Code, shall not be delivered to the state tax commission and shall not be transferred to the state, if the state tax commission, in its discretion, determines that it is not in the interest of the state to take custody of the property and notifies the holder in writing; within one hundred twenty (120) days from receipt of the report required by section 14-518, Idaho Code, of its determination not to take custody of the property.

14-523. CLAIM -- TIME FOR ADJUDICATION -- PAYMENT OF INTEREST. (a) Any person, excluding another state, who claims an interest in property paid or delivered to the state tax commission under this chapter may file a claim to the property or to the net proceeds from its sale. The claim shall be on a form prescribed by the state tax commission and shall be verified by the claimant.

(b) The state tax commission shall consider each claim within ninety (90) days after it is filed. It may hold a hearing and receive evidence. It shall give written notice to the claimant if it denies the claim in whole or in part. Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which notices are to be sent. If no such address is stated in the claim, the notice may be mailed to the address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either an address to which notices are to be sent or an address of the claimant.

(c) The state tax commission shall add interest from the time unclaimed property or the net proceeds therefrom were deposited in the unclaimed property account subject to the following limitations:
(1) If the unclaimed property was held in an interest bearing account for the period it remained unclaimed prior to its transfer to the state, the lesser of five percent (5%) simple interest or the rate paid on the account shall be paid to the claimant.
(2) If the unclaimed property was not held in an interest bearing account for the period it remained unclaimed prior to its transfer to the state, one percent (1%) simple interest shall be paid to the claimant.
(3) Provided, however, in no event shall interest be paid by the state for more than ten (10) years from the time the unclaimed property or the net proceeds therefrom were deposited in the unclaimed property account.
(d) Any holder who pays to the owner, property which has been transferred to the state and which, if claimed from the state tax commission, would be subject to subsection (c) of this section, may add interest as provided in subsection (c). Such added interest shall be repaid to the holder by the state tax commission in the same manner as the principal.
(e) For the purposes of this section, "owner" means the person who had legal right to the property prior to its transfer, his heirs, or his legal representative.

14-524. JUDICIAL REVIEW. Any person aggrieved by a decision of the state tax commission denying in whole or in part a claim to property or the net proceeds from its sale, may obtain judicial review as provided in section 63-3049(a) and (c), Idaho Code.

14-525. CLAIMS -- OTHER STATES. (a) At any time after property has been paid or delivered to the state tax commission under this chapter, another state is entitled to recover the property if:
(1) The property was transferred to this state under subsection (b) of section 14-505, Idaho Code, because no address of the apparent owner of the property appeared on the records of the holder when the property was transferred under this chapter, the last known address of the apparent owner was in fact in such other state, and under the laws of that state, the property must be transferred or escheated to that state;
(2) The last known address of the apparent owner of the property appearing on the records of the holder is in such other state and, under the laws of that state, the property has escheated to or must be transferred to that state;
(3) The property is the sum payable on a travelers check, money order, or other similar instrument that was transferred to this state under section 14-506, Idaho Code, the travelers check, money order, or other similar instrument was in fact purchased in such other state, and, under the laws of that state, the property escheated to or must be transferred to that state; or
(4) The property is funds held or owing by a life insurance corporation that were transferred to this state by application of the presumption provided by subsection (b) of section 14-510, Idaho Code, the last known address of the person entitled to the funds
was in fact in such other state, and, under the laws of that state, the property escheated to or must be transferred to that state.

(b) The claim of another state to recover transferred property under this section shall be presented in writing to the state tax commission, which shall consider the claim within ninety (90) days after it is presented. It may hold a hearing and receive evidence. It shall allow the claim if it determines that the other state is entitled to the transferred property.

(c) Paragraphs (1) and (2) of subsection (a) of this section, do not apply to property described in paragraphs (3) or (4) of that subsection.

14-526. CUSTODY -- RELIEF FROM LIABILITY -- SAFE DEPOSIT AND REPOSITORY CONTENTS SUBJECT TO LIEN -- REIMBURSEMENT CLAIMS AND CLAIM FOR RETURN OF PERSONAL PROPERTY BY HOLDER. (a) Upon the payment or delivery of property to the state tax commission, the state shall assume custody and shall be responsible for the safekeeping of the property. Any person who pays or delivers property to the state tax commission under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Property removed from a safe deposit box or other safekeeping repository shall be received by the state tax commission subject to any valid lien of the holder for rent and other charges, such rent and other charges to be paid out of the proceeds remaining after the state tax commission has deducted therefrom its selling cost.

(b) Any holder who has paid moneys to the state tax commission pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon filing proof of such payment and proof that the payee was entitled thereto, the state tax commission shall forthwith reimburse the holder for the payment without deduction of any fee or other charges. Where reimbursement is sought for a payment made on a negotiable instrument (including a travelers check or money order), the holder shall be reimbursed under this subdivision upon filing proof that the instrument was duly presented to him and that payment was made thereon to a person who appeared to the holder to be entitled to payment.

(c) The holder shall be reimbursed under this section even if he made the payment to a person whose claim against him would otherwise have been barred by the expiration of a time period except for the provisions of section 14-534, Idaho Code.

(d) Any holder who has delivered personal property, including a certificate of any interest in a business association, to the state tax commission pursuant to this chapter may reclaim such personal property if still in the possession of the state tax commission without payment of any fee or other charges upon filing proof that the owner thereof has claimed such personal property from such holder. The state tax commission may, in its discretion, accept an affidavit of the holder stating the facts that entitle the holder to reimbursement
under this subsection as sufficient proof for the purposes of this subsection.

14-527. DEFENSE OF HOLDER BY STATE TAX COMMISSION -- PAYMENT OR DELIVERY BECAUSE OF MISTAKE. (a) If the holder pays or delivers property to the state tax commission in accordance with this chapter and thereafter any person claims the property from the holder or another state claims the property from the holder under that state's laws relating to unclaimed property or escheat, the state tax commission shall, upon written notice of such claim, defend the holder against the claim and indemnify him against any liability on the claim.

(b) If any holder, because of mistake of law or fact, pays or delivers any property to the state tax commission that is not required to be transferred under this chapter and thereafter claims the property from the state tax commission, the state tax commission shall, if it has not disposed of the property in accordance with this chapter, refund or redeliver the property to the holder without deduction for any fee or other charge.

14-528. INCOME ON UNCLAIMED PROPERTY. When property other than money is delivered to the state tax commission under this chapter, any dividends, interest or other increments realized or accruing on such property at or prior to liquidation or conversion thereof into money, shall upon receipt be credited to the owner's account by the state tax commission. Except for amounts so credited and except as provided in section 14-523, Idaho Code, the owner is not entitled to receive income or other increments on money or other property paid or delivered to the state tax commission under this chapter. All interest received and other income derived from the investment of moneys deposited in the unclaimed property account under the provisions of this chapter shall, on order of the state tax commission, be transferred to the general account.

14-529. SALE OF UNCLAIMED PROPERTY BY STATE TAX COMMISSION. (a) Except as provided in subsection (b) of this section, all property delivered to the state tax commission under this chapter shall be sold by the state tax commission to the highest bidder at public sale in whatever city in the state affords, in its judgment, the most favorable market for the property involved. The state tax commission may decline the highest bid and reoffer the property for sale if it considers the price bid insufficient. It need not offer any property for sale if, in its opinion, the probable cost of sale exceeds the value of the property. Any sale of property held under this section shall be preceded by a single publication of notice thereof, at least one (1) week in advance of sale, in an English language newspaper of general circulation in the county where the property is to be sold.

(b) Securities listed on established stock exchange shall be sold at the prevailing prices on such exchange. Other securities may be sold over the counter at prevailing prices or, with prior approval of the state board of examiners, by such other method as the commission may determine to be advisable. United States government savings bonds
and United States war bonds shall be presented to the United States for payment. Subsection (a) of this section does not apply to the property described in this subsection.

(c) The purchaser at any sale conducted by the state tax commission pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The state tax commission shall execute all documents necessary to complete the transfer of title.

14-530. DISPOSITION OF MONEY RECEIVED. (a) All money received under this chapter, including the proceeds from the sale of property under section 14-529, Idaho Code, shall be deposited in the unclaimed property account.

(b) All money in the unclaimed property account is hereby continuously appropriated to the state tax commission, without regard to fiscal years, for expenditure in accordance with law in carrying out and enforcing the provisions of this chapter, including, but not limited to, the following purposes:

(1) For payment of claims allowed by the state tax commission under the provisions of this chapter.
(2) For refund, to the person making such deposit of amounts, including overpayments, deposited in error in such account.
(3) For payment of the cost of appraisals incurred by the state tax commission covering property held in the name of the account.
(4) For payment of the cost incurred by the state tax commission for the purchase of lost instrument indemnity bonds, or for payment to the person entitled thereto, for any unpaid lawful charges or costs which arose from holding any specific property or any specific funds which were delivered or paid to the state tax commission, or which arose from complying with this chapter with respect to such property or funds.
(5) For payment of amounts required to be paid by the state as trustee, bailee, or successor in interest to the preceding owner.
(6) For payment of costs incurred by the state tax commission for the repair, maintenance, and upkeep of property held in the name of the account.
(7) For payment of costs of official advertising in connection with the sale of property held in the name of the account.
(8) For transfer to the general account as provided in subsection (c) of this section.
(9) For transfer to the inheritance tax account of the amount of any inheritance taxes determined to be due and payable to the state by any claimant with respect to any property claimed by him under the provisions of this chapter.

(c) At the end of each month, or oftener if it deems it advisable, the state tax commission shall transfer all money in the unclaimed property account in excess of fifty thousand dollars ($50,000) to the general account. Before making this transfer, it shall record the name and last known address of each person appearing from the holder's report to be entitled to the property and the name
and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, and the name of the corporation. The record shall be available for public inspection at all reasonable business hours.

14-531. DESTRUCTION OF VALUELESS PROPERTY. Any property delivered to the state tax commission pursuant to this chapter which has no apparent commercial value shall be retained by the state tax commission until such time as it determines to destroy or otherwise dispose of it. If the state tax commission determines that any property delivered to it pursuant to this chapter has no apparent commercial value, it may at any time thereafter destroy or otherwise dispose of the property, and in that event no action or proceeding shall be brought or maintained against the state or any officer thereof or against the holder for or on account of any action taken by the state tax commission pursuant to this chapter with respect to the property.

14-532. LIMITATION OF LIABILITY OF STATE AND OFFICERS. (a) When payment or delivery of money or other property has been made to any claimant under the provisions of this chapter, no suit shall thereafter be maintained by any other claimant against the state or any officer or employee thereof for or on account of such property.

(b) Except as provided in section 14-524, Idaho Code, no suit shall be maintained by any person against the state or any officer or employee thereof for or on account of any transaction entered into by the state tax commission pursuant to this chapter.

14-533. USE OF PROPERTY BY DIRECTOR OF STATE HISTORICAL SOCIETY. The director of the state historical society may examine any tangible personal property delivered to the state tax commission under this chapter for purposes of determining whether such property is of sufficient historical value that it should be preserved. If he so determines, the state tax commission may deliver such property to the state historical society for preservation and display, until such time as the owner shall make proper claim for return of such property.

14-534. NO TIME LIMITATION FOR ACTION AGAINST HOLDERS. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property from the holder, does not prevent the money or property from being transferred to the state tax commission, and does not affect any duty to file a report required by this chapter or to pay or deliver property to the state tax commission.

14-535. EXAMINATION OF RECORDS. (a) The state tax commission may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this chapter.
(b) When requested by the state tax commission, such examination may be conducted by any licensing or regulating agency otherwise empowered by the laws of this state to examine the records of the holder. For the purpose of determining compliance with this chapter, the department of finance is vested with full authority to examine the records of any banking organization and any savings and loan association doing business within this state but not organized under the laws of or created in this state.

14-536. ACTIONS TO ENFORCE UNCLAIMED PROPERTY LAW. The collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, and 63-3042 through 63-3065A, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this chapter and collection of any property required to be transferred under this act. For this purpose, the estimated value of property required to be transferred shall be treated in the same manner as taxes due the state of Idaho, and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement of this chapter be described as unclaimed property liens and proceedings.

14-537. AGREEMENTS WITH OTHER STATES. The state tax commission may enter into an agreement to provide information needed to enable another state to determine unclaimed property it may be entitled to if such other state or an official thereof agrees to provide this state with information needed to enable this state to determine unclaimed property it may be entitled to. The state tax commission may, by regulation, require the reporting of information needed to enable it to comply with agreements made pursuant to this section and may, by regulation, prescribe the form, including verification, of the information to be reported and the times for filing the reports.

14-538. COOPERATION WITH OTHER STATES IN ENFORCEMENT. At the request of another state, the attorney general of this state may bring an action in the name of the other state, in any court of appropriate jurisdiction of this state or federal court within this state, to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat by the other state, if:

(a) The courts of the other state cannot obtain jurisdiction over the holder;

(b) The other state has agreed to bring actions in the name of this state at the request of the attorney general of this state to enforce the provisions of this chapter against any person in the other state believed by the state tax commission to hold property subject to transfer under this chapter, where the courts of this state cannot obtain jurisdiction over such person; and

(c) The other state has agreed to pay reasonable costs incurred by the attorney general in bringing the action.

14-539. COMPENSATION TO OTHER STATES BRINGING REQUESTED ACTION ON
BEHALF OF STATE TAX COMMISSION. (a) If the state tax commission believes that a person in another state holds property subject to transfer under this chapter and the courts of this state cannot obtain jurisdiction over that person, the attorney general of this state may request an officer of the other state to bring an action in the name of this state to enforce the provisions of this chapter against such person.

(b) This state shall pay all reasonable costs incurred by the other state in any action brought under the authority of this section. Any costs paid pursuant to this section shall be paid from the unclaimed property account and shall not be deducted from the amount that is subject to be claimed by the owner in accordance with this chapter.

14-540. ADDITIONS AND PENALTIES. The additions, penalties and requirements provided by the Idaho income tax act, sections 63-3046 and 63-3075, Idaho Code, shall apply in the same manner and to the same extent to this act as to the Idaho income tax act and shall cover acts, omissions, and delinquencies under this act similar to acts, omissions and delinquencies under the Idaho income tax act. Such additions, penalties and requirements shall, for this purpose, be described as and be for acts, omissions, delinquencies and requirements under the unclaimed property law.

14-541. RULES AND REGULATIONS. The state tax commission is hereby authorized to make necessary rules and regulations to carry out the provisions of this chapter.

14-542. RECORDS -- TRAVELERS CHECKS AND MONEY ORDERS -- PENALTY. (a) Any business association that sells in this state its travelers checks, money orders, or other similar written instruments (other than third-party bank checks) on which such business association is directly liable, or that provides such travelers checks, money orders, or similar written instruments to others for sale in this state, shall maintain a record indicating those travelers checks, money orders, or similar written instruments that are purchased from it in this state.

(b) The record required by this section may be destroyed after it has been retained for such reasonable time as the state tax commission shall designate by regulation.

(c) Any business association that willfully fails to comply with this section is liable to the state for a civil penalty of one hundred dollars ($100) for each day of such failure to comply, which penalty may be recovered in an action brought by the state tax commission.

14-543. CONSTRUCTION OF ACT. The provisions of this chapter are to be liberally construed with a view to effect its purposes. The state of Idaho intends by this act to exercise all the jurisdiction available to it over all persons to the full extent allowed by the United States constitution, to the end that all unclaimed property of Idaho's citizens, wherever held, may be preserved for them until such time as the state may be able to return it.
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 portions 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 other part thereof be declared unconstitutional.

SECTION 3. That Section 15-2-105, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-105. NO TAKER. If there is no taker under the provisions of this chapter, the intestate estate passes to the state of Idaho, subject to administration by the public administrator. After deducting the expenses of administration and causing these to be paid to the county in which such administration occurred, the public administrator shall file the report of abandoned property required by section 14-5-14-518, Idaho Code, and proceed to dispose of the property in the manner set forth in the "unclaimed property act", provided, however, that if such money is not claimed within eighteen hundred and twenty-seven (1827) days (approximately five (5) years) from the day upon which such property is paid to the state tax commission, it shall escheat to the state and be apportioned to the public school fund without regard to the provisions of said act.

SECTION 4. That Section 15-3-914, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-914. DISPOSITION OF UNCLAIMED ASSETS. If an heir, devisee or claimant cannot be found, the personal representative shall distribute the share of the missing person to his trustee if one has been appointed; or, if no trustee has been appointed, shall file the report of abandoned property required by section 14-5-14-518, Idaho Code, and proceed to dispose of the property in the manner set forth in the "unclaimed property act," provided, however, that in the event no person appears to claim such property within eighteen hundred and twenty-seven (1827) days (approximately five (5) years) of the time such moneys or property is deposited with the state tax commission, the moneys or property so deposited shall accrue and be set over to the state building fund.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 31, 1980.
AN ACT
RELATING TO CARAVAN PERMITS; AMENDING SECTION 49-1803, IDAHO CODE, TO PROVIDE FOR A FEE INCREASE FOR CARAVAN PERMITS.

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

SECTION 1. That Section 49-1803, Idaho Code, be, and the same is hereby amended to read as follows:

49-1803. FEE FOR PERMIT -- COMPLIANCE WITH TRANSPORTATION LAWS. As a condition precedent to the issuance of any special permit provided for in section 49-1802, Idaho Code, the department of law enforcement of the state of Idaho shall charge and collect a fee of five-dollars-($5.00) ten dollars and twenty cents ($10.20) for each motor vehicle for which a caravaning permit may be issued, whether such vehicle be operated under its own power or in tow of another motor vehicle; provided, however, that no such permit shall be issued by said department of law enforcement unless and until the applicant therefor shall have produced evidence to the satisfaction of said department of law enforcement that all of the laws of this state relating to the transportation of property upon the public highways for hire shall have been complied with.

Approved March 31, 1980.

AN ACT
RELATING TO TRIP PERMITS; AMENDING SECTION 49-125A, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SINGLE TRIP PERMITS.

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

SECTION 1. That Section 49-125A, Idaho Code, be, and the same is hereby amended to read as follows:

49-125A. SINGLE TRIP PERMITS -- FEE. When any vehicle subject to license or registration is to be moved upon the public highways of the state of Idaho, from one point to another, the department of law enforcement may issue a special permit, in lieu of license or registration, upon the payment of a fee of five-dollars-($5.00) ten dollars and twenty cents ($10.20). Such permit shall be for the unladen single trip movement or transit of the vehicle only between the points of origin and destination as set forth on the permit.

All fees collected by the department of law enforcement under this
act shall be paid to the state treasurer and by-him-into placed in the state highway fund account.

Approved March 31, 1980.

CHAPTER 284
(H.B. No. 606)

AN ACT
RELATING TO TRIP PERMITS; AMENDING SECTION 49-120, IDAHO CODE, TO PROVIDE FOR FEE INCREASES FOR NONRESIDENT NINETY-SIX HOUR TRIP PERMITS.

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

SECTION 1. That Section 49-120, Idaho Code, be, and the same is hereby amended to read as follows:

49-120. REGISTRATION BY NONRESIDENTS -- FEES. All motor vehicles, trailers and semi-trailers owned by nonresidents and operated in this state shall be subject to the same fees as are required with respect to like vehicles operated by residents of this state; provided, that such vehicles may be operated without the payment of any license, use or registration fees to the extent that exemption therefrom is provided in agreements or regulations for reciprocal privileges issued under and pursuant to the Idaho motor vehicle reciprocity act, provided further, that if the nonresident vehicles' state of residence grants temporary trip permit privilege in that state to like vehicles from the state of Idaho, the nonresident operator of any such vehicle may in lieu of full licensing and registration under the laws of this state obtain a temporary trip permit from the department of law enforcement authorizing operation of such vehicle in the state for a period not to exceed ninety-six (96) hours and shall pay a base issuance fee of five twelve dollars ($5.12.00) per trip permit on any vehicle over eight thousand (8,000) pounds gross weight in addition to the following fees:

Vehicles of a gross weight of sixteen thousand (16,000) pounds, or less, two-dollars-($2.00) four dollars and eighty cents ($4.80) for each one hundred (100) miles, or part thereof, traveled on the highways of this state;

Vehicles of a gross weight in excess of sixteen thousand (16,000) pounds, three-dollars-($3.00) seven dollars and twenty cents ($7.20) for each one hundred (100) miles or part thereof, traveled on the highways of this state.

Such temporary trip permit shall contain such information, and be in such form, and shall be issued under such rules and regulations as may be prescribed by the department of law enforcement, and shall be displayed at all times while such vehicle is being operated on the highways of this state by posting the same upon the windshield of each such vehicle or in another prominent place thereon, where it may be
The director may select vendors to serve as his agents on state highways for the purpose of selling trip permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated at the rate of one dollar ($1.00) per permit sold, and he shall collect the fees herein provided by this section, and pay the same to the director. The vendor shall guarantee such payment by giving a bond to the state of Idaho in such sum as shall be fixed by the director, the premium on such bond to be paid by the department of law enforcement.

The director may, by reasonable rules, permit nonresident owners and/or operators of vehicles in lieu of obtaining such permits for each individual trip, to make monthly reports to the director, by the 20th day of the month, showing all movements of such vehicles within the state during the previous month and, at time of making such report, pay the required fees. Such owners and/or operators shall be required to furnish a bond to the state of Idaho in such sum as the director may determine, to insure payment of such fees; and such owner or operator shall pay the cost of auditing such reports by the director at least once a year.

All fees received for the permits herein mentioned shall be remitted by the department of law enforcement to the state treasurer and by him placed in the state highway fund account.

Approved March 31, 1980.

CHAPTER 285
(H.B. No. 530)

AN ACT
RELATING TO THE SPECIAL FUEL TAX; AMENDING SECTION 49-1231, IDAHO CODE, TO PROVIDE SUBSTITUTE TAXING PROCEDURES AND RATES DESCRIBED IN SECTION 63-2406, IDAHO CODE.

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

SECTION 1. That Section 49-1231, Idaho Code, be, and the same is hereby amended to read as follows:

49-1231. TAX IMPOSED. There is hereby levied and imposed an excise tax of nine-and-one-half-cents-(9-1/2%)-per-gallon on the use of special fuel in any motor vehicle while operated upon the highway, as herein defined. Said tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such special fuel dealer from the special fuel user and shall be paid over to the collector as hereinafter provided. Said tax, with respect to special fuel acquired by any special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, shall attach at the time of the con-
sumption of such fuel in the propulsion of a motor vehicle upon the highways of the state and shall be paid over to the collector by a special fuel user as hereinafter provided. The rate of the tax shall be determined in the same manner as provided by section 63-2406, Idaho Code.

Approved March 31, 1980.

CHAPTER 286
(H.B. No. 533)

AN ACT
RELATING TO APPORTIONMENT OF HIGHWAY USERS' REVENUE; AMENDING SECTION 40-2711, IDAHO CODE, BY PROVIDING A CHANGE OF TITLE FROM STATE HIGHWAY COMMISSIONER TO DIRECTOR OF IDAHO DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. That Section 40-2711, Idaho Code, be, and the same is hereby amended to read as follows:

40-2711. APPORTIONMENT OF HIGHWAY USERS' FUND ACCOUNT. The apportionment of highway users' fund account in counties where highway districts exist under option three of this act shall be as follows:

1. Ten per cent (10%) shall be divided equally among all highway districts within the county.
2. Forty-five per cent (45%) shall be divided among the highway districts in the county in the proportion that the amount collected from motor vehicles registrations in each highway district during the last calendar year, bears to the total amount of such collections in all highway districts in the county.
3. Forty-five per cent (45%) shall be divided among the highway districts of the county in the proportion that the number of miles of improved roads in the highway district of each highway district compares to the total number of miles of improved road in the entire county road system of said county.

Each highway district shall be required to certify to the county auditor of the county in which said highway district exists, the amount of improved roads within said highway district as reported to and approved by the state-highway-commissioner director of the Idaho department of transportation.

Approved March 31, 1980.
AN ACT
RELATING TO A DEFINITION OF MOTOR FUEL; AMENDING SECTION 63-2402,
IDAHO CODE, TO INCLUDE A DEFINITION OF GASOHOL.

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

SECTION 1. That Section 63-2402, Idaho Code, be, and the same is hereby amended to read as follows:

63-2402. DEFINITIONS. As used in this act, the following definitions shall apply:

(a) "Motor vehicle" means every self-propelled vehicle designed for operation or required to be licensed for operation upon a public highway.

(b) "Motor fuel" means any substance, the chief use of which is as fuel for the propulsion of motor vehicles or motor boats, including motor fuel containing a minimum of ten per cent (10%) blend of anhydrous ethanol from agricultural or forest products, or wastes of such products, commonly known as "gasohol." Motor fuel also means aircraft engine fuel when such aircraft engine fuel is used for propulsion of motor vehicles or motor boats. Motor fuel does not include fuels as defined in subsection (e) of section 49-1230, Idaho Code.

(c) "Aircraft engine fuel" means any substance, the chief use of which is as fuel for the propulsion of aircraft.

(d) "Person" means any individual, firm, copartnership, association, corporation (both private and municipal) or other group or combination acting as a unit, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

(e) "Licensed distributor" shall mean any person who receives motor fuel and/or aircraft engine fuel in this state, provided he has qualified with the state tax commission of the state of Idaho.

(f) "Public highway" means every way or place, including a toll road, generally open to the use of the public as a matter of right, for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for construction, reconstruction, repair or maintenance.

(g) "Retail dealer" means any person engaged in the retail sale of motor fuel and/or aircraft engine fuel to the public or for use in this state.

(h) "Commission" means the state tax commission of the state of Idaho.

Approved March 31, 1980.
CHAPTER 288  
(H.B. No. 538)  

AN ACT  
RELATING TO MOTOR FUELS; AMENDING SECTION 63-2404, IDAHO CODE, TO  
STRIKE REFERENCE TO A REFINERY IN THIS STATE AS A CONDITION OF  
DETERMINING RECEIPT OF MOTOR OR AIRCRAFT FUEL.  

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

SECTION 1. That Section 63-2404, Idaho Code, be, and the same is  
hereby amended to read as follows:  

63-2404. RECEIPT OF FUEL -- DETERMINATION. Motor fuel and/or air- 
craft engine fuel is deemed to be received as follows:  
(a) Motor fuel and/or aircraft engine fuel produced, refined,  
manufactured, blended or compounded at-a-refinery-in-this-state by any  
person or stored at a pipeline terminal in this state by any person is  
received by such person when it is loaded thereat into tank cars, tank  
trucks, tank wagons or other types of transportation equipment or when it  
is placed into any tank or other container from which sales or deliveries not involving transportation are made. When,  
however, such motor fuel and/or aircraft engine fuel is shipped or  
delivered to another person licensed as a distributor under this act,  
then it is received by the first licensed distributor. Further, when  
such motor fuel and/or aircraft engine fuel is shipped or delivered to  
another person not licensed as a distributor under this act for the  
account of a person that is so licensed, it is received by the dis- 
tributor for whose account it is shipped.  
(b) Notwithstanding the provisions of the preceding paragraph,  
when motor fuel and/or aircraft engine fuel is shipped or delivered  
from a refinery or pipeline terminal to another refinery or pipeline  
terminal, such motor fuel and/or aircraft engine fuel is not received  
because of such shipment or delivery.  
(c) Any product other than motor fuel or aircraft engine fuel  
that is blended to produce motor fuel and/or aircraft engine fuel  
other than at a refinery or pipeline terminal in this state is  
received by the person who is the owner thereof at the time and place  
the blending is completed.  
(d) Motor fuel and/or aircraft engine fuel imported into this  
state other than that placed in storage at a refinery or pipeline  
terminal in this state shall be deemed to be received at the time the  
same has arrived in this state and by the person who is the owner of  
the motor fuel and/or aircraft engine fuel when the motor fuel and/or  
aircraft engine fuel has arrived in this state; provided, however,  
that where motor fuel and/or aircraft engine fuel brought into this  
state by a licensed distributor is shipped or delivered directly to a  
person not licensed as a distributor, then the motor fuel and/or air- 
craft engine fuel shall be deemed to be received by the licensed dis- 
tributor importing the motor fuel and/or aircraft engine fuel into  
this state.  

Approved March 31, 1980.
CHAPTER 289
(H.B. No. 738)

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.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, 1980, through June 30, 1981:

FOR:
Trustee and Benefit Payments $26,632,100

FROM:
General Account $11,020,200
Cooperative Welfare Account 13,214,000
Miscellaneous Receipts Account 2,397,900
TOTAL $26,632,100

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 31, 1980.

CHAPTER 290
(H.B. No. 680)

AN ACT
RELATING TO FEES FOR SERVICES PROVIDED BY TAXING DISTRICTS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-870, IDAHO CODE, TO AUTHORIZE A BOARD OF COUNTY COMMISSIONERS TO IMPOSE AND COLLECT FEES FOR THOSE SERVICES PROVIDED BY THE COUNTY WHICH WOULD OTHERWISE BE FUNDED BY AD VALOREM TAX REVENUES; AMENDING CHAPTER 22, TITLE 63, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 63-2201A, IDAHO CODE, TO AUTHORIZE A GOVERNING BOARD OF ANY TAXING DISTRICT TO IMPOSE AND COLLECT FEES FOR THOSE SERVICES PROVIDED BY THAT TAXING DISTRICT WHICH WOULD OTHERWISE BE FUNDED BY AD VALOREM TAX REVENUES; 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 31-870, Idaho Code, and to read as follows:

31-870. FEES FOR COUNTY SERVICES. Notwithstanding any other provision of law, a board of county commissioners may impose and collect fees for those services provided by the county which would otherwise be funded by ad valorem tax revenues. Taxing districts other than counties may impose fees for services as provided in section 63-2201A, Idaho Code.

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 63-2201A, Idaho Code, and to read as follows:

63-2201A. FEES FOR SERVICES. Notwithstanding any other provision of law, the governing board of any taxing district may impose and cause to be collected fees for those services provided by that district which would otherwise be funded by ad valorem tax revenues.

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

Approved April 1, 1980.

CHAPTER 291
(H.B. No. 671)

AN ACT
RELATING TO THE IMPOSITION AND RATE OF THE USE TAX; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE FOR DOCUMENTS INDICATING EVIDENCE OF PAYMENT OF A GENERAL RETAIL SALES OR USE TAX IN ANOTHER STATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:
63-3621. IMPOSITION AND RATE OF THE USE TAX. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property acquired on or after July 1, 1965, for storage, use, or other consumption in this state at the rate of three per centum (3%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property.

(a) Every person storing, using, or otherwise consuming, in this state, tangible personal property is liable for the tax. His liability is not extinguished until the tax has been paid to this state except that a receipt from a retailer maintaining a place of business in this state or engaged in business in this state given to the purchaser is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

(b) Every retailer engaged in business in this state, and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under section 63-3622, Idaho Code, shall, at the time of making the sales or, if storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(c) None-of-this-section; section-63-3624; The provisions of this section shall not apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(d) The tax required to be collected by the retailer constitutes a debt owed by the retailer to this state.

(e) Every retailer engaged in business in this state or maintaining a place of business in this state shall register with the state tax commission and give the name and address of all agents operating in this state, the location of all distributions or sales houses or offices or other places of business in this state, and such other information as the state tax commission may require.

(f) For the purpose of the proper administration of this act and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale or rental.

The certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by section 63-3620, Idaho Code, and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.
The certificate shall be signed by and bear the name and address of the purchaser, shall indicate the number of the permit issued to the purchaser, and shall indicate the amount and general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the state tax commission may prescribe.

(g) If a purchaser who gives a certificate makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used. If the sole use of the property, other than retention, demonstration or display in the regular course of business, is the rental of property while holding it for sale, the purchaser may elect to include in his sales at retail the total amount of the rental charge rather than the sale price of the property to him.

(h) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

(i) Any person violating any provisions of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred dollars ($100), and each violation shall constitute a separate offense.

(j) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser after July 1, 1965 was purchased from a retailer on or after July 1, 1965, for storage, use or other consumption in this state.

(k) On and after July 1, 1965, it shall be presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use, or other consumption in this state. This presumption may be controverted by evidence satisfactory to the state tax commission that the property was not purchased for storage, use, or other consumption in this state.

(l) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States at a rate equal to or greater than the rate of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax. If the rate paid the other state was less, the property will be subject to use tax to the extent that the Idaho rate exceeds the rate of the other state. For the purposes of this subsection, a registration certificate or title issued by another state or subdivision thereof for a vehicle or trailer as defined in section 49-101, Idaho Code, or a vessel as defined in section 39-2401, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(m) The use tax herein imposed shall not apply to the use by a
nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three (3) months, and which is not required to be registered or licensed under the laws of this state, or to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resident thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three (3) months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial.

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

Approved April 1, 1980.

CHAPTER 292
(H.B. No. 572)

AN ACT
RELATING TO COURT REPORTERS AND CHARGES FOR RECORDS; AMENDING SECTION 1-1105, IDAHO CODE, BY INCREASING CHARGES AS TO STENOGRAPHIC RECORD COPIES TO TWO DOLLARS PER PAGE.

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

SECTION 1. That Section 1-1105, Idaho Code, be, and the same is hereby amended to read as follows:

1-1105. COPY OF RECORD -- EFFECT -- CHARGE FOR FURNISHING. 1. It shall be the duty of each reporter to furnish, upon order of the court entered upon written application being made therefor by any attorney of record in a suit, or any party to a suit, in which a stenographic record has been made, a typewritten copy, or copies, of the record, or any part thereof, upon the payment by such attorney, or party, of the cost thereof, as provided in subdivision 2 hereof, to such reporter, which payment shall be retained by the reporter as a part of his compensation and in addition to his salary allowed by section 1-1102, Idaho Code. Said copy, or copies, shall, when properly certified by said reporter, constitute prima facie the minutes of the court, and may be used on all motions for new trials, review or appeal, when the minutes of the court may be used; and the cost of which may, when the same is used on review or appeal, be charged as costs in a civil case against the party finally defeated in the action.

2. That in all actions such reporter shall charge and receive,
and retain as provided in subdivision 1 hereof, one-dollar-seventy-five-cents two dollars ($1.75/$2.00) per page for the transcript to be prepared in the style and with the number of copies as directed by Rule of the Supreme Court; provided, however, that when such transcript is requested by a defendant or his attorney on an appeal in a criminal action where after conviction, it appears to the satisfaction of the district court that the accused is poor and unable to procure such transcript, the court must direct payment to such court reporter of the page charge in this subdivision provided, from the county treasury.

Approved April 1, 1980.

CHAPTER 293
(H.B. No. 604)

AN ACT
RELATING TO REPORTS FOR FUEL USE FEES; AMENDING SECTION 49-128, IDAHO CODE, TO PROVIDE FOR CORRECTIONS TO ERRONEOUS REFERENCES IN RELATION TO QUARTERLY REPORTS FOR FUEL USE FEES.

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

SECTION 1. 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 sub-section-(e)-or-(f) schedule "A" or "B" 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 schedule "A" or "B" as appropriate, 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 the magistrate's division to the district court.

Approved April 1, 1980.
CHAPTER 294  
(H.B. No.: 521)  

AN ACT  
RELATING TO PROOF OF CERTAIN PUBLIC DOCUMENTS; AMENDING SECTION 9-315,  
IDAHO CODE, BY PROVIDING FOR AUTHENTICATION OF OFFICIAL DOCUMENTS  
of governmental entities, and permitting the use of authenticated  
documents in judicial proceedings.  

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

SECTION 1. That Section 9-315, Idaho Code, be, and the same is  
hereby amended to read as follows:  

9-315. PROOF OF OTHER OFFICIAL DOCUMENTS. Other official docu- 
ments may be proved as follows:  
1. Acts of the executive of this state, by the records; and of  
the United States, by the records of the departments of the United  
States, certified by the heads-of-those-departments-respectively an  
officier or employee of those departments, showing that the document is  
a true and correct copy of the original held by that department. They  
may also be proved by public documents, printed by the order of the  
legislature or congress, or either house thereof.  
2. The proceedings of the legislature of this state, or of con- 
gress, by the journals of those bodies respectively, or either house  
thereof, or by published statutes or resolutions, or by copies certi- 
fied by the clerk, or printed by their order.  
3. The acts of the executive, or the proceedings of the legis- 
lature, of another state or territory in the same manner.  
4. The acts of the executive, or the proceedings of the legis- 
lature of a foreign country, by journals published by their authority,  
or commonly received in that country as such, or by a copy certified  
under the seal of the country or sovereign, or by a recognition  
thereof, in some public act of the executive of the United States.  
5. Acts of a municipal corporation of this state, or of a board  
or department thereof, by a copy, certified by the legal keeper  
thereof, or by a printed book, published by the authority of such cor- 
poration.  
6. Documents of any other class in this state, by the original,  
or by a copy, certified by the legal keeper thereof.  
7. Documents of any other class in from another state or ter- 
ritory, by the original, or by a copy, certified by the legal keeper  
thereof, together-with-the-certificate-of-the-secretary-of-state;  
judge-of-the-Supreme-district; superior-or-county-court; or-mayor-of  
a-city-of-such-state-or-territory; that-the-copy-is-duly-certified-by  
the-officer-having-the-legal-custody-of-the-original; in such a manner  
that the court is satisfied that the document is, in all likelihood, a  
copy of an official document from another state or territory.  
8. Documents of any other class in a foreign country, by the  
original, or by a copy, certified by the legal keeper thereof, with a  
certificate under seal, of the country or sovereign, that the document
is a valid and subsisting document of such country, and that the copy is duly certified by the officer having the legal custody of the original.

9. Documents in the departments of the United States government, by the certificate of the legal custodian thereof.

10. The above requirements notwithstanding, if in the discretion of the court the document, or copy thereof, whichever is being submitted for admission into evidence, is an unaltered official document of any agency or department of the state of Idaho or of any other state, then such document may be admitted into evidence.

Approved April 1, 1980.

CHAPTER 295
(H.B. No. 633)

AN ACT
RELATING TO JURISDICTION FOR CRIMINAL PROSECUTIONS FOR OFFENSES COMMITTED WHILE IN TRANSIT; AMENDING SECTION 19-306, IDAHO CODE, TO PROVIDE THAT OFFENSES COMMITTED WHILE IN TRANSIT IN A BOAT, MOTOR VEHICLE OR AIRCRAFT BE UNDER THE JURISDICTION OF CERTAIN COUNTIES.

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

SECTION 1. That Section 19-306, Idaho Code, be, and the same is hereby amended to read as follows:

19-306. OFFENSES COMMITTED ON, BOATS, VESSELS, OR TRAINS, MOTOR VEHICLES OR AIRCRAFT. When an offense is committed in this state, on board a boat, vessel, navigating a river, bay, slough, lake, or canal; or lying therein; in the prosecution of her voyage; the jurisdiction is in any county through which the vessel is navigated in the course of her voyage; or in the county where the voyage terminates; and when the offense is committed in this state, on a railroad train or car prosecuting its trip; the jurisdiction is in any county through which the train or car passes in the course of her trip, or in the county where the trip terminates motor vehicle or aircraft, the jurisdiction is in the county through which the boat, vessel, railroad train, motor vehicle, or aircraft passes or in the county where the trip terminates.

Approved April 1, 1980.
AN ACT
RELATING TO SENTENCING FOR THE USE OF A FIREARM OR DEADLY WEAPON
DURING THE COMMISSION OF CERTAIN FELONY OFFENSES; AMENDING SECTION
19-2520, IDAHO CODE, TO STRIKE CERTAIN OFFENSES AND ADD OTHER
OFFENSES FOR WHICH THE COMMISSION WITH A FIREARM OR DEADLY WEAPON
COULD BRING AN ADDITIONAL SENTENCE IN ADDITION TO THAT IMPOSED BY
LAW; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-2520, Idaho Code, be, and the same is
hereby amended to read as follows:

19-2520. SENTENCE FOR USE OF FIREARM OR DEADLY WEAPON. Any
person convicted of a violation of sections 18-906 (assault with a
deadly weapon), 18-905 (aggravated assault defined), 18-907 (assault
with the intent to commit certain felonies); 18-912 (aggravated
assault and battery defined) (aggravated battery defined), 18-909
(assault with intent to commit a serious felony defined), 18-911 (bat­
tery with intent to commit a serious felony defined), 18-1401 (burg­
glary defined), 18-2501 (rescuing prisoners), 18-2505 (escape by one
charged with or convicted of a felony), 18-2506 (escape by one charged
with or convicted of a misdemeanor), 18-2703 (resisting officers),
18-3301 (deadly weapon possession with intent to assault); 18-4003
(degrees of murder), 18-4006 (manslaughter), 18-4015 (assault with
intent to murder), 18-4501 (kidnapping defined), 18-4604 (grand lar­
ceny defined), 18-5001 (mayhem defined), 18-6101 (rape defined), or
18-6501 (robbery defined), Idaho Code, who carried, displayed, used,
threatened, or attempted to use a firearm or other deadly weapon while
committing the crime, shall, in addition to the sentence imposed for
the commission of the crime, be imprisoned in the state prison for not
less than three (3) nor more than fifteen (15) years. Such additional
sentence shall run consecutively to any other sentence imposed for the
above cited crimes.

For the purposes of this section, "firearm" means any deadly
weapon capable of ejecting or propelling one or more projectives
projectiles by the action of any explosive or combustible propellant,
and includes unloaded firearms and firearms which are inoperable but
which can readily be rendered operable.

This section shall apply even in those cases where the use of a
firearm is an element of the offense.

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

Approved April 1, 1980.
CHAPTER 297
(H.B. No. 589)

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION AND COMMISSION FOR PARDONS AND PAROLE; AMENDING SECTION 20-213, IDAHO CODE, TO REQUIRE THE PUBLICATION OF NOTICE OF COMMISSION FOR PARDONS AND PAROLE MEETINGS ONLY WHEN PARDONS OR COMMUTATIONS ARE SCHEDULED TO BE HEARD; AMENDING SECTION 20-216, IDAHO CODE, TO PROVIDE THAT THE BOARD OF CORRECTION SHALL KEEP A RECORD OF AND REQUIRE REPORTS FROM ALL PERSONS ON PAROLE OR PROBATION AND TO STRIKE THE AUTHORITY OF THE DIRECTOR TO RETAKE AND RETURN PAROLE VIOLATORS; AMENDING SECTION 20-218, IDAHO CODE, TO PROVIDE THAT THE BOARD OF CORRECTION SHALL SUBMIT AN ANNUAL REPORT OF RECEIPTS AND EXPENDITURES TO THE GOVERNOR AND THE STATE BUDGET OFFICER; AMENDING SECTION 20-219, IDAHO CODE, TO STRIKE AUTHORITY OF THE BOARD OF CORRECTION TO DETERMINE PAROLE OR PROBATION VIOLATIONS AND TO REQUIRE THE BOARD OF CORRECTION TO SUBMIT REPORTS OF ALLEGED VIOLATIONS OF PAROLE OR PROBATION TO THE COMMISSION FOR PARDONS AND PAROLE OR THE COURTS; REPEALING SECTION 20-223, IDAHO CODE, RELATING TO PAROLE RULES AND REGULATIONS AND OFFENSES NOT ENFORCEABLE; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-223, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS GOVERNING PAROLE, RESTRICTIONS ON PAROLE, AND PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATIONS AND TO PROVIDE FOR THE MINIMUM TIME TO BE SERVED IN CERTAIN ENUMERATED CASES; AMENDING SECTION 20-224, IDAHO CODE, TO PROVIDE THAT THE BOARD OF CORRECTION SHALL SECURE ALL PERTINENT AVAILABLE INFORMATION REGARDING EACH PRISONER UNDER ITS JURISDICTION; REPEALING SECTION 20-225, IDAHO CODE, RELATING TO PRISONER CASE HISTORIES; AMENDING SECTION 20-227, IDAHO CODE, TO PROVIDE THAT THE COMMISSION FOR PARDONS AND PAROLE SHALL BE NOTIFIED ABOUT THE ARREST OF A PAROLEE OR PROBATIONER; AMENDING SECTION 20-228, IDAHO CODE, TO PROVIDE THAT THE CONDITIONS OF PAROLE SHALL BE SPECIFIED IN WRITING BY THE COMMISSION FOR PARDONS AND PAROLE; AMENDING SECTION 20-229, IDAHO CODE, TO PROVIDE ABSCONDING SUPERVISION OF THE COMMISSION OF PARDONS AND PAROLE SHALL BE AN ACT FOR WHICH PAROLE MAY BE REVOKED WITHOUT AN ON-SITE HEARING; AMENDING SECTION 20-229A, IDAHO CODE, TO ADD LAW ENFORCEMENT OFFICERS AS PERSONS AUTHORIZED TO SERVE REPORTS OF PAROLE VIOLATIONS; AMENDING SECTION 20-230, IDAHO CODE, TO STRIKE REDUNDANT LANGUAGE RELATING TO CONDITIONS FOR PAROLE; REPEALING SECTION 20-231, IDAHO CODE, RELATING TO PAROLE VIOLATORS BEING CLASSIFIED AS FUGITIVES AFTER PAROLE REVOCATION; AMENDING CHAPTER 2, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-231, IDAHO CODE, TO GRANT IMMUNITY TO PUBLIC ENTITIES AND EMPLOYEES REGARDING PAROLE DETERMINATION; AMENDING SECTION 20-232, IDAHO CODE, TO PROVIDE THAT THE COMMISSION FOR PARDONS AND PAROLE SHALL CERTIFY TO THE COURT ABOUT THE REMISSION OF A FINE OR PENALTY; AMENDING SECTION 20-233, IDAHO CODE, TO PROVIDE THAT THE COMMISSION FOR PARDONS AND PAROLE SHALL DISCHARGE A PAROLEE AFTER THE PARoled PRISONER HAS SATISFIED THE CONDITIONS OF PAROLE; AND AMENDING SECTION 20-234,
IDAHO CODE, TO PROVIDE THAT THE COMMISSION FOR PARDONS AND PAROLE SHALL TRANSMIT INFORMATION ABOUT PAROLE TO THE PROSECUTING ATTORNEY OF THE COUNTY WHERE THE PRISONER WOULD BE PAROLED.

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

SECTION 1. That Section 20-213, Idaho Code, be, and the same is hereby amended to read as follows:

20-213. MEETINGS AS STATE COMMISSION OF PARDONS AND PAROLES -- NOTICE, PUBLICATION, CONTENTS. The commission shall meet at such times and places as they may prescribe, but not less than quarterly; meet as a state commission of pardons and paroles after notice.

If applications for pardon or commutation are scheduled to be considered at such meeting, notice shall be published in some newspaper of general circulation at Boise, Idaho, at least once a week for four (4) consecutive weeks, immediately prior thereto. Such notices shall list the names of all prisoners persons making application for pardon or commutation and a copy of such notice shall immediately, upon the first publication thereof, be mailed to each prosecuting attorney of any county from which any such prisoner person was committed to the penitentiary, and provided further that the commission shall at their may in its discretion consider but one (1) application for pardon or commutation from each inmate during any one (1) person in any period of twelve (12) months period.

SECTION 2. That Section 20-216, Idaho Code, be, and the same is hereby amended to read as follows:

20-216. COMMISSION BOARD -- POWERS AND DUTIES -- RECORDS, REPORTS AND STATISTICS -- RETURN OF VIOLATORS. The commission board shall keep a record of and require reports from all persons on parole or probation and enforce observance of rules and regulations of the state board of correction for parole or probation established by the commission or the courts. It shall prepare and publish such reports and statistics relating to probation; and parole and disposition of criminal cases -- arising -- in Idaho; and it shall submit to the governor, at such times as the governor may direct, but at least annually, a full and complete report of the board and its agents, showing the disposition of all cases coming before the board or the commission and such additional information relating thereto as the governor may request. The director shall have the power; in accordance with the rules and regulations or directions of the state board of correction; to retake and return persons to the penitentiary; whether in or out of the state; whenever they have violated the conditions of their parole or probation.

SECTION 3. That Section 20-218, Idaho Code, be, and the same is hereby amended to read as follows:

20-218. QUARTERLY -- AND ANNUAL REPORTS OF RECEIPTS AND EXPENDI-
TURES. The state board of correction as of June 30, 1947, and thereafter, shall annually submit a full, true, and correct report of all moneys received by them and all moneys expended by them on account of the state penitentiary, and shall make an annual report to the governor and the state legislature. Copies of this report shall be furnished to the state auditor and the state budget officer for correctional services.

SECTION 4. That Section 20-219, Idaho Code, be, and the same is hereby amended to read as follows:

20-219. PROBATION AND PAROLE SUPERVISION. The state board of correction shall be charged with the duty of supervising all persons placed on probation or released from the state penitentiary on parole, or conditional release and all persons released on parole or probation from other states and residing in the state of Idaho; of making such investigations as may be necessary; of determining whether violation of conditions of parole or probation exists in specific cases; of reporting alleged violations of parole or probation in specific cases to the commission or the courts to aid in determining whether the parole or probation should be continued or revoked and of preparing a case history record of the prisoners to assist the commission or the courts in determining if they should be paroled or should be released on probation.

SECTION 5. That Section 20-223, Idaho Code, be, and the same is hereby repealed.

SECTION 6. 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 20-223, Idaho Code, and to read as follows:

20-223. PAROLE, RULES AND REGULATIONS GOVERNING RESTRICTIONS--PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION. The commission shall have the power to establish rules, regulations, policies or procedures in compliance with chapter 52, title 67, Idaho Code, under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission; provided, however, that no person serving a life sentence or serving a term of thirty (30) or more years shall be eligible for release on parole until he has served at least ten (10) years and no person serving a lesser sentence for any of the following crimes; homicide in any degree, treason, rape by force or threat of bodily harm, incest, crime against nature, committing a lewd act upon a child, robbery of any kind, kidnapping, burglary when armed with a dangerous weapon, or with an attempt or assault with intent to commit any of said crimes, or as an habitual offender, shall be eligible for release on parole until said person
has served a period of five (5) years or one-third (1/3) of the sentence, whichever is the least. The provisions of this section shall affect only those persons who are sentenced on or after the first day of July, 1980, and are not intended to repeal or amend sections 19-2513A, 19-2520 or 19-2520A, Idaho Code.

No person serving a sentence for rape, incest, committing a lewd act upon a child, crime against nature, or with an intent or an assault with intent to commit any of the said crimes or whose history and conduct indicate to the commission that he is a sexually dangerous person, shall be released on parole except upon the examination and evaluation of one or more psychiatrists or psychologists to be selected by the commission and such evaluation shall be duly considered by the commission in making its parole determination. The commission may, in its discretion, likewise require a similar examination and evaluation for persons serving sentences for crimes other than those above enumerated. No psychiatrist or psychologist making such evaluation shall be held financially responsible to any person for denial of parole by the commission or for the results of the future acts of such person if he be granted parole.

Before considering the parole of any prisoner, the commission shall afford the prisoner the opportunity to be interviewed. A parole shall be ordered only for the best interests of society, not as a reward of clemency and it shall not be considered to be a reduction of sentence or a pardon. A prisoner shall be placed on parole only when arrangements have been made for his employment or maintenance and care, and when the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. The commission may also by its rules, regulations, policies or procedures fix the times and conditions under which any application denied may be reconsidered.

SECTION 7. That Section 20-224, Idaho Code, be, and the same is hereby amended to read as follows:

20-224. INFORMATION REGARDING PRISONERS TO BE SECURED. Within six (6) months after his admission and at such intervals thereafter as it may determine, the board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and reports of such physical and mental examinations as have been made to assist the board in prescribing treatment for such person while in confinement and to assist the commission in its deliberations. The board and the commission shall attempt to inform themselves as to such inmate as a personality and may seek from the sentencing judge, prosecuting attorney, defense counsel and law enforcement authorities such information of which they may be possessed relative to the convicted person and the crime for which he was committed.

SECTION 8. That Section 20-225, Idaho Code, be, and the same is
hereby repealed.

SECTION 9. That Section 20-227, Idaho Code, be, and the same is hereby amended to read as follows:

20-227. ARREST OF PAROLEE OR PROBATIONER WITHOUT WARRANT -- DETENTION -- REPORT TO BOARD COMMISSION OR COURT. Any parole or probation officer may arrest a parolee or probationer without a warrant, or may deputize any other officer with power of arrest to do so, by giving him a written statement setting forth that the parolee or probationer has, in the judgment of said parole or probation officer, violated the conditions of his parole or probation. Such written statement, delivered with the parolee or probationer by the arresting officer to the official in charge of the institution from which the parolee was released, the county jail or other place of detention, shall be sufficient warrant for the detention of the probationer or parolee. The parole and probation officer, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation. The parole and probation officer shall at once notify the board of correction or the court, of the arrest and detention of the parolee or probationer, and shall submit in writing a report showing in what manner the parolee or probationer has is alleged to have violated the condition of his or her parole or probation.

SECTION 10. That Section 20-228, Idaho Code, be, and the same is hereby amended to read as follows:

20-228. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING -- WARRANT FOR ARREST OF SUSPECTED VIOLATORS -- EFFECT OF SUSPENSION AND ARREST. The state board of correction, through the commission for pardons and parole, in releasing a person on parole, shall specify in writing the conditions of his parole, and a copy of such conditions shall be given to the person paroled. Whenever the commission finds that a prisoner may have violated the conditions of his parole, the written order of the commission, signed by a member or members of the commission, shall be sufficient warrant for any law enforcement officer to take into custody such person, as and it is hereby made the duty of all sheriffs, police, constables, parole and probation officers, prison officials and other peace officers, to execute such order. Such warrant shall serve to suspend the person's parole until a determination on the merits of the allegations of the violation has been made after hearing. From and after the issuance of the warrant and suspension of the parole of any convicted person and until his arrest, he shall be considered a fugitive from justice. Such person so recommitted must serve out his sentence, and the time during which such prisoner was out on parole shall not be deemed a part thereof, but nothing herein contained shall prevent the commission for pardons and parole from again paroling such prisoners at its discretion.

SECTION 11. That Section 20-229, Idaho Code, be, and the same is
hereby amended to read as follows:

20-229. PAROLE REVOCATION HEARING. Whenever a paroled prisoner is accused of a violation of his parole, other than by absconding supervision or the commission of, and conviction for, a felony or misdemeanor under the laws of this state, or any other state, or any federal laws, he shall be entitled to a fair and impartial hearing of such charges within thirty (30) days from the time that he is served with charges of the violation of conditions of his parole after his arrest and detention. The hearing shall be held before one or more members of the commission for pardons and parole, or before an impartial hearings officer selected by a majority of the commission, at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

SECTION 12. That Section 20-229A, Idaho Code, be, and the same is hereby amended to read as follows:

20-229A. NOTICE -- SERVICE -- WAIVER. Within fifteen (15) days from the date of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole or law enforcement officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole revocation hearing and of his rights and privileges as provided by this act. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided by section 20-229, Idaho Code. If the alleged parole violator shall waive his right to an on-site hearing, he shall, in the alternative, be given the right to have such hearing held at a penitentiary facility. The alleged parole violator may waive the right to any hearing, and at that time may admit one (1) or more of the alleged violations of the conditions of parole. If the commission for pardons and parole accepts the waiver it shall, (1) reinstate the parolee under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody.

If all waivers made by the parolee are rejected by the commission, it shall hold a parole revocation hearing either on-site or at a penitentiary facility.

SECTION 13. That Section 20-230, Idaho Code, be, and the same is hereby amended to read as follows:

20-230. APPLICATION TO CONVICTIONS PRIOR TO ACT ---RELEASEREBILITATION---OR---EXPIRATION-OF-MAXIMUM-TERM. Provisions of this act so far as applicable thereto are to apply to all convicted persons now serving time in the state penitentiary to the end that at all times the same provisions relating to sentences, imprisonment, and parole of prisoners shall apply to the inmate thereof; provided, however; that no prisoner shall be released from the penitentiary unless---in
the opinion of the state board of correction; his rehabilitation has been complete and he is a fit subject for release; or until his maximum term expires.

SECTION 14. That Section 20-231, Idaho Code, be, and the same is hereby repealed.

SECTION 15. 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 20-231, Idaho Code, and to read as follows:

20-231. IMMUNITY FROM PAROLE OR RELEASE OF A PRISONER. Neither a public entity nor a public employee or servant shall be financially responsible or liable for any injury resulting from determining whether to parole or release a prisoner or from determining the terms or conditions of his parole or release or from determining whether to revoke his parole or release.

SECTION 16. That Section 20-232, Idaho Code, be, and the same is hereby amended to read as follows:

20-232. REMISSION OF FINE OR PENALTY CERTIFIED TO COURT. Upon the remission of a fine or penalty by the board commission, it shall be the duty of the chairman of the board commission forthwith to certify the same to the clerk of the court, where said fine or forfeiture was adjudged, who shall file the same in his office, and said proceedings shall constitute a satisfaction of the judgment.

SECTION 17. That Section 20-233, Idaho Code, be, and the same is hereby amended to read as follows:

20-233. FINAL DISCHARGE OF PAROLEE -- MINIMUM TERM. When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the board commission that his final release is not incompatible with his welfare and that of society, the board commission may make the final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in any case within a period of less than one (1) year after the date of release on parole, except that when the period of the maximum sentence provided by law shall expire at an earlier date, then a final order of discharge must be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of said maximum sentence.

SECTION 18. That Section 20-234, Idaho Code, be, and the same is hereby amended to read as follows:

20-234. PAROLE INFORMATION TO BE TRANSMITTED TO SHERIFF THE COUNTY PROSECUTOR. Whenever any person committed to the custody of the state board of correction shall have been granted a parole by the
state-board-of-correction commission, it shall be the duty of the chairman commission to transmit to the sheriff prosecuting attorney of the county within which said prisoner shall be paroled, a copy of the parole agreement, and information as to the place of residence of said prisoner within said county and the prosecutor shall notify local law enforcement and other pertinent agencies.

Approved April 1, 1980.

CHAPTER 298
(H.B. No. 587)

AN ACT
RELATING TO KIDNAPING; AMENDING SECTION 18-4504, IDAHO CODE, TO STRIKE THE POWER OF THE JURY IN IMPOSING A SENTENCE; AMENDING CHAPTER 45, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4505, IDAHO CODE, TO PROVIDE FOR INQUIRY INTO THE MITIGATING OR AGGRAVATING CIRCUMSTANCES OF A KIDNAPING OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-4504, Idaho Code, be, and the same is hereby amended to read as follows:

18-4504. PUNISHMENT -- POWER-OF-JURY--- LIBERATION OF KIDNAPED PERSON. 1. Every person guilty of kidnaping in the first degree shall suffer death or be punished by imprisonment in the state prison for life, and the jury may decide which punishment may be inflicted; provided, that the sentence of death shall not be imposed if prior to its imposition the kidnaped person has been liberated unharmed.

2. Kidnaping in the second degree is punishable by imprisonment in the state prison not less than one (1) nor more than twenty-five (25) years.

SECTION 2. That Chapter 45, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4505, Idaho Code, and to read as follows:

18-4505. INQUIRY INTO MITIGATING OR AGGRAVATING CIRCUMSTANCES -- SENTENCE IN KIDNAPING CASES -- STATUTORY AGGRAVATING CIRCUMSTANCES -- JUDICIAL FINDINGS. 1. After a plea or verdict of guilty, where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the oral or written suggestion of either party that there are circumstances which may be properly taken into view either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

2. Where a person is convicted of an offense which may be punishable by death, a sentence of death shall not be imposed unless the court finds at least one (1) statutory aggravating circumstance. Where
the court finds a statutory aggravating circumstance the court shall sentence the defendant to death unless the court finds that mitigating circumstances which may be presented outweigh the gravity of any aggravating circumstance found and make imposition of death unjust.

3. In all cases in which the death penalty may be imposed, the court shall, after conviction, order a presentence investigation to be conducted according to such procedures as are prescribed by law and shall thereafter convene a sentencing hearing for the purpose of hearing all relevant evidence and arguments of counsel in aggravation and mitigation of the offense. At such hearing, the state and the defendant shall be entitled to present all relevant evidence in aggravation and mitigation. Should any party present aggravating or mitigating evidence which has not previously been disclosed to the opposing party or parties, the court shall, upon request, adjourn the hearing until the party desiring to do so has had a reasonable opportunity to respond to such evidence. Evidence admitted at trial shall be considered and need not be repeated at the sentencing hearing. Evidence offered at trial but not admitted may be repeated or amplified if necessary to complete the record.

4. Upon the conclusion of the evidence and arguments in mitigation and aggravation the court shall make written findings setting forth any statutory aggravating circumstance found. Further, the court shall set forth in writing any mitigating factors considered and, if the court finds that mitigating circumstances outweigh the gravity of any aggravating circumstance found so as to make unjust the imposition of the death penalty, the court shall detail in writing its reasons for so finding.

5. Upon making the prescribed findings, the court shall impose sentence within the limits fixed by law.

6. The following are statutory aggravating circumstances, at least one (1) of which must be found to exist beyond a reasonable doubt before a sentence of death can be imposed:

(a) The victim of the kidnaping was subjected by the kidnaper or those acting in concert with him to torture, maiming or the intentional infliction of grievous mental or physical injury.

(b) The defendant knowingly created a great risk of death to any person, including the kidnaped.

(c) The kidnaping was committed for remuneration or the promise of remuneration or the defendant employed another to commit the kidnaping for remuneration or the promise of remuneration.

(d) The kidnaping was especially heinous, atrocious or cruel, manifesting exceptional depravity.

(e) The kidnaping was committed for the purpose of murdering or maiming a witness or potential witness in a judicial proceeding.

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

Approved April 1, 1980.
CHAPTER 299
(H.B. No. 547)
AN ACT RELATING TO COMMUNITY PROPERTY; AMENDING SECTION 32-916, IDAHO CODE, TO PROVIDE THAT A MARRIAGE SETTLEMENT AGREEMENT MAY ALTER COMMUNITY PROPERTY RIGHTS.

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

SECTION 1. That Section 32-916, Idaho Code, be, and the same is hereby amended to read as follows:

32-916. PROPERTY RIGHTS GOVERNED BY CHAPTER. The property rights of husband and wife are governed by this chapter, unless there is a marriage settlement agreement entered into prior to or during marriage containing stipulations contrary thereto.

Approved April 1, 1980.

CHAPTER 300
(H.B. No. 546)
AN ACT RELATING TO COMMUNITY PROPERTY; REPEALING SECTION 32-906, IDAHO CODE; AMENDING CHAPTER 9, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-906, IDAHO CODE, TO PROVIDE THAT ALL OTHER PROPERTY IS COMMUNITY PROPERTY, THAT CONVEYANCES MAY DESIGNATE OR SPOUSES MAY BY AGREEMENT DESIGNATE THE INCOME FROM PROPERTY AS SEPARATE PROPERTY AND ESTABLISHING A PROCEDURE FOR CONVEYANCE BETWEEN SPOUSES.

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

SECTION 1. That Section 32-906, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 9, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-906, Idaho Code, and to read as follows:

32-906. COMMUNITY PROPERTY -- INCOME FROM SEPARATE AND COMMUNITY PROPERTY -- CONVEYANCE BETWEEN SPOUSES. (1) All other property acquired after marriage by either husband or wife is community property. The income of all property, separate or community, is community property unless the conveyance by which it is acquired provides or both spouses, by written agreement specifically so providing, declare that all or specifically designated property and the income from all or the specifically designated property shall be the separate property of one of the spouses or the income from all or specifically desig-
nated separate property be the separate property of the spouse to whom the property belongs. Such property shall be subject to the management of the spouse owning the property and shall not be liable for the debts of the other member of the community.

(2) Property conveyed by one spouse to the other shall be presumed to be the sole and separate estate of the grantee and only the grantor spouse need execute and acknowledge the deed or other instrument of conveyance notwithstanding the provisions of section 32-912, Idaho Code; provided, however, that the income from such property shall not be the separate property of the grantee spouse unless this fact is specifically stated in the instrument of conveyance.

Approved April 1, 1980.

CHAPTER 301
(H.B. No. 566, As Amended, As Amended, As Amended in the Senate)

AN ACT
RELATING TO THE SITING OF LIQUOR STORES AND DISTRIBUTING STATIONS; AMENDING SECTION 23-301, IDAHO CODE, TO STRIKE THE PROVISION THAT A PUBLIC HEARING MUST BE HELD EVERY TIME A LIQUOR STORE OR DISTRIBUTING STATION IS ESTABLISHED, TO PROVIDE REQUIREMENTS WHEN A PUBLIC HEARING MUST BE HELD; AND AMENDING SECTION 23-302, IDAHO CODE, TO INDICATE THAT A PUBLIC HEARING SHALL BE HELD AS PROVIDED IN SECTION 23-301, IDAHO CODE.

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

SECTION 1. That Section 23-301, Idaho Code, be, and the same is hereby amended to read as follows:

23-301. LIQUOR STORES -- NOTICE OF INTENT TO LOCATE. (a) The dispensary may establish and maintain a liquor store under the management of a vendor in any city organized under general or special law. Before any store site or distributing station may be established within a city or unincorporated area that does not have a distributing station, the dispensary shall have printed in the city's official newspaper, as defined in section 50-213, Idaho Code, a legal notice of the dispensary's intent to establish a liquor store or distributing station in the city and that a public hearing will be held regarding the proposed liquor store if the requirements specified herein are satisfied. The legal notice shall contain the time, date and place of the hearing and the address where the liquor store or distributing station is proposed to be located, notice of the right to protest the location, the requirements necessary to be satisfied before a public hearing will be held, and shall be a twenty (20) days' notice as described in section 60-109, Idaho Code. Within-one-(i)-week-after-the last-legal-notice-has-been-published, the dispensary shall hold a public hearing to give eligible voters who live in precincts located within-a-one-thousand-(1000)-feet-radius-of-the-proposed-site-a-chance.
to-register-a-protest: If the lesser of twenty-five (25) people or ten percent (10%) of the eligible voters living in precincts, any part of which is located within a one thousand (1,000) foot radius surrounding of the proposed site, sign a petition which protests the proposed site of the liquor store or distributing station and present it to the superintendent or his designated representative, a public hearing shall be held within one (1) week after the last legal notice has been published.

(b) If fifty percent (50%) or more of the eligible voters living in precincts, any part of which is located within a one thousand (1,000) foot radius surrounding the proposed site of the liquor store or distributing station, sign a petition which protests the proposed site of the liquor store or distributing station and present it to the superintendent or his designated representative within five (5) business days after the public hearing, the dispensary shall not place a liquor store or distributing station at the proposed site.

(c) The dispensary may classify liquor stores according to the volume of their sales.

SECTION 2. That Section 23-302, Idaho Code, be, and the same is hereby amended to read as follows:

23-302. DISTRIBUTING STATIONS -- NOTICE OF INTENT TO LOCATE. (a) The dispensary may select a special distributor in any municipality where in its judgment a liquor store is not required; or in any unincorporated locality, but only if satisfied of the existence therein of adequate local police protection, upon the furnishing by said distributor of a bond satisfactory to the dispensary, conditioned for his faithful observance of this act and the rules and regulations of the dispensary thereunder, and if subsection-(b)-of-this the provisions of section 23-301, Idaho Code, are is complied with.

(b) If--fifty-percent-(50%)-or-more-of-the-eligible-voters-living in-precincts;--any-part-of-which--is--located--within--a--two--thousand (2000)--foot--radius-surrounding-the-proposed-site-of-the-distributing station;--sign-a-petition-which-protests-the-proposed-site-of-the-dis­tributing--station--and-present-it-to-the-superintendent-or-his-design­nated-representative-within-five-(5)-business-days--after--the--public hearing.--the-dispensary-shall-not-place-a-distributing-station-at-the proposed-site;

(c) In maintaining the location of any such store or station, or in discontinuing the same, the dispensary shall give due consideration to the normal local demand for alcoholic liquor by resident temperate adult consumers and the local community sentiment with respect to the liquor traffic as expressed by ordinance or otherwise.

Approved April 1, 1980.
CHAPTER 302
(H.B. No. 480, As Amended in the Senate)

AN ACT
RELATING TO CHILD CARE LICENSING; AMENDING SECTION 39-1213, IDAHO CODE, TO PROVIDE THAT THE LICENSING AUTHORITY FOR FOSTER HOMES, MAY BE DELEGATED TO CERTAIN CHILDREN'S AGENCIES AND CHILDREN'S INSTITUTIONS.

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

SECTION 1. That Section 39-1213, Idaho Code, be, and the same is hereby amended to read as follows:

39-1213. LICENSING AUTHORITY. (a) The board of health and welfare is hereby authorized and directed to establish procedures for licensing foster homes, children's agencies and children's institutions which are maintained and operated in conformity with the rules, regulations and standards authorized herein. Such procedures shall include the manner and form for making application for license, investigation upon application and notice of decision.

(b) It is recognized that children's agencies and children's institutions may have their own procedure (exclusive of the board of health and welfare) for approval of foster homes. Any foster home which has been approved by a licensed children's agency or children's institution shall be exempt from the licensing provisions of this chapter, provided that the standards for approval by such agency or institution are in substantial conformity with rules, regulations and standards established by the board of health and welfare, and provided further that such children's agency or children's institution is maintained and operated in conformity with rules, regulations and standards of the board of health and welfare. The board of health and welfare may promulgate rules and regulations necessary to implement the provisions of this section.

Approved April 1, 1980.

CHAPTER 303
(H.B. No. 400, As Amended, As Amended in the Senate)

AN ACT
RELATING TO COMPENSATION FOR EXPENSES; AMENDING SECTION 67-2008, IDAHO CODE, TO AUTHORIZE THE BOARD OF EXAMINERS TO ESTABLISH INCREASED MAXIMUM SUBSISTENCE ALLOWANCES FOR STATE EMPLOYEES, REQUIRING THE BOARD OF EXAMINERS TO SET MILEAGE ALLOWANCES NOT HIGHER THAN EIGHTEEN CENTS PER MILE, AND TO AUTHORIZE THE BOARD OF EXAMINERS TO ESTABLISH THE RATES FOR PARTIAL DAYS' SUBSISTENCE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 67-2008, Idaho Code, be, and the same is hereby amended to read as follows:

67-2008. DETERMINATION OF RATE OF ALLOWANCE. At its first meeting after the effective date of this act, and thereafter as it shall deem appropriate, the board of examiners shall by regulation fix a rate of allowance for per diem subsistence for officers, agents and all other employees of the state who are absent from their post of duty on official business, which shall be effective for the year in which such allowance is fixed, and shall fix a rate of allowance for mileage for official travel executed by privately owned means of conveyance, which rate of allowance shall be effective for the year in which it is fixed; provided, however, that the board shall fix no rate of per diem allowance which is higher than actual lodgings (maximum to be set by board of examiners) and twelve--dollars--($12.00) fifteen dollars ($15.00) per day for travel within the state and actual lodgings (maximum to be set by board of examiners) and seventeen--dollars--($17.00) twenty dollars ($20.00) without the state and actual lodgings (maximum to be set by board of examiners), and the board shall fix no rate of mileage allowance which is higher than seventeen--cents--eighteen cents (17¢) per mile. The mileage allowance for private aircraft travel shall be set by the board and shall be no higher than seventeen--cents--eighteen cents (18¢) per mile, calculated as if the travel had been by highway route. In fixing rates of allowance under this act, the board shall consider the prevailing cost of executing such travel, generally prevailing economic conditions, and the rates of allowance made applicable to similar travel by the federal government and private employers within the state.

For a period where employees are to be absent from their post on official business for less than twenty-four (24) hours the board's regulations shall provide for partial days' subsistence rates equal-to-maximum-of-twenty-five-percent--(25%)--of-the-total-per-diem-rate--for--breakfast-twenty-five-percent--(25%)--of-the-total--per-diem-rate--for--lunch--and--fifty--percent--(50%)--of--the--total--per--diem--rate--for--dinner.

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 February 1, 1980.

Approved April 1, 1980.

CHAPTER 304
(H.B., No. 629)

AN ACT
RELATING TO THE SALES TAX; AMENDING SECTION 63-3612A, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION OF OCCASIONAL SALE; AND AMENDING SECTION 63-3622, IDAHO CODE, TO EXEMPT CERTAIN OCCASIONAL SALES
FROM THE SALES TAX.

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.

(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.

(f) Sales of motor vehicles between members of a family related within the second degree of consanguinity.

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, or section 63-3612A(f), Idaho Code, the sale of motor vehicles between family members.

(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 titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be 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 machinery, equipment, materials and supplies 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 machinery, equipment, materials and supplies 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.
(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 April 1, 1980.

CHAPTER 305
(S.B. No. 1496)

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, 1980, THROUGH JUNE 30, 1981; 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, 1980 through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 7,389,500</td>
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<tr>
<td>Operating Expenditures</td>
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<tr>
<td>Capital Outlay</td>
<td>1,825,600</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$12,838,700</strong></td>
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</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish and Game Account</td>
<td></td>
</tr>
<tr>
<td>Interaccount Account</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$12,838,700</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Fish and Game the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:
A. ADMINISTRATION:
FROM:
Fish & Game Account $1,036,500 $ 400 $24,100 $1,061,000
Interaccount Account 3,500 $ 5,000 $ 24,100 $8,500
TOTAL $1,040,000 $ 5,400 $24,100 $1,069,500
B. ENFORCEMENT:
FROM:
Fish & Game Account $2,139,800 $ 507,500 $224,400 $2,871,700
C. FISHERIES:
FROM:
Fish & Game Account $1,836,400 $1,623,000 $627,100 $4,086,500
Interaccount Account 1,600 1,800 3,400
TOTAL $1,838,000 $1,624,800 $627,100 $4,089,900
D. WILDLIFE:
FROM:
Fish & Game Account $1,680,000 $1,198,600 $900,400 $3,779,000
E. INFORMATION AND EDUCATION:
FROM:
Fish & Game Account $ 170,000 $115,300 $ 4,600 $289,900
F. ENGINEERING:
FROM:
Fish & Game Account $ 438,500 $148,200 $44,600 $631,300
G. PROGRAM COORDINATION:
FROM:
Fish & Game Account $ 83,200 $ 23,800 $ 400 $107,400
GRAND TOTAL $7,389,500 $3,623,600 $1,825,600 $12,838,700

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 April 2, 1980.

CHAPTER 306
(S.B. No. 1486)

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, 1980, through June 30, 1981:

<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>$1,101,500</td>
<td>$168,800</td>
<td>$4,300</td>
<td>$1,274,600</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>75,000</td>
<td>98,000</td>
<td>5,900</td>
<td>178,900</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>547,600</td>
<td>188,600</td>
<td>4,600</td>
<td>740,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,724,100</td>
<td>$455,400</td>
<td>$14,800</td>
<td>$2,194,300</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 2, 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 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, 1980, through June 30, 1981:

<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>$ 733,200</td>
<td>$ 135,600</td>
<td>$9,600</td>
<td></td>
<td>$ 878,400</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>921,800</td>
<td>865,000</td>
<td></td>
<td></td>
<td>1,786,800</td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td>49,200</td>
<td>9,000</td>
<td></td>
<td></td>
<td>58,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,704,200</td>
<td>$1,009,600</td>
<td>$9,600</td>
<td>$7,500,000</td>
<td>$10,223,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 2, 1980.
CHAPTER 308  
(S.B. No. 1482)  

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, 1980, through June 30, 1981:

<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>$ 595,600</td>
<td>$ 413,200</td>
<td>$4,400</td>
<td>$570,900</td>
<td>$1,584,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>104,400</td>
<td>22,400</td>
<td></td>
<td></td>
<td>126,800</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,257,600</td>
<td>2,379,100</td>
<td></td>
<td></td>
<td>8,528,500</td>
</tr>
<tr>
<td>Cancer Control Account</td>
<td>330,000</td>
<td></td>
<td></td>
<td></td>
<td>330,000</td>
</tr>
<tr>
<td>Central Tumor Registry Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>78,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,957,600</td>
<td>$3,144,700</td>
<td>$4,400</td>
<td>$5,540,700</td>
<td>$10,647,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 2, 1980.
CHAPTER 309
(S.B. No. 1481)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE
STATE YOUTH SERVICES CENTER, TO BE EXPENDED ACCORDING TO THE
DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD
JULY 1, 1980, THROUGH JUNE 30, 1981; AND PROVIDING THAT THE STATE
AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT OF THE STATE
OPERATING FUND TO THE COOPERATIVE WELFARE ACCOUNT OF THE DEDICATED
FUND AS REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND
WELFARE AND APPROVED BY THE BOARD OF EXAMINERS.

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

SECTION 1. There is hereby appropriated to the Department of
Health and Welfare for the 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, 1980, through June 30,
1981:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,070,900</td>
<td>$195,200</td>
<td>$11,100</td>
<td>$1,277,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>22,000</td>
<td>27,000</td>
<td></td>
<td>49,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,469,800</td>
<td>97,200</td>
<td></td>
<td>1,567,000</td>
</tr>
<tr>
<td>State Youth Training Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Account</td>
<td>236,400</td>
<td>31,000</td>
<td></td>
<td>267,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,562,700</td>
<td>$555,800</td>
<td>$42,100</td>
<td>$3,160,600</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 April 2, 1980.
CHAPTER 310
(S.B. No. 1499)

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, 1980, THROUGH JUNE 30, 1981; AND DESIGNATING MONEYS FOR THE PURPOSES ENUMERATED IN SECTIONS 63-117 THROUGH AND INCLUDING SECTION 63-125, IDAHO CODE.

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, 1980, through June 30, 1981:

<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 Suspense 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></td>
</tr>
<tr>
<td>$4,819,400</td>
<td>$9,575,100</td>
</tr>
<tr>
<td>1,991,500</td>
<td>225,300</td>
</tr>
<tr>
<td>18,700</td>
<td>13,000</td>
</tr>
<tr>
<td>3,000,000</td>
<td>16,200</td>
</tr>
<tr>
<td>$9,829,600</td>
<td>$9,829,600</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, 1980, through June 30, 1981:

<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>$ 608,100</td>
<td>$ 266,500</td>
<td>$ 2,100</td>
<td>$ 876,700</td>
<td></td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>42,200</td>
<td>25,600</td>
<td></td>
<td>67,800</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 650,300</td>
<td>$ 292,300</td>
<td>$ 2,100</td>
<td></td>
<td>$ 944,700</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td><strong>B. AUDIT &amp; COLLECTIONS:</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>$3,374,800</td>
<td>$1,467,100</td>
<td>$15,200</td>
<td>$4,857,100</td>
<td></td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>121,000</td>
<td>36,300</td>
<td>200</td>
<td>157,500</td>
<td></td>
</tr>
<tr>
<td>Hotel &amp; Motel Tax</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspense Account</td>
<td>13,000</td>
<td></td>
<td></td>
<td>13,000</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>$3,495,800</td>
<td>$1,518,400</td>
<td>$15,400</td>
<td>$5,029,600</td>
<td></td>
</tr>
<tr>
<td><strong>C. AD VALOREM:</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>$673,300</td>
<td>$114,800</td>
<td>$1,200</td>
<td>$789,300</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>$673,300</td>
<td>$128,800</td>
<td>$1,200</td>
<td>$803,300</td>
<td></td>
</tr>
<tr>
<td><strong>D. MULTI-STATE TAX COMPACT:</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>$52,000</td>
<td></td>
<td></td>
<td>$52,000</td>
<td></td>
</tr>
<tr>
<td><strong>E. CIRCUIT BREAKER TAX RELIEF:</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>$3,000,000</td>
<td>$3,000,000</td>
<td></td>
<td>$6,000,000</td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$4,819,400</td>
<td>$1,991,500</td>
<td>$18,700</td>
<td>$3,000,000</td>
<td>$9,829,600</td>
</tr>
</tbody>
</table>

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 1980.

Approved April 2, 1980.
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, 1980, THROUGH JUNE 30, 1981; APPROPRIATING MONEYS FROM THE MOTOR VEHICLE ACCOUNT TO THE TRAFFIC SAFETY COMMISSION ACCOUNT; AND EXPRESSING LEGISLATIVE INTENT.

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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GENERAL 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>$10,000</td>
<td>$15,100</td>
<td></td>
<td></td>
<td>$25,100</td>
</tr>
<tr>
<td>State Highway Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,018,700</td>
<td>$2,238,700</td>
<td>$204,200</td>
<td>$338,100</td>
<td>6,799,700</td>
</tr>
<tr>
<td>B. HIGHWAYS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td>$29,889,500</td>
<td>$17,313,800</td>
<td>$86,096,400</td>
<td></td>
<td>$133,299,700</td>
</tr>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>$22,000</td>
<td>$4,300</td>
<td></td>
<td></td>
<td>26,300</td>
</tr>
<tr>
<td>Idaho Traffic Safety Commission Account</td>
<td>$123,100</td>
<td>$101,900</td>
<td>800</td>
<td>$1,625,000</td>
<td>1,850,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$30,034,600</td>
<td>$17,420,000</td>
<td>$86,097,200</td>
<td>$1,625,000</td>
<td>$135,176,800</td>
</tr>
<tr>
<td>C. AERONAUTICS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>$320,300</td>
<td>$194,600</td>
<td>$179,400</td>
<td>$485,500</td>
<td>1,179,800</td>
</tr>
<tr>
<td>D. PUBLIC TRANSPORTATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td>$9,700</td>
<td>$4,100</td>
<td></td>
<td></td>
<td>13,800</td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>$79,600</td>
<td>$62,400</td>
<td>$2,800</td>
<td>$857,400</td>
<td>1,002,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$89,300</td>
<td>$66,500</td>
<td>$2,800</td>
<td>$857,400</td>
<td>1,016,000</td>
</tr>
<tr>
<td>E. INTER AND INTRA-DEPARTMENTAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interaccount Account</td>
<td>$119,300</td>
<td>$1,180,000</td>
<td></td>
<td></td>
<td>1,299,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$119,300</td>
<td>$1,190,000</td>
<td></td>
<td></td>
<td>1,309,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$34,592,200</td>
<td>$21,124,900</td>
<td>$86,483,600</td>
<td>$3,306,000</td>
<td>$145,506,700</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that $512,800 of the State Highway Account appropriation made in Section 1 of this act for the Highways Program shall be used for temporary help and overtime personnel costs in establishing a winter maintenance emergency fund. Any portion of this amount not required and expended for this purpose shall be transferred to Capital Outlay for pavement rehabilitation.

Approved April 2, 1980.
C. 312 '80  IDAHO SESSION LAWS  797

CHAPTER 312
(S.B. No. 1403)

AN ACT

RELATING TO EXAMINATIONS AND EVIDENCE OF A DEFENDANT'S CAPACITY TO
UNDERSTAND CRIMINAL PROCEEDINGS AGAINST HIM OR TO ASSIST IN HIS
OWN DEFENSE AND IMPAIRED CAPACITY TO APPRECIATE THE WRONGFULNESS
OF CRIMINAL CONDUCT; AMENDING SECTION 18-211, IDAHO CODE, TO PRO-
VIDE THAT A QUALIFIED, LICENSED PSYCHOLOGIST MAY BE APPOINTED TO
EXAMINE AND REPORT UPON THE MENTAL CONDITION OF A DEFENDANT;
AMENDING SECTION 18-212, IDAHO CODE, TO PROVIDE THAT THE PARTY WHO
CONTESTS A FINDING OF FITNESS TO PROCEED SHALL HAVE THE RIGHT TO
SUMMON AND TO CROSS-EXAMINE THE LICENSED PSYCHOLOGIST WHO JOINED
IN THE REPORT; AMENDING SECTION 18-213, IDAHO CODE, TO PROVIDE
THAT A LICENSED PSYCHOLOGIST WHO REPORTED MAY BE CALLED INTO COURT
AS A WITNESS AND THAT THE JURY MAY BE INFORMED THAT THE LICENSED
PSYCHOLOGIST WAS DESIGNATED BY THE COURT OR AT THE REQUEST OF THE
COURT; AMENDING SECTION 18-214, IDAHO CODE, TO PROVIDE THAT THE
COURT MAY APPOINT QUALIFIED, LICENSED PSYCHOLOGISTS TO EXAMINE A
PERSON SUBJECT TO DISCHARGE OR RELEASE; AMENDING SECTION 18-215,
IDAHO CODE, TO PROVIDE THAT STATEMENTS MADE DURING PSYCHOLOGICAL
EXAMINATIONS OR TREATMENT ARE ADMISSIBLE IN CRIMINAL PROCEEDINGS
ONLY ON THE ISSUE OF A DEFENDANT'S MENTAL CONDITION; AND DECLARING
AN EMERGENCY.

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

SECTION 1. That Section 18-211, Idaho Code, be, and the same is
hereby amended to read as follows:

18-211. EXAMINATION OF DEFENDANT -- APPOINTMENT OF PSYCHIATRISTS
AND LICENSED PSYCHOLOGISTS -- HOSPITALIZATION -- REPORT. (1) Whenever
the defendant has filed a notice of intention to rely on the defense
of mental disease or defect excluding responsibility, or there is
reason to doubt his fitness to proceed as set forth in this section,
or reason to believe that mental disease or defect of the defendant
will otherwise become an issue in the cause, the court shall appoint
at least one (1) qualified psychiatrist or licensed psychologist or
shall request the director of the department of health and welfare to
designate at least one (1) qualified psychiatrist or licensed psychol-
ogist to examine and report upon the mental condition of the defend-
ant. The court may order the defendant to be committed to a hospital
or other suitable facility for the purpose of the examination for a
period of not exceeding sixty (60) days or such longer period as the
court determines to be necessary for the purpose and may direct that a
qualified psychiatrist or licensed psychologist retained by the
defendant be permitted to witness and participate in the examination.

(2) In such examination any method may be employed which is
accepted by the medical profession for the examination of those
alleged to be suffering from mental disease or defect.

(3) The report of the examination shall include the following:
(a) a description of the nature of the examination;
(b) a diagnosis of the mental condition of the defendant;
(c) if the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;
(d) when a notice of intention to rely on the defense of irresponsibility has been filed, an opinion as to the extent, if any, to which the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired at the time of the criminal conduct charged; and
(e) when directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged.

If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

The report of the examination shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

SECTION 2. That Section 18-212, Idaho Code, be, and the same is hereby amended to read as follows:

18-212. DETERMINATION OF FITNESS OF DEFENDANT TO PROCEED -- SUSPENSION OF PROCEEDING AND COMMITMENT OF DEFENDANT -- POSTCOMMITMENT HEARING. (1) When the defendant's fitness to proceed is drawn in question, the issue shall be determined by the court. If neither the prosecuting attorney nor counsel for the defendant contests the finding of the report filed pursuant to section 18-211, Idaho Code, the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, the party who contests the finding thereof shall have the right to summon and to cross-examine the psychiatrist or licensed psychologist who joined in the report and to offer evidence upon the issue.

(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsections (3) and (4) of this section, and the court shall commit him to the custody of the director of the department of health and welfare to be placed in an appropriate institution of the department of health and welfare for so long as such unfitness shall endure. The order of commitment shall require an evaluation of the defendant's mental disease or defect at the time of admission to the institution, and a progress report on the defendant's mental disease or defect each six (6) months thereafter, for so long as the defendant is held in the custody of the director; each report shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant. When the court,
on its own motion or upon the application of the director of the department of health and welfare or his duly authorized representative or the prosecuting attorney, determines, after a hearing if a hearing is requested, that the defendant has regained fitness to proceed, the proceeding shall be resumed. If, however, the court is of the view that so much time has elapsed, excluding any time spent free from custody by reason of the escape of the defendant, since the commitment of the defendant that it would be unjust to resume the criminal proceeding, the court may dismiss the charge and may order the defendant to be discharged or, subject to the law governing the civil commitment of persons suffering from mental disease or defect, order the defendant to be committed to an appropriate institution of the department of health and welfare.

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

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

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

SECTION 3. That Section 18-213, Idaho Code, be, and the same is hereby amended to read as follows:
18-213. ACQUITTAL ON GROUND OF MENTAL ILLNESS -- EXAMINATION BY PSYCHIATRIST AND LICENSED PSYCHOLOGISTS OF DEFENDANT'S CHOICE -- PSYCHIATRISTS AND LICENSED PSYCHOLOGISTS AS WITNESSES. (1) If the report filed pursuant to section 18-211, Idaho Code, finds that the defendant at the time of the criminal conduct charged suffered from a mental disease or defect which substantially impaired his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law, and the court, after a hearing if a hearing is requested by the prosecuting attorney or the defendant, is satisfied that such impairment was sufficient to exclude responsibility, the court on motion of the defendant shall enter judgment of acquittal on the ground of mental disease or defect excluding responsibility.

(2) When, notwithstanding the report filed pursuant to section 18-211, Idaho Code, the defendant wishes to be examined by a qualified psychiatrist or other expert of his own choice, such examiner shall be permitted to have reasonable access to the defendant for the purpose of such examination.

(3) Upon the trial, the psychiatrists or licensed psychologists who reported pursuant to section 18-211, Idaho Code, may be called as witnesses by the prosecution, the defendant or the court. If the issue is being tried before a jury, the jury may be informed that the psychiatrists or licensed psychologists were designated by the court or by the director of the department of health and welfare at the request of the court, as the case may be. If called by the court, the witness shall be subject to cross-examination by the prosecution and by the defendant. Both the prosecution and the defendant may summon any other qualified psychiatrist or other expert to testify, but no one who has not examined the defendant shall be competent to testify to an expert opinion with respect to the mental condition or responsibility of the defendant, as distinguished from the validity of the procedure followed by, or the general scientific propositions stated by, another witness.

(4) When a psychiatrist or other expert who has examined the defendant testifies concerning his mental condition, he shall be permitted to make a statement as to the nature of his examination, his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged and his opinion as to the extent, if any, to which the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law or to have a particular state of mind which is an element of the offense charged was impaired as a result of mental disease or defect at that time. He shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.

SECTION 4. That Section 18-214, Idaho Code, be, and the same is hereby amended to read as follows: 18-214. COMMITMENT OF ACQUITTED DEFENDANT -- CONDITIONAL RELEASE
-- REVOCATION OF RELEASE WITHIN FIVE YEARS. (1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to the custody of the director of the department of health and welfare to be placed in an appropriate institution for custody, care and treatment.

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

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

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

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

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

SECTION 5. That Section 18-215, Idaho Code, be, and the same is
hereby amended to read as follows:

18-215. ADMISSIBILITY OF STATEMENTS BY PSYCHIATRICALLY-EXAMINED
PERSON. A statement made by a person subjected to psychiatric or psy­
chological examination or treatment pursuant to sections 18-211,
18-212 or 18-214, Idaho Code, for the purposes of such examination or
treatment shall not be admissible in evidence against him in any crim­
inal proceeding on any issue other than that of his mental condition
but it shall be admissible upon that issue, whether or not it would
otherwise be deemed a privileged communication, unless such statement
constitutes an admission of guilt of the crime charged.

SECTION 6. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect
on and after its passage and approval.

Approved April 2, 1980.

CHAPTER 313
(S.B. No. 1392, As Amended in the House)

AN ACT
RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-905, IDAHO CODE, BY
PROVIDING THAT IF THE LICENSEE SEEKS TO MOVE HIS BUSINESS FROM ONE
PREMISE TO ANOTHER IN THE SAME CITY HE MAY DO SO SUBJECT TO THE
DIRECTOR'S APPROVAL OF THE SUITABILITY OF THE NEW PREMISE; AMEND­
ING SECTION 23-908, IDAHO CODE, BY PROVIDING ADDITIONAL REQUIRE­
MENTS AND A GRACE PERIOD FOR LICENSE RENEWAL, PROVIDING THAT EACH
NEW LICENSE SHALL BE PLACED IN ACTUAL USE AT THE TIME OF ISSUANCE
AND REMAIN IN USE FOR A SPECIFIED CONTINUOUS PERIOD, PROVIDING FOR
A TRANSFER FEE AND EXCEPTIONS, AND PROVIDING TRANSFER LIMITATIONS
FOR CORPORATE LICENSES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 23-905, Idaho Code, be, and the same is hereby amended to read as follows:

23-905. APPLICATION FOR LICENSES -- PENALTY FOR FALSE STATEMENTS. Prior to the issuance of a license as herein provided, the applicant shall file with the director an application, in writing, signed by the applicant and containing such information and statements relative to the applicant and the premises where the liquor is to be sold as may be required by the director. The application shall be verified by the affidavit of the person making the same before a person authorized to administer oaths and shall be accompanied with the license fee herein required.

In addition to setting forth the qualifications required by other provisions of this act, the application must show:

(a) A detailed description of the premises for which a license is sought and its location.

(b) A detailed statement of the assets and liabilities of the applicant.

(c) The names and addresses of all persons who will have any financial interest in any business to be carried on in and upon the licensed premises, whether such interest results from open loans, mortgages, conditional sales contracts, silent partnerships, trusts or any other basis than open trade accounts incurred in the ordinary course of business, and the amounts of such interests.

(d) If the premises to be licensed are not owned by the applicant, then a certified copy of the lease by which he will occupy the premises showing that the owner consents to the sale of liquor by the drink on such premises.

(e) The name and address of the applicant, which shall include all members of a partnership or association and the officers, members of the governing board and ten (10) principal stockholders of a corporation.

(f) A copy of the articles of incorporation and bylaws of any corporation, the articles of association and the bylaws of any association, or the articles of partnership of any partnership.

(g) If during the period of any license issued hereunder any change shall take place in any of the requirements of subparagraphs (c), (d), (e), or (f) of this section, the licensee shall forthwith make a verified report of such change to the director.

(h) If during the period of any license issued hereunder the licensee seeks to move his business from one premise to another in the same city, he may do so subject to the director's approval that the new premise is suitable for the carrying on of the business.

If any false statement is made in any part of said application, or any subsequent report, the applicant, or applicants, shall be deemed guilty of a felony and upon conviction thereof shall be imprisoned in the state prison for not less than one (1) year nor more than five (5) years and fined not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or both such fine and imprisonment.
SECTION 2. That Section 23-908, Idaho Code, be, and the same is hereby amended to read as follows:

23-908. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. (1) Every license issued under this act shall set forth the name of the person to whom issued, the location by street and number, or other definite designation, of the premises, and such other information as the director shall deem necessary. If issued to a partnership, the names of the persons constituting such partnership shall be set forth. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. Such license shall be signed by the licensee and prominently displayed in the place of business at all times. Every license issued under the provisions of this act is separate and distinct and no person except the licensee therein named except as herein otherwise provided, shall exercise any of the privileges granted thereunder. All licenses shall expire at 1:00 o'clock A.M. on January 1st of the following year and shall be subject to renewal upon proper application. Renewal applications for liquor by the drink licenses accompanied by the required fee must be filed with the director on or before January 1st of the following year, provided, however, any licensee holding a valid license who fails to file an application for renewal of his current license on or before January 1st of the following year shall have a grace period of an additional thirty-one (31) days in which to file an application for renewal of his license and during which time he shall not be permitted to sell and dispense liquor by the drink at retail. No person shall be granted more than one (1) license in any city for any one (1) year; and no partnership, association or corporation holding a license under this act shall have as a member, officer or stockholder any person who has any financial interest of any kind in, or is a member of, another partnership or association or an officer of another corporation holding a license in the same city for the same year; provided that this section shall not prevent any person, firm or corporation, owning two (2) or more buildings on connected property in a city from making application for and receiving licenses permitting the sale of liquor by the drink in such building.

(2) An application Application to transfer any license issued pursuant to chapter 9, title 23, Idaho Code, shall be made to the director. Upon receipt of such an application, the director shall make the same investigation and determinations with respect to the transferee as are required by section 23-907, Idaho Code, and if the director shall determine that all of the conditions required of a licensee under chapter 9, title 23, Idaho Code, have been met by the proposed transferee, then the license shall be indorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued and the director shall note his approval thereof upon such license.

(3) Each new license issued on or after July 1, 1980, shall be placed into actual use by the original licensee at the time of issuance and remain in use for at least six (6) consecutive months or be
forfeited to the state and be eligible for issue to another person by the director after compliance with the provisions of section 23-907, Idaho Code. Such license shall not be transferrable for a period of two (2) years from the date of original issuance, except as provided by subsections (a), (b), (c), (d) or (e) of subsection (4) of this section.

(4) The fee for transferring a liquor license shall be ten percent (10%) of the purchase price of the liquor license or the cost of good will, whichever is greater; except no fee shall be collected in the following events:

(a) The transfer of a license between husband and wife in the event of a property division; or
(b) The transfer of a license to a receiver, trustee in bankruptcy or similar person or officer; or
(c) The transfer of a license to the heirs or personal representative of the estate in the event of the death of the licensee; or
(d) The transfer of a license arising out of the dissolution of a partnership where the license is transferred to one or more of the partners.
(e) The transfer of a license within a family whether an individual, partnership or corporation.

(5) The controlling interest in the stock ownership of a corporate licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation, the stock of which is listed on a stock exchange in Idaho, or in the city of New York, state of New York, or which is required by law to file periodic reports with the securities and exchange commission. Provided, however, that in the event of the transfer of more than twenty-five percent (25%) of the authorized and issued stock of the corporation, it shall create a rebuttable presumption that such transfer constitutes a transfer of the controlling interest of such corporation.

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 2, 1980.

CHAPTER 314
(S.B. No. 1304)

AN ACT
RELATING TO EXEMPTION FROM MOTOR VEHICLE OPERATING FEES; AMENDING CHAPTER 1, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-134A, IDAHO CODE, TO PROVIDE THAT VEHICLES OVER THIRTY YEARS OF AGE WHICH DO NOT QUALIFY AS AN "IDAHO OLD TIMER" MAY, UNDER CERTAIN CONDITIONS, BE REGISTERED AS AN "IDAHO CLASSIC," AND PRESCRIBING THE REQUIREMENTS FOR SUCH REGISTRATION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-134A, Idaho Code, and to read as follows:

49-134A. EXEMPTIONS FROM OPERATING FEES -- IDAHO CLASSIC. (1) The provisions hereof with respect to operating fees shall not apply to a motor vehicle which is over thirty (30) years of age, and which does not qualify as an "Idaho Old Timer" under the provisions of section 49-134, Idaho Code, and which is primarily a collectors' item and used for participation in club activities, exhibitions, tours, parades and similar uses, but is not for general transportation and which shall, for the purposes of this section, be known as an "Idaho Classic."

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

(3) The owner of a vehicle applying for registration under this act shall execute an affidavit that the vehicle for which registration is requested is owned and operated solely for the purpose enumerated in subsection (1), and also setting forth in said affidavit that the vehicle is an authentic restoration without major modifications from factory specifications. In any instance where the official inspecting the vehicle for registration as an "Idaho Classic" has doubts concerning authenticity of restoration to qualify under the provisions of this act, he may, at no cost to the state of Idaho, call upon the services of a member of any antique or classic car club in the state to render an expert opinion, in writing, as to the authenticity of restoration.

(4) The registration certificate need not specify the weight of the classic vehicle, and the plates issued shall bear no date but shall bear the inscription "Idaho Classic," and the registration number which shall be shown thereon, and they shall be valid without renewal as long as the vehicle is in existence. The plates are issued for the applicant's use only for such vehicle, and in the event of a transfer of the title the transferor must surrender the plates for the transfer. Upon written request, and approval by the division of motor vehicle registration, the applicant may retain the "Idaho Classic" plates after sale of the vehicle and upon payment of fees covered in subsection (2) of this section may reuse said plates on another "Idaho Classic."

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

Approved April 2, 1980.
CHAPTER 315
(S.B. No. 1255, As Amended, As Amended in the House)

AN ACT
RELATING TO THE NUMBER OF DISTRICT JUDGES IN THE SIXTH JUDICIAL DISTRICT; AMENDING SECTION 1-807, IDAHO CODE, TO PROVIDE THAT THE SIXTH JUDICIAL DISTRICT SHALL HAVE FOUR DISTRICT JUDGES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-807, Idaho Code, be, and the same is hereby amended to read as follows:

1-807. SIXTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS.
(1) The sixth judicial district shall consist of the counties of Power, Bannock, Caribou, Bear Lake, Franklin and Oneida.
(2) The sixth judicial district shall have three (3) four (4) district judges.
(3) Resident chambers of the district judges of the sixth judicial district shall be established as follows:
   (a) One (1) resident chambers shall be established in Caribou County;
   (b) Two (2) Three (3) resident chambers shall be established in Bannock County.

SECTION 2. This act shall be in full force and effect on and after January 1, 1981.

Approved April 2, 1980.

CHAPTER 316
(S.B. No. 1511)

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 Governor's Office Administration Program for personnel costs for the period July 1, 1980, through June 30, 1981.

FOR:
Personnel Costs $107,500
FROM:
General Account $107,500

Approved April 2, 1980.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR DESIGNATED PROGRAMS FOR PUBLIC SCHOOLS; APPROPRIATING MONEYS FROM THE ACCOUNTS 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 MONEYS APPROPRIATED FOR THE PUBLIC SCHOOL EMPLOYEES' UNEMPLOYMENT INSURANCE PROGRAM BY CHAPTER 277, LAWS OF 1979, TO THE STATE BOARD OF EDUCATION FOR THE DESIGNATED PROGRAMS; 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, 1980, through June 30, 1981:

<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>
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<td>General Account</td>
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<td>$14,249,000</td>
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<td>Mineral royalties,</td>
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<tr>
<td>and misc. receipts</td>
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<td>Liquor Funds</td>
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<tr>
<td>Driver Training Account</td>
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<td>500,000</td>
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<tr>
<td>Vocational Education</td>
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<td>$376,000</td>
<td>$14,249,000</td>
<td>$235,111,600</td>
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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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
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<td>Public School Foundation Program</td>
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<td>Public School Employees' Retirement Program</td>
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<td>TOTAL</td>
<td>$185,583,000</td>
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<table>
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<tr>
<th>FROM:</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$185,083,000</td>
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<tr>
<td>Driver Training Account</td>
<td>500,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$185,583,000</td>
</tr>
</tbody>
</table>
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, 1980, through June 30, 1981.

SECTION 4. The amount of $600,000, being a part of the balance of any unexpended and unencumbered moneys appropriated for the Public School Employees' Unemployment Insurance Program by Chapter 277, Laws of 1979, 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 Foundation Program; and the remaining balance of any unexpended and unencumbered moneys appropriated for the Public School Employee's Unemployment Insurance Program by Chapter 277, Laws of 1979, 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, 1980, 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, 1980.

Approved April 2, 1980.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS 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, 1980, THROUGH JUNE 30, 1981.

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 designated expense 
classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GOVERNOR'S OFFICE ADMINISTRATION: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$279,400</td>
<td></td>
<td>$134,100</td>
<td></td>
<td>$413,500</td>
</tr>
<tr>
<td>Pacific Northwest Regional Commission Account</td>
<td>107,600</td>
<td></td>
<td></td>
<td></td>
<td>107,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$387,000</td>
<td></td>
<td>$134,100</td>
<td></td>
<td>$521,100</td>
</tr>
<tr>
<td>B. GOVERNOR'S RESIDENCE AND EXPENSE: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$10,000</td>
<td></td>
<td>$12,700</td>
<td></td>
<td>$3,500</td>
</tr>
<tr>
<td>C. FEDERAL PROGRAM ADMINISTRATION: 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>$37,500</td>
</tr>
<tr>
<td>Manpower Development Training Act Fund</td>
<td>$39,100</td>
<td></td>
<td>$6,000</td>
<td></td>
<td>45,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$39,100</td>
<td></td>
<td>$6,000</td>
<td></td>
<td>$37,500</td>
</tr>
<tr>
<td>D. EMERGENCY FUND REIMBURSEMENT:</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>$60,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$436,100</td>
<td></td>
<td>$152,800</td>
<td></td>
<td>$97,500</td>
</tr>
</tbody>
</table>

Approved April 2, 1980.
CHAPTER 319
(S.B. No. 1493)

AN ACT
RELATING TO DELINQUENCY CHARGES ON CONSUMER LOANS WHICH ARE NOT
PRECOMPUTED CONSUMER LOANS; AMENDING SECTION 28-33-203, IDAHO
CODE, TO PROVIDE THAT ON SUCH LOANS LENDERS MAY CHARGE A ONE TIME
DELINQUENCY CHARGE ON ANY INSTALMENT NOT PAID IN FULL WITHIN FIF­
TEEN DAYS AFTER ITS SCHEDULED DUE DATE IN AN AMOUNT NOT EXCEEDING
FOUR PER CENT OF THE UNPAID AMOUNT OF THE INSTALMENT.

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

SECTION 1. That Section 28-33-203, Idaho Code, be, and the same
is hereby amended to read as follows:

28-33-203. DELINQUENCY CHARGES. (1) With respect to a precomputed
consumer loan, refinancing, or consolidation, the parties may contract
for a delinquency charge on any instalment not paid in full within 10
days after its scheduled due date in an amount not exceeding the
greater of
(a) an amount, not exceeding $5, which is 5 per cent of the
unpaid amount of the instalment, or
(b) the deferral charge (subsection (1) of section 28-33-204)
that would be permitted to defer the unpaid amount of the instal­
ment for the period that it is delinquent.

(2) With respect to a consumer loan secured by a security inter­
est in real property which is used or expected to be used as the resi­
dence of the debtor which is not a precomputed consumer loan, the par­
ties may contract for a delinquency charge on any instalment not paid
in full within 15 days after its scheduled due date in an amount not
exceeding 4% of the unpaid amount of the instalment.

(3) A delinquency charge under paragraph (a) of subsection (1) or
a delinquency charge under subsection (2) may be collected only once
on an instalment however long it remains in default. No delinquency
charge may be collected if the instalment has been deferred and a
deferral charge (section 28-33-204) has been paid or incurred. A
delinquency charge may be collected at the time it accrues or at any
time thereafter.

(4) No delinquency charge may be collected on an instalment
which is paid in full within 10 days after its scheduled instalment
due date even though an earlier maturing instalment or a delinquency
charge on an earlier instalment may not have been paid in full. For
purposes of this subsection payments are applied first to current
instalments and then to delinquent instalments.

(5) If two or more instalments or parts thereof of a precomputed
loan are in default for 10 days or more, the lender may elect to con­
vert the loan from a precomputed loan to one in which the loan finance
charge is based on unpaid balances. In this event he shall make a
rebate pursuant to the provisions on rebate upon prepayment (section
28-33-210) as of the maturity date of the first delinquent instalment, and
thereafter may make (make) a loan finance charge as authorized by
the provisions on loan finance charge for consumer loans (section
28-33-201) or the provisions on loan finance charge for supervised loans (section 28-33-508), whichever is appropriate. The amount of the rebate shall not be reduced by the amount of any permitted minimum charge (section 28-33-210). If the lender proceeds under this subsection any delinquency or deferral charges made with respect to installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further delinquency or deferral charges shall be made.

(5)(6) The amount of $5 in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts (section 28-31-106).

Approved April 2, 1980.

CHAPTER 320
(S.B. No. 1480)

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, 1980, through June 30, 1981:

<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>$5,165,600</td>
<td>$164,200</td>
<td>$25,200</td>
<td>$5,355,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Hospital South Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Hospital North Income</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>Alcoholism Treatment Account</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>Cooperative Welfare Account</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>$5,920,500</td>
<td>$1,516,100</td>
<td>$135,900</td>
<td>$7,572,500</td>
</tr>
</tbody>
</table>
SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 2, 1980.
CHAPTER 321
(S.B. No. 1468)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>General Account</td>
<td>$3,147,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Water Administration Account</td>
<td>128,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Watermaster Service Account</td>
<td>100,600</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Miscellaneous Receipts Account</td>
<td>200,000</td>
</tr>
<tr>
<td></td>
<td>LANDSAT-PNRC Account</td>
<td>1,400</td>
</tr>
<tr>
<td></td>
<td>Geothermal Research Account</td>
<td>4,700</td>
</tr>
<tr>
<td></td>
<td>Water Rights Information System Account</td>
<td>2,600</td>
</tr>
<tr>
<td></td>
<td>Dam Safety Program Account</td>
<td>4,100</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$3,589,300</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 designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981.

<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>General Account</td>
<td>$ 302,300</td>
<td>$206,200</td>
<td>$ 7,500</td>
<td>$ 516,000</td>
<td></td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>19,100</td>
<td>3,900</td>
<td></td>
<td>23,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 321,400</td>
<td>$210,100</td>
<td>$ 7,500</td>
<td>$ 539,000</td>
<td></td>
</tr>
<tr>
<td>II. REGIONAL OFFICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 645,600</td>
<td>$135,300</td>
<td>$38,400</td>
<td>$ 819,300</td>
<td></td>
</tr>
<tr>
<td>Water Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Account Details

<table>
<thead>
<tr>
<th>Program</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>Watermaster Service Account</td>
<td>64,900</td>
<td>14,000</td>
<td></td>
<td></td>
<td>78,900</td>
</tr>
<tr>
<td>Water Administration Account</td>
<td>62,400</td>
<td>38,200</td>
<td></td>
<td></td>
<td>100,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$772,900</td>
<td>$187,500</td>
<td>$38,400</td>
<td></td>
<td>$998,800</td>
</tr>
</tbody>
</table>

### Technical Services

#### FROM:

- **General Account**
  - Account: $409,000
  - Operating Expenditures: $62,400
  - Capital Outlay: $2,100
  - Benefit Payments: $312,000
  - Total: $785,500

- **Water Administration Account**
  - Account: 7,400
  - Operating Expenditures: 9,900
  - Total: 17,300

### Project Studies

#### FROM:

- **General Account**
  - Account: $266,900
  - Operating Expenditures: $39,400
  - Benefit Payments: $312,000
  - Total: $307,400

- **Water Administration Account**
  - Account: 1,400
  - Operating Expenditures: 1,700
  - Total: 1,700

- **LANDSAT-PNRC Account**
  - Account: 1,400
  - Operating Expenditures: 1,400
  - Total: 1,400

- **Geothermal Research Account**
  - Account: 4,700
  - Operating Expenditures: 4,100
  - Total: 8,700

### Operations Bureau

#### FROM:

- **General Account**
  - Account: $506,600
  - Operating Expenditures: $161,200
  - Capital Outlay: $14,100
  - Benefit Payments: $37,300
  - Total: $719,200

- **Water Administration Account**
  - Account: 4,700
  - Operating Expenditures: 2,900
  - Total: 7,600

- **Miscellaneous Receipts Account**
  - Account: 200,000
  - Total: 200,000

- **Water Rights Information System Account**
  - Account: 2,600
  - Total: 2,600

- **Dam Safety Program**
  - Account: 4,100
  - Total: 4,100

### GRAND TOTAL

- **Total:** $2,501,700
- **Operating Expenditures:** $675,100
- **Capital Outlay:** $63,200
- **Benefit Payments:** $349,300
- **Total:** $3,589,300

Approved April 2, 1980.
AN ACT
RELATING TO INTEREST CHARGED ON INSTALMENT SALES OF STATE LAND; AMENDING SECTION 58-314, IDAHO CODE, BY STRIKING THE LIMIT OF SEVEN PER CENT ANNUAL INTEREST AND PROVIDING AN INTEREST RATE TO BE SET BY THE STATE BOARD OF LAND COMMISSIONERS.

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

SECTION 1. That Section 58-314, Idaho Code, be, and the same is hereby amended to read as follows:

58-314. PLACE AND TERMS OF SALE -- CASH SALES -- NOXIOUS WEED DISTRICTS. All sales of state lands shall be held at the state capitol unless otherwise directed by the state board of land commissioners. Any such sale held away from the state capitol shall take place at the county seat of the county or one (1) of the counties in which such lands are situated unless otherwise directed by the board.

Terms of payment shall be as follows: Timber lands and lands chiefly valuable for timber, cash on day of sale, or on instalments as provided in section 58-411, Idaho Code; lands acquired by sheriff's deed or deed taken in satisfaction of mortgage securing loan of state funds, cash on the day of sale or on such other terms and conditions as the state board of land commissioners may direct; on all other lands, except those mentioned in section 58-315, Idaho Code, ten per cent (10%) of the purchase money on the day of sale and the balance in twenty (20) annual payments with interest at the rate per annum set by the state board of land commissioners on all deferred payments; except that where the purchase price is less than one hundred dollars ($100) it shall be paid in full on the day of sale and provided further that if the purchase price is less than four hundred dollars ($400), ten per cent (10%) of the purchase money shall be paid on day of sale and the balance in annual payments, the number of instalments to be determined by the state land board. The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase.

When the conditions hereinbefore prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the governor and countersigned by the director of the department of lands and a record of the same kept by him in a suitable book. When, in the judgment of the board, a bond by a purchaser of state lands is necessary, the state board shall require such purchaser to give a bond upon such conditions as the said board may determine.

Whenever a purchaser of state lands shall have complied with all
of the conditions of the sale, paid all purchase money with the lawful interest thereon, and shall furnish the director with satisfactory proof of payment of taxes levied and assessed against his equity in said lands for the current year, or with satisfactory proof that such taxes are otherwise secured, he shall receive a deed for the land purchased. Such deed shall be signed by the governor, and countersigned by the secretary of state and by the director and attested with the great seal of the state and the seal of the state board of land commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple: provided that the conveyance by said deed shall be subject to reasonable easements for all roads used by the public which exist at the time of sale, unless the county commissioners of the county in which such roads are situated approve the release of such easements and the deed expressly conveys said easements.

Provided, that the state land board may, in its judgment and on the application of the purchaser, extend the time of payment on all state lands purchased prior to the time this section takes effect in such manner as to distribute the remaining payments over a period which, when added to the period which shall have elapsed since the purchase was made, shall not exceed twenty (20) years in all.

Interest on all deferred payments to be at the rate of seven per cent (7%) per annum except as provided in Section 58-315, Idaho Code set by the state board of land commissioners. All payments shall be made to the director.

The rate of interest set forth in this section and in Section 58-316, Idaho Code, for deferred or delinquent payments shall only apply to contracts entered into after the effective date of this act.

On state lands hereafter sold under contract of sale in noxious weed control districts, or which may become a part of a noxious weed control district, it shall be the duty of the contract purchaser if the lands are, or may become, infested with noxious weeds to join such a district and pay for the eradication and/or control of noxious weeds on these lands. If within ninety (90) days after receiving a notice by registered mail from the state land department that the lands are infested with noxious weeds, he does not join such a weed control program the director may request the treatment of such lands by those in charge of the weed control district. When the cost of such treatment has been determined, the supervisor of the weed control district shall send a bill to the purchaser for such eradication of noxious weeds, and if the amount of said bill be not paid within ninety (90) days the state board of land commissioners may declare the contract of sale forfeited and cancel the same, and if the contract is canceled said bill for noxious weed eradication and/or control shall be paid from the state noxious weed control fund appropriated for the treatment of noxious weeds upon state lands.

Approved April 2, 1980.
CHAPTER 323  
(S.B. No. 1434, As Amended)  

AN ACT  
RELATING TO INTEREST CHARGED ON EXTENSIONS OF TIME FOR PAYMENT OF RENTALS FOR LEASES ON STATE LAND; AMENDING SECTION 58-305, IDAHO CODE, BY STRIKING THE LIMIT OF SIX PERCENT ANNUAL INTEREST AND PROVIDING AN INTEREST RATE TO BE SET BY THE STATE BOARD OF LAND COMMISSIONERS.  

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

SECTION 1. That Section 58-305, Idaho Code, be, and the same is hereby amended to read as follows:  

58-305. PAYMENT OF RENTAL IN ADVANCE -- EXTENSION OF TIME -- ADJUSTMENT OF CONFLICT BID RENTAL RATES. All leases of state land, except mineral leases, shall be conditional upon the payment of rental annually, in advance, and a violation of this condition shall work a forfeiture of the lease, at the option of the state board of land commissioners, after thirty (30) days' notice to the lessee, such notice being sent to the post office of the lessee, as given by himself to the director of the department of lands when the lease is issued: provided, however, that upon the application of any person, firm, corporation or association from whom such rent is or will be owing, the state board of land commissioners is hereby given authority and power to, in its discretion, extend the time of payment of such moneys for said leases for not to exceed two (2) successive years: provided, that the applicant enters into an agreement with the said state board of land commissioners to pay the interest on said amount of rent money from January first of the year which the same is otherwise due, to the date of payment, at the rate of six percent (6%) per annum set by the state board of land commissioners; that this authority shall extend to amounts due on outstanding leases, leases renewed and new applications for leases. Lease rental rates established by competitive bidding may not be adjusted during the term of a lease, except that the state board of land commissioners upon a finding of a material change of circumstances from those existing at the time of auction, may, after a majority vote of those present, reduce the rental to no less than fair market value.  

Approved April 2, 1980.  

CHAPTER 324  
(S.B. No. 1433, As Amended)  

AN ACT  
RELATING TO THE INTEREST RATE CHARGED FOR AN EXTENSION OF TIME TO MAKE PAYMENTS ON SALE OF STATE LAND; AMENDING SECTION 58-316, IDAHO CODE, BY STRIKING THE LIMIT OF SIX PER CENT ANNUAL INTEREST AND PROVIDING AN INTEREST RATE TO BE SET BY THE STATE BOARD OF LAND COMMISSIONERS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 58-316, Idaho Code, be, and the same is hereby amended to read as follows:

58-316. FORFEITURE OF RIGHTS OF DELINQUENT PURCHASER -- REINSTATEMENT -- DISPOSITION OF PURCHASE MONEY. If any purchaser of state land after receiving a certificate of purchase, as provided in this chapter, shall fail to make any of the payments stipulated therein, and the same remains unpaid for thirty (30) days after the time when it should have been paid as specified in such certificate, the director of the department of lands shall, by registered letter addressed to such delinquent purchaser at his last known post-office address, notify such purchaser of such delinquency and of the amount due, and that unless such amount be paid within sixty (60) days after the date of mailing such letter and notice, the board will declare all rights of the purchaser in and to said land forfeited and the certificate and contract relating thereto annulled.

After the expiration of said period of sixty (60) days, the state board of land commissioners shall declare such forfeiture, and shall annul said contract and certificate. Such action of the board shall be recorded in the minutes of the proceedings of the board. When such forfeiture shall have been declared and entered in the minutes, as hereinbefore provided, all rights of such purchaser in and to said lands shall be and are extinguished and the state board of land commissioners may sell the land again: provided, that unless other disposition has meanwhile been made of the land, said state board of land commissioners may, upon application of the former purchaser, if such application is made within two (2) years after the certificate has been canceled, reinstate any such canceled certificate upon compliance by the purchaser with such conditions as the board may impose. Such conditions to be imposed by the board shall include the funding of delinquent installments of principal and interest accrued to the date of reinstatement, by distributing the same in annual payments, to commence with the expiration of the original period covered by the contract of sale, or any extension or extensions thereof, such deferred payments to draw interest from the date of the reinstatement of the certificate; but the board may, in its discretion, impose other conditions, and may, in its discretion, require the payment of such delinquencies in cash at the time of reinstatement. On reinstatement being made the board may, in its discretion, give credit to the purchaser, as for interest paid on his contract, of any amounts which may have been paid by the purchaser as rent of the land during the period of the cancelation of his certificate. Any and all reinstatements of certificates of purchase of state lands heretofore made by the state board of land commissioners are hereby legalized and validated: provided further, that in case of such default and declaration of forfeiture except as provided for in this section, all previous payments made by a purchaser on account of such land shall be forfeited to the state; and the title and right of possession to such land shall be in the state as if no sale had ever been made.

All purchase moneys arising from the sale of state land shall
without delay be paid by the director of the department of lands to the treasurer who shall receipt for the same, and the same shall be by him credited to the permanent fund to which the land sold belonged. All interest on such money shall be paid forthwith by the director to the state treasurer, and be by the treasurer credited to the income fund to which the land belonged: provided however, that upon the application of any such owner of a certificate of purchase of state land, filed with the director before the expiration of the sixty (60) days limited in said notice, showing by affidavit, or otherwise, that he is unable to pay the amount then due, or that it would work great hardship upon him to be required to make such payment at that time, and stating that he believes he will be unable to make such payment on or before November first of the current year, the state board of land commissioners may extend the time of payment of the amount then due to November first succeeding: provided, that in case of such extension the purchaser shall pay interest on the amount due from January first of the current year to the date of payment at the rate of six-per-cent (6%) per annum, set by the state board of land commissioners, such interest to be part of the amount payable. Provided, the state board of land commissioners may, in its sole discretion, enter into a supplemental agreement with any owner and holder of a sale certificate on state land, by the terms of which all delinquent payments of principal and interest due on such certificate may be deferred beyond the end of the term of such certificate, or any prior extension thereof, a number of years equal to the period of such delinquency. The said sum so deferred shall draw interest the same as if it were originally a part of the purchase price named in the sale certificate from the date of the supplemental certificate herein referred to until paid. The forms, terms and conditions of such supplemental agreement, and the form of the application therefor, shall be as prescribed by the board. Any such supplemental agreement as herein provided, and any agreement reinstating a canceled certificate, as herein provided, shall be deemed a part of the original sale certificate.

Approved April 2, 1980.

CHAPTER 325
(S.B. No. 1364, As Amended)

AN ACT
RELATING TO RULE MAKING; AMENDING SECTION 39-105, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL HAVE THE AUTHORITY TO PROMULGATE RULES IN CIRCUMSTANCES WHEN THE BOARD OF HEALTH AND WELFARE IS NOT SPECIFICALLY VESTED WITH SUCH AUTHORITY; AMENDING SECTION 39-107, IDAHO CODE, TO STRIKE REFERENCE TO CERTAIN RULE MAKING REQUIREMENTS OF THE BOARD OF HEALTH AND WELFARE THAT ARE IN CONFLICT WITH THE ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 39-1210, IDAHO CODE, TO VEST RULE MAKING AUTHORITY IN THE BOARD RATHER THAN THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 39-1304, IDAHO CODE, TO VEST RULE MAKING AUTHORITY IN THE BOARD OF HEALTH AND WELFARE RATHER THAN THE DEPARTMENT; AMENDING SECTION 39-1307, IDAHO CODE, TO VEST RULE

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

SECTION 1. That Section 39-105, Idaho Code, be, and the same is hereby amended to read as follows:

39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

1. All of the powers and duties of the department of public health, the department of health, the board of health, and the air pollution control commission, are hereby transferred to the director of the department of health and welfare, provided, however, that rule making and hearing functions relating to environmental protection, public health and licensure and certification standards shall be vested in the board of health and welfare. The director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules and regulations in those circumstances when the authority to adopt, promulgate, and enforce such rules and regulations is not vested in the board of health and welfare, and shall be the successor in law to all contractual obligations entered into by his predecessor in law. All rule making proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

2. The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this act, formulate and recommend to the board, rules, regulations, codes and standards, as may be necessary to deal with problems related to personal health, water pollution, air pollution, visual pollution, noise abatement, and solid waste disposal, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this act, including, but not limited to the prevention, control or abatement of environmental pollution or degradation and the maintenance and protection of personal health. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

3. The director, under the rules, regulations; codes or standards adopted by the board, shall have the general supervision of the pro-
motion and protection of the life, health, mental health and environ-
ment of the people of this state. The powers and duties of the direc-
tor shall include but not be limited to the following:

a. The issuance of licenses and permits as prescribed by law and
by the rules and regulations of the board.

b. The supervision and administration of laboratories and the
supervision and administration of standards of tests for environmental
pollution, chemical analyses and communicable diseases. The director
may require that laboratories operated by any city, county, insti-
tution, person, firm or corporation for health, environmental or law
enforcement purposes conform to standards set by the board.

c. The supervision and administration of a mental health program,
which shall include services for the evaluation, screening, custody
and treatment of the mentally ill and those persons suffering from a
mental defect, or mental defects.

d. The enforcement of minimum standards of health, safety and
sanitation for all public swimming pools within the state.

e. The enforcement of standards, rules and regulations, relating
to public water supplies.

f. The supervision and administration of the various schools,
hospitals and institutions that were the responsibility of the board
of health at the time this act went into effect.

g. The supervision and administration of services dealing with
the problems of alcoholism, including but not limited to the care and
rehabilitation of persons suffering from alcoholism.

h. The establishment of liaison with other governmental depart-
ments, agencies and boards in order to effectively assist other
governmental entities with the planning for the control of or abate-
ment of environmental and health problems. All of the rules, regula-
tions and standards adopted by the board shall apply to state insti-
tutions.

i. The supervision and administration of an emergency medical
service program, including but not limited to assisting other govern-
mental agencies and local governmental units, in providing first aid
emergency medical services and for transportation of the sick and
injured.

j. The supervision and administration of a system to safeguard
air quality and for limiting and controlling the emission of air
contaminants.

k. The supervision and administration of a system to safeguard
the quality of the waters of this state, including but not limited to
the enforcement of standards relating to the discharge of effluent
into the waters of this state and the storage, handling and trans-
portation of solids, liquids, and gases which may cause or contribute
to water pollution.

l. The supervision and administration of administrative units
whose responsibility shall be to assist and encourage counties,
cities, other governmental units, and industries in the control of
and/or abatement of environmental and health problems.

m. The supervision and administration of a statewide solid waste
disposal plan including the enforcement of rules and regulations for
minimum sanitary standards for the storage, collection, incineration,
composting, grinding, disposing or other processing of solid wastes,
and for the construction, operation and maintenance of solid waste control systems. Plans, maps, specifications, and a proposed operational procedure report for a proposed public, commercial, industrial, or agricultural solid waste disposal site shall be submitted to the director for his review and approval.

n. The enforcement of all laws, rules, regulations, codes and standards relating to environmental protection and health.

4. The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government, including but not limited to the Federal Water Pollution Control Act, for use in or by the state of Idaho in relation to health and environmental protection.

5. The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporation for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

6. The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

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

39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES AND REGULATIONS.

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

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

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

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

5. The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

6. Any person aggrieved by an action or inaction of the department of health and welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder. The hearings herein provided may be conducted by the board at a
regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or hearing officer designated by it, shall have power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

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

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

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

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

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

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

SECTION 3. That Section 39-1210, Idaho Code, be, and the same is hereby amended to read as follows:

39-1210. STANDARDS FOR CHILDREN'S AGENCIES AND CHILDREN'S INSTITUTIONS - DEPARTMENT BOARD TO IMPLEMENT AND ENFORCE. The department board of health and welfare shall have the power and it shall be its duty to promulgate appropriate rules and regulations necessary to
implement and enforce the following standards for licensing children's agencies and children's institutions:

1. Assure the organizational stability of the agency, which may require incorporation under the laws of Idaho.
2. Require from the policy-making authority of the agency the promulgation of a statement setting forth the agency's purposes and objectives and describing the character and extent of the services which it offers and maintains, and the geographical area to be served.
3. Require evidence of income and resources sufficient to maintain facilities and personnel necessary to achieve its purposes and objectives and to maintain its services.
4. Assure such record-keeping and reporting as may be deemed necessary to the agency's services and to the department's licensing responsibility.
5. Assure the safety and physical care of children for whom the agency assumes or accepts responsibility.
6. Establish the legal status of each child accepted for care and the legal authority and responsibility of the agency for him.
7. Require a statement of intake policy which shall set forth criteria for accepting children for care or service in relation to the agency's purposes and facilities.
8. Provide through observation and collateral inquiry for studies of homes into which children may be placed sufficient to enable a judgment determining the adequacy of the homes in relation to the needs of the children, and
9. In the case of an institution specializing in maternity care to unmarried mothers:
   (a) Assure social services on behalf of both the mother and infant, and
   (b) Assure protection of the legal rights and rights to confidential treatment of minor unmarried mothers and their children.

SECTION 4. That Section 39-1304, Idaho Code, be, and the same is hereby amended to read as follows:

39-1304. APPLICATION FOR LICENSE. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder by the board of health and welfare.

SECTION 5. That Section 39-1307, Idaho Code, be, and the same is hereby amended to read as follows:

39-1307. RULES, REGULATIONS, AND ENFORCEMENT. The licensing agency board of health and welfare with the advice of the advisory hospital council, hereinafter created, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety, and welfare. Provided
that nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination except as to sanitary and safe conditions of the premises, cleanliness of operation and its physical equipment.

SECTION 6. That Section 39-3005, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

4. In accordance with the laws of the state, the director may appoint, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants, advisory councils, emergency teams and committees as may be necessary to carry out the provisions of this act. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical and/or life sciences, or the equivalent, and be trained in health physics.

5. The agency shall for the protection of the occupational and public health and safety:
   a. Develop programs for evaluation of hazards associated with use of radiation;
   b. Develop programs with due regard for compatibility with federal programs for regulation of by-product, source, and special nuclear materials;
   c. Formulate, and with the advice of the nuclear energy commission, recommend that the board of health and welfare adopt, promulgate, and repeal codes, rules, regulations and standards relating to control of sources of radiation;
   d. Advise, consult, and cooperate with other agencies of the state, and federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of radiation;
   e. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of
sources of radiation;
f. Collect and disseminate information relating to control of sources of radiation; including:
   (1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;
   (2) Maintenance of a file of registrants possessing sources of radiation requiring registration under the provisions of this act and any administrative or judicial action pertaining thereto; and
   (3) Maintenance of a file of all rules and regulations relating to regulations of sources of radiation, pending or promulgated, and proceedings thereon.
g. Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions from the federal government and from other sources, public or private.
h. Submit an annual report to the governor and to the legislature concerning the control of sources of radiation and atomic energy.
i. Issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records and documents.

SECTION 7. That Section 39-3006, Idaho Code, be, and the same is hereby amended to read as follows:

39-3006. RULES AND REGULATIONS -- LICENSING REQUIREMENTS AND PROCEDURE -- REGISTRATION OF SOURCES OF RADIATION -- EXEMPTIONS FROM REGISTRATION OR LICENSING. 1. The agency board of health and welfare shall provide by rule or regulation for general or specific licensing of by-product, source, special nuclear materials, or devices or equipment utilizing such materials, or other radioactive material occurring naturally or produced artificially. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses. Such rule or regulation shall provide that:
   a. Each application for a specific license shall be in writing and shall state such information as the board, by rule or regulation, may determine to be necessary to decide the technical, insurance, and financial qualifications, or any other qualification of the applicant as the agency may deem reasonable and necessary to protect the occupational and public health and safety. The agency may at any time after the filing of the application, and before the expiration of the license, require further written statements and shall make such inspections as the agency deems necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended, or revoked. In no event shall the agency grant a specific license to any applicant who has never possessed a specific license issued by a recognized state or federal authority until the agency has conducted an inspection or review which insures that the applicant can meet the rules, regulations and standards adopted pursuant to this act. All applications and statements shall be signed by the applicant or licensee. The agency may require any applications or statements to be made under oath or
affirmation;
b. Each license shall be in such form and contain such terms and conditions as the agency board may by rule or regulation prescribe;
c. No license issued under the authority of this act and no right to possess or utilize sources of radiation granted by any license shall be assigned or in any manner disposed of; and
d. The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this act.

2. The agency board of health and welfare may require licensing of those persons installing or repairing sources of radiation which the agency board has determined to present a potential hazard to the occupational and public health and safety. Such licensing requirements shall provide that:
a. Each application for a license shall be in writing and shall state such information as the board, by rule or regulation, may determine to be necessary to decide the technical, insurance, and financial qualifications, or any other qualification of the applicant as the agency may deem reasonable and necessary. The agency may at any time after the filing of the application, and before the expiration of the license, require further written statements and shall make such inspections as the agency deems necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended, or revoked. All applications and statements shall be signed by the applicant or licensee. The agency may require any applications or statements to be made under oath or affirmation;
b. Each license shall be in such form and contain such terms and conditions as the agency board of health and welfare may by rule or regulation prescribe;
c. No license issued under the authority of this act and no right to possess or utilize sources of radiation granted by any license shall be assigned or in any manner disposed of; and
d. The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this act.

3. The agency board of health and welfare may require registration of all sources of ionizing radiation and other sources of radiation which the agency has determined to present a potential hazard to the occupational and public health and safety.

4. The agency board of health and welfare may exempt certain sources of ionizing radiation or kinds of uses or users from the registration or licensing requirements set forth in this section when the agency makes a finding, with advice of the nuclear energy commission, that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

5. In promulgating rules and regulations pursuant to this act the agency board of health and welfare shall, insofar as practical, strive to avoid requiring dual licensing, and shall provide for such recognition of other state or federal licenses as the agency shall deem desirable, subject to such registration requirements as the agency
board of health and welfare may prescribe.

SECTION 8. That Section 39-4605, Idaho Code, be, and the same is hereby amended to read as follows:

39-4605. DUTIES OF THE DEPARTMENT. The department shall provide appropriate services of habilitation and rehabilitation to the eligible population of developmentally disabled, and shall consult with the state council on developmental disabilities. The department shall be the primary agency responsible for the services set forth herein, and shall:

(1) Develop and prepare an annual plan for the initiation and maintenance of developmental disabilities services authorized in this chapter. Such services shall include, but not be limited to community comprehensive developmental disability services;

(2) Initiate and provide services which shall include, but not be limited to, community comprehensive developmental disabilities services;

(3) In order to provide services, enter into agreements with any person or persons, corporation or association, approved by the department, for the contracting of all or a portion of the costs of the care, treatment, maintenance, support and training of developmentally disabled persons; and

(4) Provide technical assistance for state and local personnel working in the field of developmental disabilities under this chapter.

Any person, corporation or association may make application to the department for approval and certification of the applicant's developmental disabilities facility. The department may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of developmentally disabled persons, in accordance with standards as set forth in rules and regulations promulgated by the department board of health and welfare and consistent with existing national accreditation bodies.

SECTION 9. That Section 39-4703, Idaho Code, be, and the same is hereby amended to read as follows:

39-4703. STANDARDS FOR PROVISION OF RESpite CARE. The director of the state department of health and welfare shall have the power and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for provision of respite care services:

(1) It shall be the responsibility of the parents or guardians of the individual to arrange with the provider of respite care for such services.

(2) The department shall provide the parents or guardians with a list of available providers of respite care; however, this does not relieve the parents or guardians of the responsibility of making arrangements for services.

(3) In such cases where for reason of emotional stress or other emergency circumstances beyond the control of the parents or guard-
ians, such parents or guardians cannot arrange for respite care services; a representative of the department may arrange for services on behalf of the parents or guardians.

(4) It shall be the responsibility of the parents or guardians, or in such cases where a representative must arrange for services, to ensure to their satisfaction that the provider of services are physically and emotionally suited to provide such care; and that the location where such care is to be provided is safe for the individual receiving care.

(5) The parents or guardians shall sign a release form to the department stating that:
   (a) the parents or guardians have requested such services,
   (b) the parents or guardians have personally inspected the location where care will be provided and that it is satisfactory to ensure the safety of the individual receiving care,
   (c) The parents or guardians have assured themselves that the providers of service are physically and emotionally suited to provide such care to the individual to be cared for, and
   (d) the parents or guardians release the department of any liability in selection or the provision of respite care services.

(6) The parents or guardians shall sign a release for emergency medical services in order to allow the provider to seek services for the individual in emergencies.

(7) The parents or guardians shall provide the following information to the provider of respite care services:
   (a) name of the individual receiving service,
   (b) any medications the individual may be taking and appropriate instructions,
   (c) any special feeding instructions,
   (d) instructions on daily routine of the individual,
   (e) any special therapy that is to be given,
   (f) emergency medical information,
   (g) name, address and phone number(s) of physician(s) to contact in emergencies,
   (h) location and phone number(s) of where parents or guardians can be located,
   (i) other individuals that can be contacted in emergencies, and
   (j) other vital information.

(8) Where it is necessary for the provider to seek emergency medical services, the parents or guardians shall be responsible for the cost of such services.

(9) The parents or guardians may select a provider of their own choosing, who may not be on the list provided by the department; however, the provider shall not be a relative of the family of the individual receiving care.

(10) Respite care services shall not be used in lieu of normal day care or babysitting services in order for the parents or guardians to be employed.

SECTION 10. That Section 56-202, Idaho Code, be, and the same is hereby amended to read as follows:
56-202. DUTIES OF DIRECTOR OF STATE DEPARTMENT OF HEALTH AND WELFARE. The director of the state department of health and welfare shall:

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

(b) Establish promulgate, adopt and enforce such rules and regulations and such methods of administration as may be necessary or proper to carry out the provisions of this act title 56, Idaho Code, except as provided in section 56-203A, Idaho Code;

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

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

(e) Define blindness in terms of ophthalmic measurements;

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

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

SECTION 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 April 2, 1980.

CHAPTER 326
(S.B. No. 1350, As Amended)

AN ACT
RELATING TO COMMUNICATIONS SECURITY; REPEALING CHAPTER 67, TITLE 18, IDAHO CODE, RELATING TO TELEGRAPHIC AND TELEPHONE MESSAGES; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 67, TITLE 18, IDAHO CODE, TO DEFINE TERMS; TO PROHIBIT INTERCEPTION OF ORAL OR WIRE COMMUNICATIONS; TO PROHIBIT THE MANUFACTURE, DISTRIBUTION, POSSESSION OR ADVERTISEMENT OF DEVICES FOR SUCH INTERCEPTION; TO PROVIDE FOR THE CONFISCATION OF SUCH DEVICES; TO PROHIBIT USE OF INTERCEPTED MATERIAL AS EVIDENCE; TO AUTHORIZE THE PROSECUTING ATTORNEY TO MAKE APPLICATION TO A JUDGE OF COMPETENT JURISDICTION FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS; TO PROVIDE FOR THE USE OF INTERCEPTED COMMUNICATIONS IN INVESTIGATIONS AND AS EVIDENCE; TO AUTHORIZE PROCEDURES
TO BE FOLLOWED IN PERMITTING COMMUNICATIONS INTERCEPTION; TO PROVIDE FOR THE RECOVERY OF CIVIL DAMAGES AND ATTORNEY FEES WHEN UNLAWFUL INTERCEPTIONS TAKE PLACE; TO PROHIBIT ANNOYING, HARASSING OR OBSCENE TELEPHONE CALLS; TO PROVIDE FOR PENALTIES FOR SUCH TELEPHONE CALLS; TO DEFINE THE PLACE OF OFFENSE; TO PROHIBIT THE THEFT OF TELECOMMUNICATIONS SERVICES; TO PROHIBIT THE AIDING OF AVOIDING TELECOMMUNICATIONS CHARGES; TO PROHIBIT FORGERY OF TELEGRAPH MESSAGES; TO PROHIBIT UNAUTHORIZED OPENING OF TELEGRAMS; TO PROHIBIT THE OPENING OF SEALED LETTERS; AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Chapter 67, 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 67, Title 18, Idaho Code, and to read as follows:

CHAPTER 67
COMMUNICATIONS SECURITY

18-6701. DEFINITIONS. Definitions as used in this chapter:
(1) "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications.
(2) "Oral communication" means any oral communication uttered by a person under circumstances justifying an expectation that said communication is not subject to interception.
(3) "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device.
(4) "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:
(a) Any telephone or telegraph instrument, equipment or facility or any component thereof furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business, or being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;
(b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;
(5) "Person" means any employee or agent of the state or political subdivision thereof and any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(6) "Investigative or law enforcement officer" means any officer of the state of Idaho who is empowered by law to conduct investigations of, or to make arrests for, offenses enumerated in this chapter and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

(7) "Contents" when used with respect to any wire or oral communication include any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

(8) "Judge of competent jurisdiction" means a justice of the supreme court or a judge of a district court.

(9) "Aggrieved person" means a person who was a party to any illegally intercepted wire or oral communication or a person against whom the interception was illegally directed.

(10) "Communications common carrier" means any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio, or in intrastate, interstate, or foreign radio transmission of energy.

18-6702. INTERCEPTION AND DISCLOSURE OF WIRE OR ORAL COMMUNICATIONS PROHIBITED. (1) Except as otherwise specifically provided in this chapter, any person who:
(a) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication; or
(b) Willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:
1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or
2. Such device transmits communications by radio or interferes with the transmission of such communication; or
(c) Willfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection; or
(d) Willfully uses, or endeavors to use, the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection shall be guilty of a felony and is punishable by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars ($5,000), or by both fine and imprisonment.

(2) (a) It is lawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier whose facilities are used in the transmission
of a wire communication to intercept, disclose, or use that commu-
nication in the normal course of his employment while engaged in
any activity which is a necessary incident to the rendition of his
service or to the protection of the rights or property of the car-
ier of such communication; provided, that said communication
common carriers shall not utilize service observing or random mon-
itoring except for mechanical or service quality control checks.
(b) It is lawful under this chapter for an officer, employee, or
agent of the federal communications commission, in the normal
course of his employment and in discharge of the monitoring
responsibilities exercised by the commission in the enforcement of
47 U.S.C. ch. 5, to intercept a wire communication or oral commu-
nication transmitted by radio or to disclose or use the informa-
tion thereby obtained.
(c) It is lawful under this chapter for a law enforcement officer
or a person acting under the direction of a law enforcement offi-
cer to intercept a wire or oral communication when such person is
a party to the communication or one (1) of the parties to the com-
munication has given prior consent to such interception.
(d) It is lawful under this chapter for a person to intercept a
wire or oral communication when one of the parties to the communi-
cation have given prior consent to such interception.
(e) It is unlawful to intercept any communication for the purpose
of committing any criminal act.
(f) It is lawful under this chapter for an employee of a tele-
phone company to intercept a wire communication for the sole pur-
pose of tracing the origin of such communication when the inter-
ception is requested by an appropriate law enforcement agency or
the recipient of the communication and the recipient alleges that
the communication is obscene, harassing, or threatening in nature.
(g) It is lawful under this chapter for an employee of a law
enforcement agency, fire department or ambulance service, while
acting in the scope of his employment, and while a party to the
communication, to intercept and record incoming wire communi-
cations.

18-6703. MANUFACTURE, DISTRIBUTION, POSSESSION, AND ADVERTISING
OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES PROHIBITED. (1)
Except as otherwise specifically provided in this chapter any person
who willfully:
(a) Sends through the mail or sends or carries any electronic,
mechanical, or other device, with the intention of rendering it
primarily useful for the purpose of the illegal interception of
wire or oral communications as specifically defined by this
chapter; or
(b) Manufactures, assembles, possesses, or sells any electronic,
mechanical, or other device with the intention of rendering it
primarily useful for the purpose of the illegal interception of
wire or oral communications as specifically defined by this
chapter, shall be guilty of a felony and is punishable by impris-
onment in the state penitiary for a term of five (5) years or
by a fine of five thousand dollars ($5,000), or by both such fine and imprisonment.

(2) It is lawful under this section for:
(a) A communication common carrier or an officer, agent, or employee of, or a person under contract with, a communication common carrier, in the normal course of the communication common carrier's business; or
(b) An officer, agent, or employee of, or a person under contract with, bidding upon contracts with, or in the course of doing business with, the United States, a state, or a political subdivision thereof, in the normal course of the activities of the United States, a state, or a political subdivision thereof, to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communication.

18-6704. CONFISCATION OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES. Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, or sold in violation of this chapter may be seized and forfeited to the state.

18-6705. PROHIBITION OF USE AS EVIDENCE OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS. Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof, if the disclosure of that information would be in violation of this chapter.

18-6706. AUTHORIZATION FOR INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS. The prosecuting attorney of any county is authorized to make application to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications and may apply to such judge for, and such judge may grant in conformity with section 2581 of chapter 119, title 18 U.S.C.A. and in conformity with chapter 67, title 18, Idaho Code, an order authorizing or approving the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marijuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one (1) year, or any conspiracy to commit any of the foregoing offenses.
18-6707. AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS. (1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of this state, of the United States or of any state or in any political subdivision thereof.

(4) No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (1), (2) and (3) of this section.

18-6708. PROCEDURE FOR INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS. (1) Each application for an order authorizing the interception of a wire or oral communication shall be made in writing upon oath or affirmation or by means of an oral affidavit as provided for in the Idaho Rules of Criminal Practice & Procedure to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) The identity of the individual authorized to make application for said order pursuant to section 18-6706(1), Idaho Code.

(b) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) A full and complete statement as to whether or not other
investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;
(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
(e) A full and complete statement of the facts concerning all previous applications known to the individual making the applications, made to any judge for authorization to intercept wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and
(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.
(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.
(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire or oral communications within the territorial jurisdiction of the court in which the judge is sitting if the judge determines on the basis of the facts submitted by the applicant that:
(a) There is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 18-6706, Idaho Code;
(b) There is probable cause for belief that particular communications concerning that offense will be obtained through such interception;
(c) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;
(d) There is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.
(4) Each order authorizing the interception of any wire or oral communication shall specify:
(a) The identity of the person, if known, whose communications are to be intercepted;
(b) The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;
(c) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;
(d) The identity of the agency authorized to intercept the commu-
nifications, and of the person making the application; and
(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(5) An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communications common carrier, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such communications common carrier, landlord, custodian or person is providing the person whose communications are to be intercepted. Any communications common carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates.

(6) No order entered under this section may authorize the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty (30) days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The periods of extension shall be no longer than the authorizing court deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty (30) days for each extension. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in thirty (30) days.

(7) Whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge who may require.

(8) (a) The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subsection shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying court and in any event shall be kept for ten (10) years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections
(1) and (2) of section 18-6707, Idaho Code, for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (3) of section 18-6707, Idaho Code.

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge and in any event shall be kept for ten (10) years.

(c) Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time but not later than ninety (90) days after the filing of an application for an order of approval under section 18-6708, Idaho Code, which is denied or the termination of the period of an order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of:

(1) The fact of the entry of the order or the application;
(2) The date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and
(3) The fact that during the period wire or oral communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed.

(9) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than ten (10) days before the trial, hearing, or proceeding has been furnished with a copy of the court order and accompanying application under which the interception was authorized. This ten (10) day period may be waived by the court if it finds that it was not possible to furnish the party with the above information ten (10) days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

(10) (a) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a state, or a political subdivision thereof, may move to suppress the contents
of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

1. The communication was unlawfully intercepted;
2. The order of authorization under which it was intercepted is insufficient on its face; or
3. The interception was not made in conformity with the order of authorization.

Such motion shall be made before the trial, hearing, or proceeding, pursuant to the Idaho rules of criminal or civil procedure or the hearing rules of the respective body, as applicable.

(b) In addition to any other right to appeal, the state of Idaho shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection. Such appeal shall be taken within thirty (30) days after the date the order was entered.

18-6709. RECOVERY OF CIVIL DAMAGES AUTHORIZED. Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall have a civil cause of action against any person who intercepts, discloses, uses, or procures any other person to intercept, disclose, or use such communications, and shall be entitled to recover from any such person:

(a) Actual damages, but not less than liquidated damages computed at the rate of one hundred dollars ($100) a day for each day of violation or one thousand dollars ($1,000), whichever is higher;
(b) Punitive damages; and
(c) A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action under the laws of this state.

18-6710. USE OF TELEPHONE TO ANNOY, TERRIFY, THREATEN, INTIMIDATE, HARASS OR OFFEND BY LEWD OR PROFANE LANGUAGE, REQUESTS, SUGGESTIONS OR PROPOSALS -- THREATS OF PHYSICAL HARM -- DISTURBING THE PEACE BY REPEATED CALLS -- PENALTIES. Every person who, with intent to annoy, terrify, threaten, intimidate, harass or offend, telephones another and (a) addresses to or about such person any obscene, lewd or profane language, or makes any request, suggestion or proposal which is obscene, lewd, lascivious or indecent; or (b) addresses to such other person any threat to inflict injury or physical harm to the person or property of the person addressed or any member of his family, or any other person; or (c) by repeated anonymous or identified telephone calls whether or not conversation ensues, disturbs the peace or attempts to disturb the peace, quiet, or right of privacy of any person at the place where the telephone call or calls are received, is guilty of a misdemeanor and upon conviction thereof, shall be sentenced to a term of not to exceed one (1) year in the county jail. Upon a second or subsequent conviction, the defendant shall be guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

The use of obscene, lewd or profane language or the making of a
threat or obscene proposal, or the making of repeated anonymous telephone calls as set forth in this section may be prima facie evidence of intent to annoy, terrify, threaten, intimidate, harass or offend.

18-6711. USE OF TELEPHONE TO TERRIFY, INTIMIDATE, HARASS OR ANNOY BY FALSE STATEMENTS -- PENALTIES. Every person who telephones another and knowingly makes any false statements concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family, with intent to terrify, intimidate, harass or annoy the called person, is guilty of a misdemeanor and upon conviction thereof shall be sentenced to a term of not to exceed one (1) year in the county jail. Upon a second or subsequent conviction of the violation of the provisions of this section, the defendant shall be guilty of a felony and upon conviction thereof, shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

The making of a false statement as herein set out may be prima facie evidence of intent to terrify, intimidate, harass or annoy.

18-6712. PLACE OF OFFENSE. Any offense committed by use of a telephone as provided by this chapter may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

18-6713. THEFT OF TELECOMMUNICATION SERVICES. (1) As used in this section:
(a) "Illegal telecommunications equipment" means any instrument, apparatus, equipment, or device which is designed or adapted, and used or intended to be used for the theft of any telecommunication service or for concealing from any supplier of telecommunication service or lawful authority the existence, place of origin, or destination of any telecommunication.
(b) "Telecommunication service" means a service which, in exchange for a pecuniary consideration, provides or offers to provide transmission of messages, signals, facsimiles, or other communication between persons who are physically separated from each other by means of telephone, telegraph, cable, wire, or the projection of energy without physical connection.
(2) It is unlawful, knowingly, to:
(a) Make, possess, or use illegal telecommunications equipment; or
(b) Sell, give, or furnish to another or advertise or offer for sale illegal telecommunications equipment; or
(c) Sell, give, or furnish to another or advertise or offer for sale any plans or instructions for making, assembling, or using illegal telecommunications equipment.
(3) A person who violates subsection (2) of this section commits a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.
(4) In a prosecution for theft of telecommunications services, the element of intent may be established by proof that the defendant obtained such services by any of the following means:

(a) By use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information;
(b) By installing, rearranging, or tampering with any facilities or equipment, whether physically, inductively, acoustically, or electronically;
(c) By any other trick, stratagem, impersonation, false pretense, false representation, false statement, contrivance, device, or means;
(d) By making, assembling, or possessing any instrument, apparatus, equipment, or device or the plans or instructions for the making or assembling of any instrument, apparatus, equipment, or device which is designed, adapted, or otherwise intended to be used to avoid the lawful charge, in whole or in part, for any telecommunications service by concealing the existence, place of origin, or destination of any telecommunications.

18-6714. AIDING THE AVOIDANCE OF TELECOMMUNICATIONS CHARGES. (1) A person commits the offense of aiding the avoidance of telecommunications charges when he:

(a) Publishes the number or code of an existing, canceled, revoked, expired, or nonexistent credit card or the numbering or coding which is employed in the issuance of credit cards with the purpose that it will be used to avoid the payment of lawful telecommunications charges; or
(b) Publishes, advertises, sells, gives, or otherwise transfers to another plans or instructions for the making or assembling of any apparatus, instrument, equipment, or device described in section 18-6713(1)(a), Idaho Code, with the purpose that such will be used or with the knowledge or reason to believe that such will be used to avoid the payment of lawful telecommunications charges.

(2) A person convicted of the offense of aiding the avoidance of telecommunications charges shall be fined not to exceed five hundred dollars ($500) or be imprisoned in the county jail for a term not to exceed six (6) months, or both such fine and imprisonment.

(3) For the purposes of this section, the term "publish" means to communicate information to any one or more persons either orally; in person; by telephone, radio, or television; or in a writing of any kind.

18-6715. FORGERY OF TELEGRAPHIC MESSAGES. Every person who knowingly and willfully sends by telegraph to any person a false or forged message purporting to be from such telegraph office, or from any other person, or who willfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph, or who furnishes or conspires to furnish, or causes to be furnished to any agent, operator, or employee, to be sent by telegraph or to be delivered, any such message, knowing the same to be false or
forged with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the state prison for a term not to exceed five (5) years, or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

18-6716. OPENING TELEGRAMS. Every person not connected with any telegraphic office who without the authority or consent of the person to whom the same may be directed, willfully opens any sealed envelope enclosing a telegraphic message and addressed to any other person, with the purpose of learning the contents of such message, or who fraudulently represents any other person, and thereby procures to be delivered to himself any telegraphic message addressed to such other person, with the intent to use, destroy or detain the same from the person or persons entitled to receive such message, is punishable as provided in section 18-6715, Idaho Code.

18-6717. REFUSAL TO SEND OR DELIVER TELEGRAPH MESSAGE. Every agent, operator or employee of any telegraph office who willfully refuses or neglects to send any message received at such office for transmission, or willfully postpones the same out of its order, or willfully refuses or neglects to deliver any message received by telegraph, is guilty of a misdemeanor. Nothing herein contained shall be construed to require any message to be received, transmitted or delivered unless the charges thereon have been paid or tendered.

18-6718. OPENING SEALED LETTERS. Every person who willfully opens or reads, or causes to be read, any sealed letter not addressed to himself without being authorized to do so either by the writer of such letter or by the person to whom it is addressed, and every person who, without the like authority, publishes any of the contents of such letter knowing the same to have been unlawfully opened, is guilty of a misdemeanor.

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

Approved April 2, 1980.

CHAPTER 327
(S.B. No. 1305)

AN ACT
RELATING TO OPERATING FEES FOR MOTOR VEHICLES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 49-127, IDAHO CODE, TO STRIKE LOG JAMMERS AND LOADERS FROM THE DEFINITION OF COMMERCIAL VEHICLE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Declaration of intention. It is the intent of the legislature by this amendatory act to not extend the registration requirements of section 49-127, Idaho Code, to log jammers, loaders and similar fixed load vehicles used in the logging industry which are normally operated in an overweight, overwidth or overlength condition, but rather have these vehicles be subject to ad valorem taxation.

SECTION 2. That Section 49-127, Idaho Code, be, and the same is hereby amended to read as follows:

49-127. OPERATING FEES SCHEDULES: The registration fee for operating each motor vehicle, trailer or semitrailer upon highways of the state of Idaho shall be as follows:

(a) On all motor vehicles, trailers and semitrailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city or village and adjacent thereto, when the service outside is a part of a regular service rendered inside such city or village, the fee shall be ten dollars ($10.00).

(b) On all hearses, ambulances and wreckers the annual fee shall be twenty-four dollars ($24.00), and such vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate the same by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(c) On all motorcycles the annual fee shall be five dollars ($5.00).

(d) For the purpose of this subsection, the following definitions shall be applicable.

1. A commercial vehicle as herein defined shall mean a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 9, title 49, Idaho Code, 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 proc-
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>
</tbody>
</table>
44,001-46,000 inc. ............................................ 155.00
46,001-48,000 inc. ........................................ 165.00
48,001-50,000 inc. ........................................ 175.00

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 non-commercial 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>&quot;A&quot; Mills per Mile</th>
<th>&quot;B&quot; Mills per Mile</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>13.30</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>
</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 non-commercial 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
shall said fees be applicable to rental utility trailers hereby
defined as utility trailers offered for hire to operators of private
motor vehicles. The registration fees for utility trailers and rental
utility trailers shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Unladen Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1,000</td>
<td>$2.50</td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>$5.00</td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

(g) The fee for all duplicate plates shall be two dollars ($2.00)
for one (1) plate or two dollars and fifty cents ($2.50) per set of
plates.

(h) Whenever a vehicle is completely destroyed by fire or acci­
dent 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.

Approved April 2, 1980.

CHAPTER 328
(S.B. No. 1478)

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, 1980, through June 30, 1981:

FOR: 
Trustee and Benefit Payments $48,567,200
FROM:
Revenue Sharing Account $ 8,500,000
C. 329 '80

IDAHO SESSION LAWS

851

General Account 7,613,100
Miscellaneous Receipts Account 500,000
Cooperative Welfare Account 31,304,100
Liquor Account 650,000
TOTAL $48,567,200

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 2, 1980.

CHAPTER 329
(S.B. No. 1448)

AN ACT
RELATING TO CERTAIN CONTRACTS OF IRRIGATION DISTRICTS WITH THE UNITED STATES; AMENDING SECTION 43-1808, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO DECIDE ON CONTRACTS BETWEEN IRRIGATION DISTRICTS AND THE UNITED STATES PROVIDING FOR THE PAYMENT BY THE UNITED STATES OF THE IRRIGATION DISTRICT'S PROPORTIONATE SHARE OF THE CAPITAL COSTS OF CONSTRUCTING CERTAIN IRRIGATION WORKS BE CONDUCTED IN ACCORDANCE WITH SECTION 43-401, IDAHO CODE, SUCH CONTRACTS TO BE SUBMITTED TO A VOTE OF ALL QUALIFIED ELECTORS OF THE DISTRICT AS DEFINED IN SECTION 43-111, IDAHO CODE, EXCEPT THAT ANY PERSON RESIDING IN THE DISTRICT AND A QUALIFIED ELECTOR AS DEFINED IN SECTION 34-104, IDAHO CODE, ALSO SHALL BE PERMITTED TO VOTE ON SUCH CONTRACTS, THAT NO REPORT NEED BE OBTAINED FROM THE DEPARTMENT OF WATER RESOURCES, THAT THE NOTICE OF ELECTION NEED NOT CONTAIN ANY RECITAL CONCERNING SUCH REPORT, AND THAT SUCH CONTRACTS AND ELECTIONS NEED NOT BE CONFIRMED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-1808, Idaho Code, be, and the same is hereby amended to read as follows:

43-1808. ELECTION TO DETERMINE WHETHER DISTRICT SHALL CONTRACT WITH GOVERNMENT. (a) At any election under the provisions of section 43-401, Idaho Code, when the question of a contract between the district and the United States is to be voted upon, the notice of such election may state generally the terms of such contract and the ballots may contain the words "Contract--yes" or "Contract--no," or other words equivalent thereto, instead of the words "Bonds--yes" or "Bonds--no," and the procedure in connection with such vote upon such contract, and the confirmation thereof by the court shall otherwise be the same as provided in connection with a bond issue.

(b) Any election where the question of a contract between an
irrigation district and the United States providing for the payment by the United States of the irrigation district's proportionate share of the capital costs of reconstructing, rehabilitating, replacing or improving dams, structures or works, whether or not legal title thereto is owned by the district, necessary to the storage, diversion or delivery of water necessary and appurtenant to the purposes for which such district was organized is to be voted upon, shall be conducted in accordance with the provisions of section 43-401, Idaho Code, insofar as possible. The question shall be submitted to a vote of all qualified electors of the district as defined in section 43-111, Idaho Code, except that any person residing within the boundaries of the irrigation district and meeting the qualifications of section 34-104, Idaho Code, shall also be permitted to vote. No report need be obtained from the department of water resources and the notice of election need not contain any recital concerning a report from the department of water resources. The contract between an irrigation district and the United States providing for the payment by the United States of the irrigation district's proportionate share of the capital costs of reconstructing, rehabilitating, replacing or improving dams, structures or works, the election approving the contract and all proceedings taken by an irrigation district in connection with the contract and election need not be confirmed by the district court.

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

Approved April 2, 1980.

CHAPTER 330
(S.B. No. 1361)

AN ACT
RELATING TO POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND BOARD OF TRUSTEES CONCERNING SCHOOL TRANSPORTATION; AMENDING SECTION 33-1506, IDAHO CODE, TO PROVIDE THAT SCHOOL BUSES SHALL BE INSPECTED ANNUALLY UNDER THE SUPERVISION OF THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT AND PROVIDING INSPECTIONS BY THE DEPARTMENT OF EDUCATION; AND AMENDING SECTION 33-1511, IDAHO CODE, TO REQUIRE A SCHOOL BUS DRIVER TRAINING PROGRAM.

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

SECTION 1. That Section 33-1506, Idaho Code, be, and the same is hereby amended to read as follows:

33-1506. INSPECTION OF SCHOOL BUSES AND OTHER PASSENGER EQUIPMENT. All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education. Other passenger equipment shall at all times conform to any standards
required by law, or regulation, for the operation of motor passenger vehicles.

Before any school bus or other passenger equipment is used for transporting pupils it shall be inspected by the state department of law-enforcement education, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such school bus or other passenger equipment shall be used for that purpose.

Prior to the beginning of school in each school year, all school buses and other passenger equipment shall be similarly inspected before being placed in operation for that school year. The department of law-enforcement board of trustees of each school district shall provide for an annual inspection by district personnel or upon contract. The district, over the signature of the superintendent, shall file with the board-of-trustees state department of education its report of inspection of the school buses and other passenger equipment operated by the authority of the school district. At intervals of not to exceed sixty (60) days during the same school year the board of trustees shall cause inspection to be made of all school buses and other passenger equipment operating under the authority of the board. In addition, the state department of education shall conduct random, spot inspections of school buses throughout the school year.

Whenever any school bus or other passenger equipment is found, upon inspection, to be deficient in any of the prescribed standards, or is found in any way to be unsafe or unfit for the transportation of pupils, such vehicle shall be withdrawn from service and shall not be returned to service until inspection shall show that the prescribed standards have been met or the vehicle otherwise is safe and fit.

SECTION 2. That Section 33-1511, Idaho Code, be, and the same is hereby amended to read as follows:

33-1511. STATE BOARD OF EDUCATION -- POWERS AND DUTIES RELATED TO TRANSPORTATION. In addition to powers and duties of the state board of education hereinbefore prescribed, the said state board shall:

1. Designate a member of its staff as supervisor of school transportation responsible for a school bus driver training program and such program shall provide for a certified driver trainer from each school district and with such duties as the board may prescribe;

2. Adopt, publish and distribute, and from time to time as need therefor arises amend, minimum standards for the construction of school buses, which standards shall at no time be lower than those incorporated in the latest report of the National Conference on School Transportation, copies of which report shall be filed with the department of law enforcement, and with the secretary of state;

3. Approve the form to be used for the inspection of school buses.

Approved April 2, 1980.
CHAPTER 331
(S.B. No. 1352, As Amended in the House)

AN ACT
RELATING TO THE STREAM CHANNEL PROTECTION ACT; AMENDING SECTION 36-1301, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME OFFICERS SHALL HAVE PEACE OFFICER POWER RELATING TO THE ENFORCEMENT OF CERTAIN PROVISIONS OF CHAPTER 38, TITLE 42, IDAHO CODE; AMENDING SECTION 42-3809, IDAHO CODE, TO PROVIDE THAT AN ORDER MAY BE SERVED IN PERSON ON A VIOLATOR OF THE PROVISIONS OF THE STREAM CHANNEL PROTECTION ACT; AMENDING CHAPTER 38, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3811, IDAHO CODE, TO PROVIDE THAT VIOLATION OF PROVISIONS OF THE STREAM CHANNEL PROTECTION ACT OR OF RULES, REGULATIONS, ORDER OR STANDARD OF THE WATER RESOURCE BOARD OR THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES RELATING TO THE USE OF VACUUM OR SUCTION DREDGES CAPABLE OF MOVING TWO OR LESS CUBIC YARDS OF MATERIAL PER HOUR SHALL BE A MISDEMEANOR; AMENDING CHAPTER 38, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3812, IDAHO CODE, TO PROVIDE THAT THE EMPLOYEES OF THE DEPARTMENT OF WATER RESOURCES ARE VESTED WITH THE POWER AND AUTHORITY TO ENFORCE THE PROVISIONS OF CHAPTER 38, TITLE 42, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-1301, Idaho Code, be, and the same is hereby amended to read as follows:

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 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 pur-
poses 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.
4. The enforcement of the provisions of section 42-3811, Idaho Code, relating to the enforcement of certain provisions of chapter 38, title 42, Idaho Code.

(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.

SECTION 2. That Section 42-3809, Idaho Code, be, and the same is hereby amended to read as follows:

42-3809. PENALTY FOR VIOLATION -- INJUNCTIVE RELIEF. Any applicant who violates any of the provisions of this act, any regulation, rule, order or standard of the board promulgated pursuant to section 42-3803, Idaho Code, or of any order or condition of approval of the director issued pursuant thereto, where a copy of the order has been served upon said applicant in person or by certified mail and said applicant fails to comply therewith within the time therein provided, or within ten (10) days of such service if not otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500); provided further, that each day such violation of an order or condition of approval has taken place shall constitute a separate offense punishable by a fine of not less than one hundred fifty dollars ($150) for each day until such activity is abated or voluntarily ceased. Any stream channel alteration engaged in by any applicant without approval having been obtained therefor as prescribed in this act is hereby declared to be a public nuisance and shall be subject to proceedings for immediate abatement. The director shall have authority and it shall be his duty to seek a temporary injunction from the appropriate district court to restrain an applicant from altering a stream channel until approval therefor has been obtained by the applicant as provided in this act.

SECTION 3. That Chapter 38, 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 42-3811, Idaho Code, and to read as follows:

42-3811. VIOLATION OF ACT A MISDEMEANOR. Any person who violates any provision of this act or who violates any regulation, rule, order or standard of the board or director relating to the use of vacuum or suction dredges capable of moving two (2) or less cubic yards of material per hour shall be guilty of a misdemeanor.

SECTION 4. That Chapter 38, 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 42-3812, Idaho Code, and to read as follows:

42-3812. ENFORCEMENT OF STREAM CHANNEL PROTECTION ACT. The employees of the department of water resources are hereby vested with the power and authority to enforce the provisions of chapter 38, title 42, Idaho Code, and rules and regulations promulgated pursuant to it. Employees of the department of water resources are empowered to issue Idaho uniform citations, as provided for by the rules of the court for magistrates division of the district court and district court, to violators of the provisions of chapter 38, title 42, Idaho Code, and rules and regulations promulgated pursuant to it.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 2, 1980.

CHAPTER 332
(S.B. No. 1475)

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, 1980, THROUGH JUNE 30, 1981.

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, 1980, through June 30, 1981:

FOR: Special Programs, University of Idaho $14,526,300
FROM: General Account $10,733,500

Federal Accounts:

| Hatch Act | 972,000 |
| Regional Research | 393,000 |
| Agricultural Research - Rural | 14,200 |
| Smith-Lever Act | 1,632,800 |
| Farm Safety | 20,000 |
| Title V Rural Development | 23,700 |
| Part-time Farmer | 10,100 |
| Expanded Food and Nutrition Education | 250,800 |
| Miscellaneous Receipts Account | 476,200 |
| **TOTAL** | **$14,526,300** |

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, 1980, through June 30, 1981:

FOR: Personnel Costs $5,012,400
Operating Expenditures 1,095,700
Capital Outlay 395,200
**TOTAL** $6,503,300

FROM: General Account $4,968,100

Federal Accounts:

| Hatch Act | 972,000 |
| Regional Research | 393,000 |
| Agricultural Research - Rural | 14,200 |
| **TOTAL** | **$6,503,300** |

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 Services Program, according to expense classes designated from the enumerated accounts, for the period July 1, 1980, through June 30, 1981:

FOR: Personnel Costs $4,639,000
Operating Expenditures 464,100
Capital Outlay 24,600
**TOTAL** $5,127,700

FROM: General Account $3,181,600

Federal Accounts:

| Smith-Lever Act | 1,632,800 |
Farm Safety
Title V Rural Development
Part-time Farmer
Expanded Food and Nutrition Education
Miscellaneous Receipts Account
TOTAL
$5,127,700

SECTION 4. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Forest Utilization Research Program from the enumerated accounts for the period July 1, 1980, through June 30, 1981:

FOR: Forest Utilization Research FROM: General Account Miscellaneous Receipts Account TOTAL
$264,600 $210,100 54,500 $264,600

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, 1980, through June 30, 1981:

INSTRUCTION PROGRAM:
FOR: Personnel Costs Operating Expenditures Capital Outlay TOTAL
$709,600 120,700 2,000 $832,300
FROM: General Account Miscellaneous Receipts Account TOTAL
$719,500 112,800 $832,300

RESEARCH AND DIAGNOSTIC SERVICES PROGRAM:
FOR: Personnel Costs Operating Expenditures Capital Outlay TOTAL
$133,000 30,500 10,000 $173,500
FROM: General Account Miscellaneous Receipts Account TOTAL
$ 77,400 96,100 $173,500

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, 1980, through June 30, 1981:
FOR:

Personnel Costs $246,200
Operating Expenditures 42,700
Trustee & Benefit Payments 1,336,000
TOTAL 1,624,900

FROM:

General Account 1,576,800
Miscellaneous Receipts Account 48,100
TOTAL 1,624,900

Approved April 2, 1980.

CHAPTER 333
(S.B. No. 1355, As Amended in the House)

AN ACT
ADOPTING AN EQUAL OPPORTUNITY FOR DISPLACED HOMEMAKER ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 49, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY, TO DEFINE TERMS, TO PROVIDE FOR ESTABLISHMENT OF SERVICE CENTERS INCLUDING A DEMONSTRATION PROGRAM, TO PROVIDE STANDARDS FOR SITE SELECTION, TO GOVERN ELIGIBILITY AND FEES, TO AUTHORIZE ACCEPTANCE OF GRANTS AND GIFTS, TO REQUIRE REPORTS FROM EACH CENTER TO THE LEGISLATURE, AND TO PROHIBIT DISCRIMINATION.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 49, Title 39, Idaho Code, and to read as follows:

CHAPTER 49
EQUAL OPPORTUNITY FOR DISPLACED HOMEMAKER ACT

39-4901. POLICY. The policy of the state of Idaho is hereby declared to be a recognition of the increasing number of persons in the state who, having fulfilled the valuable role of homemaker, find themselves displaced because of death or disability of spouse, or divorce or other loss of family income. As a consequence, displaced homemakers have an insufficient income; high rate of unemployment due to age, lack of paid work experience and discrimination; and limited opportunities to collect funds of assistance from social security, unemployment compensation, medicaid or other health insurance benefits, or pension plans of the spouse. This chapter seeks to coordinate efforts by state and local public agencies in cooperation with private agencies and organizations to assist displaced homemakers to continue as productive citizens, even though their role has necessarily changed.
39-4902. DEFINITIONS. For purposes of this chapter:
(a) "Displaced homemaker" means a person who:
(1) Has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing household services for family members without salary;
(2) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment;
(3) Has been dependent on the income of another family member but is no longer supported by such income; has been dependent on federally funded assistance but is no longer eligible for such assistance; or is supported as the parent of minor children by government assistance or spousal support but whose children are within two (2) years of reaching their majority, at which time such support will cease.
(b) "Administrator" means the administrator of the department of vocational education.

39-4903. SERVICE CENTERS. The administrator is authorized to establish multipurpose service centers for displaced homemakers. Each center shall have an advisory board appointed by the administrator in consultation with the director of the center. Such board shall consist of individuals representing displaced homemakers, organizations and agencies providing services beneficial to displaced homemakers, and the general public.

Each center shall include the following services:
(a) Job counseling services designed for a displaced homemaker;
(b) Job training and placement services developed in cooperation with public and private employers to train displaced homemakers for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and to assist displaced homemakers in gaining admission to existing public and private job training programs;
(c) Health education and counseling services with respect to general principles of preventative health care, mental health, alcohol and drug addiction and other related health care matters;
(d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and
(e) Educational services including information about courses offering credit through secondary and postsecondary education programs and information about other services determined to be of interest and benefit to displaced homemakers.

The administrator shall establish, as a demonstration program, a service center as authorized in this section. Such demonstration program shall commence July 1, 1980, and continue for a period of two (2) years at which time, unless the legislature shall otherwise determine, it shall be discontinued.

39-4904. SITE SELECTION. (a) In selecting sites for the centers established under this chapter, the administrator shall consider:
(1) The needs of each region of the state for a center;
(2) The needs of both urban and rural communities; and
(3) The availability of existing facilities adaptable for use as a center.

(b) The administrator may select a public or nonprofit private organization to administer the centers.

(c) The administrator is authorized to enter into contracts with and make grants to the organizations selected for the purpose of establishing and administering centers under this chapter.

(d) The administrator shall cooperate with other state, local and federal agencies to coordinate, through the service centers, all programs applicable to displaced homemakers and to avoid duplication of services.

(e) To the greatest extent possible, the staff of the service centers established under this chapter, including supervisory, technical and administrative positions, shall be filled by displaced homemakers. Where necessary, potential staff members shall be provided with on-the-job training.

39-4905. ELIGIBILITY AND FEES. The administrator with the advice of the staff at the centers, shall promulgate rules concerning the eligibility of persons to receive assistance through the multipurpose service centers. A sliding fee may be charged for services at the discretion of the director of the center.

39-4906. GRANTS AND GIFTS. The director of the center may, with approval of the administrator, apply for and accept any funds, grants, gifts or services made available by any agency or department of the federal government or any private agency or individual, which funds shall be used to carry out the total program of the centers.

39-4907. REPORTS OF EACH CENTER. The director of each center shall report to the administrator or his/her designee, and shall evaluate the effectiveness of the job training, placement and service to displaced homemakers, including the number of persons trained, the number of persons placed in employment, follow-up data on such persons, the number of persons served by the various service programs, and cost effectiveness of the various components of the center. The administrator shall report annually to the education committees of the house of representatives and the senate of the legislature on the status of the displaced homemaker program. The report shall be filed not later than the fifteenth legislative day and in addition to compilations of the information received from each center, may include recommendations of the administrator relating to the program.

39-4908. DISCRIMINATION PROHIBITED. No person shall, on the ground of sex, age, race, color, religion, national origin or handicap, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity made available under this chapter.

Approved April 3, 1980.
CHAPTER 334
(H.B. No. 610, As Amended in the Senate)

AN ACT
RELATING TO THE LICENSING OF CHIROPRACTIC PHYSICIANS; REPEALING CHAPTER 7, TITLE 54, IDAHO CODE; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 54, IDAHO CODE; TO PROVIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE INTENT; TO PROVIDE DEFINITIONS; TO DEFINE CHIROPRACTIC PRACTICE; TO PROVIDE EXEMPTIONS FROM LICENSURE; TO PROVIDE FOR THE CREATION OF A STATE BOARD OF CHIROPRACTIC PHYSICIANS; TO PROVIDE POWERS AND DUTIES; TO PROVIDE THE TERMS AND CONDITIONS OF LICENSURE AS CHIROPRACTIC PHYSICIANS; TO PROVIDE FOR TEMPORARY PRACTICE UNDER CERTAIN CONDITIONS PRIOR TO EXAMINATION AND LICENSURE; TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF LICENSES; TO PROVIDE THAT CHIROPRACTIC PHYSICIANS SHALL OBSERVE ALL PUBLIC HEALTH LAWS; TO PROVIDE SEVERABILITY; AND TO PROVIDE THAT EXISTING LICENSES SHALL NOT BE INVALIDATED BY THIS ACT AND FOR A CONTINUATION OF RULES AND REGULATIONS OF THE BOARD.

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

SECTION 1. That Chapter 7, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 7, Title 54, Idaho Code, and to read as follows:

54-701. SHORT TITLE. This act may be cited as the "Chiropractic Practice Act."

54-702. LEGISLATIVE INTENT. Recognizing that the practice of chiropractic is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to insure the public health, safety and welfare in the state of Idaho by the licensure and regulation of chiropractic physicians and the exclusion of unlicensed persons from the practice of chiropractic.

54-703. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) The "practice of chiropractic" means:
(a) To investigate, examine, and diagnose for any human disease, ailment, injury, infirmity, deformity, or other condition; and
(b) To apply principles or techniques of chiropractic practice as set forth in section 54-704, Idaho Code, in the prevention or treatment of any of the conditions listed in subsection (a) of this section; or
(c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts prescribed in subsections (a) and (b) of this section.
(2) "Board" means the state board of chiropractic physicians.
(3) "Physician" means any person who holds a license to practice chiropractic; provided further, that others authorized by law to use the term "physician" shall not be considered physicians for the purpose of this chapter.
(4) "License to practice chiropractic" means a license issued by the board to a person who was graduated from an acceptable school of chiropractic and who has fulfilled the licensure requirements of this chapter.
(5) The word "person," the word "he," and the word "his," means a natural person.
(6) "Acceptable school of chiropractic" means any school of chiropractic which meets the standards or requirements of a national chiropractic school accrediting organization acceptable to the board, or which has status as a candidate for accreditation before such organization.

54-704. CHIROPRACTIC PRACTICE. Chiropractic practice and procedures which may be employed by physicians are as follows:
(1) The system of specific adjustment or manipulation of the articulations and tissues of the body; the investigation, examination and clinical diagnosis of conditions of the human body and the treatment of the human body by the application of manipulative, manual, mechanical, physiotherapeutic or clinical nutritional methods and may include the use of diagnostic X-rays.
(2) Nothing herein contained shall allow any physician to:
(a) Perform surgical operations or practice obstetrics;
(b) Direct or suggest to the patient that such patient shall use a substance which, under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (i) "Caution: Federal Law Prohibits Dispensing Without Prescription"; or (ii) "Caution: Federal Law Restricts This Drug To Use By or On The Order Of A Licensed Veterinarian"; or (iii) a product which is required by any applicable federal or state law regulation to be dispensed on prescription only or is restricted to use by practitioners only.
(3) Chiropractic practice, as herein defined is hereby declared not to be the practice of medicine within the meaning of the laws of the state of Idaho defining the same, and physicians licensed pursuant to this chapter shall not be subject to the provisions of chapter 18, title 54, Idaho Code, nor liable to any prosecution thereunder, when acting within the scope of practice as defined in this chapter.

54-705. UNLICENSED PRACTICE. (1) Under the circumstances described and, subject in each case to the limitations stated, the following persons, though not holding a license to practice chiropractic in this state, may engage in activities included in the practice of chiropractic:
(a) A person licensed by this state pursuant to chapter 18, title 54, Idaho Code;
(b) A person administering a remedy, therapy, diagnostic proce-
dure or advice as specifically directed by a physician as long as such directions are within the scope of chiropractic practice;
(c) A person rendering aid in an emergency, for which no fee for the services is contemplated, charged or received;
(d) A person residing in another state or country and authorized to practice chiropractic there, who is called in consultation by a person licensed in this state to practice chiropractic, or who for the purpose of furthering chiropractic education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;
(e) A person authorized to practice chiropractic in another state or country rendering chiropractic care in a time of disaster or while caring for an ill or injured person while at the scene of an emergency and while continuing to care for such person.
(2) Except as provided in subsection (1) of this section, it is unlawful for any person to practice chiropractic in this state without a license and, upon conviction thereof, shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.
(3) Except as provided in subsection (1) of this section, it is unlawful for any person to assume or use the title or designation "chiropractor," "chiropractic physician," "doctor of chiropractic," the initials "D.C.," or any word or title or abbreviation thereof calculated to induce the belief that he is engaged in the practice of chiropractic or to indicate to the public that such person is licensed to practice chiropractic pursuant to this act unless such person is so licensed, and upon conviction thereof, such person shall be fined not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.
(4) When a person has been a recipient of services constituting the unlawful practice of chiropractic, whether or not he knew the rendition of the services was unlawful, proof of the rendition of unlawful services to the recipient, in an action against the provider of such services for damages allegedly caused by the services, constitutes prima facie evidence of negligence, shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:
(a) Amount of any fees paid for the unlawful services; and
(b) Reasonable attorney fees and court costs.
(5) The board shall refer all violations made known to it to an appropriate prosecuting attorney. The board shall render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

54-706. STATE BOARD OF CHIROPRACTIC PHYSICIANS CREATED. (1) There
is hereby established in the department of self-governing agencies a state board of chiropractic physicians to be composed of five (5) members. Members of the board of chiropractic examiners, as it exists on the effective date of this act are hereby confirmed as members of the board for the terms to which they were originally appointed. The additional members shall be appointed by the governor, with one (1) member appointed for a term of one (1) year and one (1) member for a term of two (2) years. Thereafter, as each member's term expires, the subsequent appointment shall be for a term of three (3) years. No person may be appointed for more than two (2) consecutive terms.

(2) The board shall be appointed by the governor, and shall consist of four (4) physicians who are licensed to practice chiropractic in this state, and each of whom shall have been engaged continuously in the practice of chiropractic within the state of Idaho for a period of not less than three (3) years prior to his appointment. Whenever a term of a physician member of the board expires or the office becomes vacant, a notice of such vacancy shall be sent by the board to each licensed physician within the state. During the following thirty (30) days, the board shall receive petitions for nomination for physicians to be appointed to fill said vacancies and, in the event such petitions shall be signed by not less than ten (10) physicians licensed to practice within the state, said petitions shall be forwarded by the board to the governor. The governor shall within fifteen (15) days following receipt of said petitions appoint a physician to fill said vacancy from among the persons nominated by petition as hereinbefore set forth. Appointments to fill vacancies occurring for some other reason than expiration of a term for which a member was appointed, shall be made in the same manner as set forth for the unexpired term. The governor may remove any member of the board found guilty of malfeasance, misfeasance or nonfeasance.

(3) The governor shall appoint a representative of the public as one (1) member of the board who shall be designated as the public member. The public member of the board shall be a resident of the state of Idaho who has attained the age of twenty-one (21) years, and shall not be nor shall ever have been a physician, the spouse of a physician, a person licensed under the laws of any state to practice a healing art, or a person who has or has had a material financial interest in providing health care services.

(4) The board shall elect a chairman from its membership. The members of the board, except for state employees, shall receive their actual and necessary expenses while engaged upon actual business of the board, and a per diem of fifty dollars ($50.00) for each day of actual service. Three (3) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.

54-707. POWERS AND DUTIES. The board shall have the authority to:
(1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;
(2) Establish, pursuant to the provisions of chapter 52, title
67, Idaho Code, rules and regulations for the administration of the provisions of this chapter;

(3) Conduct investigations and examinations and hold hearings;

(4) Revoke or suspend licenses to practice chiropractic;

(5) In any disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have the power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may desire at any hearing and, for that purpose, the board may issue a subpoena for any witnesses or subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county in the state of Idaho, where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. The licensee accused in such proceedings shall have the same right of subpoena upon making application to the board therefor. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum, served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which this disobedience, neglect or refusal occurs, on application by the board to compel compliance with the subpoena, to issue its order directing compliance with such subpoena, and in the event of a violation of such order, to compel compliance with such order by proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or for refusal to testify therein;

(6) Seek injunctive relief prohibiting the unlawful practice of chiropractic;

(7) Make and enter into contracts in the necessary performance of its duties pursuant to this chapter;

(8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions;

(9) Perform such other duties as set forth in the laws of this state;

(10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities;

(11) Provide for reasonable fees through rules and regulations for administrative costs and to assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation thereof; and

(12) Adopt a rule requiring continuing education as a condition of continued licensure.

54-708. BOARD TO ISSUE LICENSES. (1) The board shall issue licenses to practice chiropractic to persons who have qualified therefor in accordance with the provisions of this chapter. The board may
refuse licensure if it finds that the applicant has engaged in conduct prohibited by section 54-704, Idaho Code, provided, that the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. Such licenses shall be issued after payment of the licensing fee in an amount to be fixed by the board, and such licenses shall be issued for a period of one (1) year. Licenses to practice chiropractic shall be renewed on their expiration upon completion of a renewal application and upon payment of a renewal fee, the amount of which shall be fixed by the board, which fee shall not exceed one hundred dollars ($100).

(2) The board may renew, on an inactive basis, the license of a physician who is not practicing chiropractic in this state. The board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed one hundred dollars ($100) and each inactive license shall be issued for a period of one (1) year. A physician holding an inactive license may not engage in the practice of chiropractic in this state. If a physician wishes to convert his inactive license to an active license, he must account to the board for that period of time in which he held an inactive license. All fees authorized by subsections (1) and (2) of this section shall be paid to the bureau of occupational licenses.

(3) Whenever the board determines that an applicant for a license to practice chiropractic is not qualified for such a license pursuant to the provisions of this chapter, the board shall notify the applicant by certified mail of its denial of licensure and the reasons for denial.

54-709. LICENSURE BY WRITTEN EXAMINATION. (1) Any person seeking to be licensed to practice chiropractic in this state must successfully complete the following requirements before a license will be issued:

(a) Each applicant must submit a completed written application to the board on forms furnished by the board, which shall require proof of graduation from an acceptable school of chiropractic;
(b) Each applicant must pass an examination conducted by or acceptable to the board which shall thoroughly test the applicant's fitness to practice chiropractic. Such examinations must include, but shall not be limited to, the following subjects: anatomy and histology; clinical blood chemistry and hematology; pathology; bacteriology; clinical nutrition; hygiene and sanitation; physiology; symptomatology; urinalysis; chiropractic jurisprudence; chiropractic orthopedics; physiotherapy; chiropractic principles, clinical and physical diagnosis; chiropractic adjustment; neurology, and palpation.

(2) If an applicant fails to pass an examination on two (2) separate occasions, he shall not be eligible to take the examination again for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the purpose of improving his ability to engage in the practice of chiropractic. Applicants who fail two (2) separate examinations in another state, territory or district of
the United States or Canada, must make a showing to the board of successful completion of a course of study prior to examination for licensure.

(3) Each applicant shall be personally interviewed by the board or a designated committee of the board. The interviews shall be conducted to specifically review the applicant’s qualifications and professional credentials. The applicant shall be further examined by the board to determine that the applicant possesses the arts and skills of chiropractic adjusting.

54-710. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice chiropractic in this state who is licensed to practice chiropractic in another state must successfully complete the following requirements before a license to practice chiropractic will be issued.

(1) Each applicant must submit a completed written application to the board on forms furnished by the board which require proof of graduation from an acceptable school of chiropractic and which contains proof that the applicant holds a valid, unrevoked, unsuspended license to practice chiropractic in a state, territory or district of the United States or Canada, and the applicant demonstrates that he possesses the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The board may require further examination to establish such qualifications.

(2) Each applicant shall be personally interviewed by the board or a designated committee of the board. An interview shall be conducted to specifically review the applicant’s qualifications and professional credentials and to demonstrate to the board that the applicant possesses the arts and skills of chiropractic adjusting.

54-711. TEMPORARY PRACTICE. Any person who has submitted an application to the board for licensure by examination to practice chiropractic in the state of Idaho, may be permitted to practice chiropractic prior to examination and licensure upon the following conditions:

(1) The applicant must request permission of the board in writing to engage in such temporary practice and must affirmatively show that the applicant will take the next examination for licensure given by the board, and that the applicant has not failed two (2) previous examinations conducted by the board; and

(2) A licensed physician certifies to the board that such applicant will practice chiropractic under the supervision of such physician and only in the office of such physician.

54-712. DISCIPLINE BY THE BOARD -- GROUNDS. The board may suspend or revoke a license to practice chiropractic if the licensee:

(1) Has been convicted of a felony or a crime involving moral turpitude;

(2) Used false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this chapter;
(3) Practiced chiropractic under a false or assumed name in this or any other state;

(4) Advertised the practice of chiropractic in an unethical, unprofessional, or misleading manner;

(5) Knowingly aided or abetted any person to practice chiropractic who is not authorized to practice chiropractic as provided in this chapter;

(6) Is unable to obtain or renew a license to practice chiropractic, or whose license to practice chiropractic has been revoked or suspended by any other state, territory or 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 chiropractic or to any conduct designated herein;

(7) Failed to safeguard the confidentiality of chiropractic records or other chiropractic information pertaining to identifiable clients, except as required or authorized by law;

(8) Practiced chiropractic when a license pursuant to this chapter is suspended, revoked, or inactive; or

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

54-713. OBSERVATION OF PUBLIC HEALTH LAW. Each physician shall observe and be subject to all state, federal, and municipal regulations relating to the control of contagious and infectious diseases, reporting and certifying deaths and all matters pertaining to public health.

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

SECTION 4. Nothing in this act shall be construed to invalidate the license of any person holding a valid, unrevoked and unsuspended license to practice chiropractic in this state on the effective date of this act. The rules and regulations of the board in effect on the effective date of this act shall continue in full force and effect until the board has adopted supplemental rules and regulations pursuant to this act.

Approved April 4, 1980.

CHAPTER 335
(H.B. No. 775)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF MAKING A PAYMENT TO MR. DAVID MILES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Correction the sum of $10,000, from the General Account, for the purpose of making a payment to Mr. David Miles, Lapwai, Idaho, who was incarcerated in the state penitentiary during the period 1938-39, and pardoned by the governor.

Approved April 4, 1980.

CHAPTER 336
(H.B. No. 579, As Amended in the Senate)

AN ACT
RELATING TO THEFT; AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4624, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTIONS CONSTITUTE THEFT; AND AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4625, IDAHO CODE, TO PROVIDE THAT IN ANY PROSECUTION FOR A VIOLATION, PHOTOGRAPHS OF THE GOODS OR MERCHANDISE ALLEGED TO HAVE BEEN TAKEN OR CONVERTED SHALL BE DEEMED COMPETENT EVIDENCE OF SUCH GOODS OR MERCHANDISE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING, HEARING OR TRIAL, AND PROVIDING FOR CERTAIN OTHER ANCILLARY INFORMATION REQUIRED FOR SUCH PHOTOGRAPH TO BE VALID AS EVIDENCE.

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

SECTION 1. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4624, Idaho Code, and to read as follows:

18-4624. TAKEN OR CONVERTED MERCHANDISE AS THEFT. A person steals property and commits theft by the alteration, transfer or removal of any label, price tag, marking, indicia of value or any other markings which aid in the determination of value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment, for the purpose of attempting to purchase such merchandise either personally or in consort with another, at less than the retail price with the intention of depriving the merchant of the value of such merchandise.

SECTION 2. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4625 Idaho Code, and to read as follows:

18-4625. TAKEN OR CONVERTED MERCHANDISE -- EVIDENCE. In any prosecution for a violation of this chapter, photographs of the goods
or merchandise alleged to have been taken or converted shall be deemed competent evidence of such goods or merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such goods and merchandise had been introduced as evidence. Such photographs shall bear a written description of the goods or merchandise alleged to have been taken or converted, the name of the owner of such goods or merchandise, or the store or establishment wherein the alleged offense occurred, the name of the accused, the name of the arresting peace officer, the date of the photograph and the name of the photographer. Such writing shall be made under oath by the arresting peace officer, and the photographs identified by the signature of the photographer. Upon the filing of such photograph and writing with the authority or court holding such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged offense occurred.

Approved April 4, 1980.

CHAPTER 337
(H.B. No. 791)

AN ACT
REAPPROPRIATING CERTAIN MONEYS APPROPRIATED BY SECTION 2, CHAPTER 322, LAWS OF 1977, AND SECTION 4, CHAPTER 346, LAWS OF 1978, TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE AND PERIOD SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. Of the moneys appropriated by Section 2, Chapter 322, Laws of 1977, for Capitol Building renovation and repair, and of the moneys appropriated by Section 4, Chapter 346, Laws of 1978, for Capitol Building Code Compliance, the sum of $216,700 is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for remodeling and repair of the east and west wing of the Capitol Building basement.

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

Approved April 4, 1980.
CHAPTER 338  
(H.B. No. 790)  

AN ACT  
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE SERVICES PROGRAM, TO BE EXPENDED FOR THE STATED PURPOSE FROM THE EFFECTIVE DATE OF THIS ACT, THROUGH JUNE 30, 1980; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT 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; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Services Program, the following amount from the General Account, to be expended for the stated purpose from the effective date of this act, through June 30, 1980:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracting with Local Alcohol Treatment Centers for Treatment Services</td>
<td>$175,000</td>
</tr>
</tbody>
</table>

FROM: General Account $175,000

SECTION 2. The State Auditor shall make transfers of the General Account moneys appropriated in Section 1 of this act to the Cooperative Welfare Account of the Dedicated Fund, periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

SECTION 3. An emergency existing therefor, 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 4, 1980.

CHAPTER 339  
(H.B. No. 757, As Amended)  

AN ACT  
RELATING TO FISH AND GAME LICENSES; AMENDING SECTION 36-405, IDAHO CODE, TO PROVIDE A NEW FEE FOR DUPLICATE LICENSE AND TAGS; AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE NEW FEES FOR RESIDENT LICENSES AND SPECIFY AUTHORITY OF THOSE LICENSES; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE NEW FEES FOR NONRESIDENT LICENSES; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE NEW FEES FOR GAME TAGS FOR MOOSE, BIGHORN SHEEP, MOUNTAIN GOAT, ELK, DEER, ANTELOPE, MOUNTAIN LION, BEAR AND TURKEY, AND TO PROVIDE NEW FEES FOR ARCHERY AND MUZZLELOADER PERMITS; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-405, Idaho Code, be, and the same is hereby amended to read as follows:

36-405. APPLICATION FOR LICENSE -- DUPLICATE LICENSE -- UNLAWFUL PURCHASE, POSSESSION, AND USE OF LICENSE, TAGS OR PERMITS. (a) Application Required.

1. Any person making application for a senior resident license or permit, or resident license shall produce his Idaho driver's license as proof of residence, or in the case of nondrivers, other suitable proof of residency, and shall make and sign a written application stating the class of license applied for, the name of the applicant, the age of the applicant, his length of residence, his current address, and such other information as may be required by the director.

2. Any person making application for a duplicate license or tag shall make and sign a written application stating the type and class of license or tag originally purchased and such other information as may be required by the director.

3. It is a misdemeanor for:

(A) Any person to willfully make a false statement as to name, age, length of residence or current address when such statement is made for the purpose of obtaining a license, tag or permit of a type or class he is not entitled to.

(B) Any person to willfully make a false statement as to type and class of original license or tag purchased when applying for a duplicate license or tag.

(b) Loss of License -- New One Required. In case of loss of a license or tag, a new one shall be required to entitle the person who lost the same to hunt, fish or trap. Such person may upon application:

1. Purchase a new license or tag at the regular fee; or

2. Replace a lost license or tag with a duplicate license or tag for which a fee of one two dollars ($1.00) shall be charged.

3. When a duplicate tag or license has been issued the original license or tag shall become null and void.

(c) Unlawful Purchase, Possession and Use of License, Tag and Permit.

1. Every person buying a license, tag or permit must buy a license, tag or permit of the proper type or class according to his residence and age. Purchase or possession of a license, tag or permit of the wrong class by any person is a misdemeanor and such license, tag or permit shall be void and of no effect from the date of issuance.

2. It is a misdemeanor for any person to:

(A) Acquire additional licenses or permits for the purpose of obtaining more than the legal number of tags provided for by this title and regulations promulgated pursuant thereto or to have said license, permits or tags in his possession.

(B) Transfer any fishing, hunting, or trapping license, permit or tag to any other person or for any person to make
SECTION 2. That Section 36-406, Idaho Code, be, and the same is hereby amended to read as follows:

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES.
(a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described on payment of ten twelve dollars ($18,000.00) for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, unprotected and predatory animals and fish of the state, six eight dollars ($6,008.00) for a fishing license entitling the purchaser to fish in the public waters of the state, five six dollars ($5,006.00) for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory animals of the state, and five dollars ($5.00) for a trapping license entitling the purchaser to trap furbearers, unprotected and predatory animals of the state.

(b) Youth Licenses -- Hunting -- Trapping Licenses. A license of the second class may be had by a person possessing the qualifications therein described on payment of three four dollars ($3,004.00) for a hunting license, and five dollars ($5.00) for a trapping license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(c) Youth Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of six seven dollars ($6,007.00) for a combined fishing and hunting license, and four five dollars ($4,005.00) for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of one two dollars ($1,002.00) for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

SECTION 3. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of fifty sixty dollars ($50,0060.00).

(b) Nonresident Season Fishing License. A license entitling a
person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of twenty twenty-five dollars ($28T9825.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of seventy-five one hundred dollars ($75T00100.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of five ten dollars ($5T8810.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Seven (7) Day Fishing License. A license entitling a person to fish in the waters of the state for a period of seven (7) consecutive days only. A license of this kind may be had upon payment of seven ten dollars ($7T9810.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of three four dollars ($3T884.00) per day for each effective day thereof.

SECTION 4. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has purchased a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(c) Schedule of Game Tag Fees.

<table>
<thead>
<tr>
<th>Game</th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moose</td>
<td>$45T0050.00</td>
<td>$100T00125.00</td>
</tr>
<tr>
<td>Bighorn Sheep</td>
<td>$45T0050.00</td>
<td>$100T00125.00</td>
</tr>
<tr>
<td>Mountain Goat</td>
<td>$15T0050.00</td>
<td>$35T00125.00</td>
</tr>
<tr>
<td>Elk</td>
<td>$8T0010.00</td>
<td>$100T00125.00</td>
</tr>
<tr>
<td>Deer</td>
<td>$4T00 5.00</td>
<td>$35T00 45.00</td>
</tr>
<tr>
<td>Antelope</td>
<td>$10T0015.00</td>
<td>$25T00 50.00</td>
</tr>
<tr>
<td>Mountain Lion</td>
<td>$5T0010.00</td>
<td>$35T00 50.00</td>
</tr>
<tr>
<td>Bear</td>
<td>$4T00 5.00</td>
<td>$15T00 20.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>$4T00 5.00</td>
<td>$7T00 10.00</td>
</tr>
</tbody>
</table>
(b) Nonresident Game Tags. A nonresident who has purchased a hunting license, as provided in section 36-407(a), Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(d) Game Tags Required -- To Be Endorsed on License. The appropriate tag must be had for the hunting or taking of each and every one (1) of the aforementioned wildlife. Provided, however, that the requirements for a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the commission. All of said tags are to bear and have serial numbers to be endorsed on the purchaser's license by the vendor at the time of sale.

(e) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission regulation.

(f) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any persons participating in any controlled or general game season which has been specifically designated as an archery hunt must have in his possession an archery hunt permit which may be purchased at a fee of three dollars ($3.00).

(g) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season which has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit which may be purchased at a fee of three dollars ($3.00).

(h) Penalty. Failure to comply with any of the provisions of this section shall constitute a misdemeanor.

SECTION 5. This act shall be in full force and effect on and after January 1, 1981.

Approved April 4, 1980.

CHAPTER 340
(H.B. No. 768)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION, TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1980 THROUGH JUNE 30, 1981.

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 State Department of Education the following amount, to be expended for the Finance and Administration Program according to expense classes designated from the listed accounts for the period July 1, 1980 through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
<td>$34,600</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>Driver Training Account</td>
<td>35,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts</td>
<td>200</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$149,800</td>
</tr>
</tbody>
</table>

Approved April 4, 1980.

CHAPTER 341  
(H.B. No. 778)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE SUPREME COURT TO BE EXPENDED FOR THE DESIGNATED PURPOSES FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981.

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 following amounts, to be expended for the designated purposes according to designated expense classes for the period July 1, 1980, through June 30, 1981.

<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>Supreme Court</td>
<td>$ 27,200</td>
<td>$1,300</td>
<td>$3,200</td>
<td>$27,200</td>
</tr>
<tr>
<td>Law Library</td>
<td>15,600</td>
<td>500</td>
<td>20,100</td>
<td>366,500</td>
</tr>
<tr>
<td>District Courts</td>
<td>366,000</td>
<td>500</td>
<td>366,500</td>
<td>413,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$408,800</td>
<td>$1,800</td>
<td>$3,200</td>
<td>$413,800</td>
</tr>
</tbody>
</table>

FROM:

| General Account | $413,800 |

Approved April 4, 1980.
CHAPTER 342  
(H.B. No. 771)  

AN ACT  
APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT TO THE STATE AUDITOR  
FOR THE PURPOSES OF A LEGISLATIVE AUDIT; SPECIFYING THE SCOPE OF  
THE AUDIT; SPECIFYING THE TIME BY WHICH THE AUDIT MUST BE MADE,  
AND SPECIFYING THE DISTRIBUTION OF AUDIT REPORTS; AND DECLARING AN  
EMERGENCY.  

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

SECTION 1. There is hereby appropriated out of the General  
Account the sum of $12,000, or so much thereof as may be necessary, to  
the State Auditor for the sole purpose of contracting for an audit,  
together with reports and recommendations, as provided in this act.  

SECTION 2. The State Auditor is hereby authorized and directed to  
engage the services of a certified public accountant, and shall direct  
that the certified public accountant, for the two fiscal years from  
July 1, 1977 to June 30, 1979:  
(a) Review the procedures, internal controls, appropriations and  
other applicable laws and regulations of both the House of Representa­
tives and the Senate, of the Legislative Council, and of the Joint  
Finance and Appropriations Committee;  
(b) Examine, in accordance with generally accepted auditing stan­
dards, the financial transactions, accounts and reports, including an  
evaluation of compliance with fiscal requirements of applicable laws  
and regulations, of the agencies and departments recited in paragraph  
(a) hereof;  
(c) Prepare a separate audit report for each of the agencies and  
departments recited in paragraph (a) hereof, including a summary of  
expenditures, revenues or reimbursements and interagency transfers  
compared with appropriations, with opinions in respect thereto; and  
(d) Include with each audit report, recommendations, if war­
ranted, as to opportunities for improvements of procedures, internal  
controls and compliance with the fiscal aspects of applicable laws and  
regulations.  

SECTION 3. Upon completion of the reports required by section 2  
of this act, but not later than September 1, 1980, the State Auditor  
shall forward copies of the reports to the agencies and departments  
recited in section 2(a) of this act, and to the Governor.  

SECTION 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 April 4, 1980.
Chapter 343
(H.B. No. 782)

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, 1980, through June 30, 1981; 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, 1980, through June 30, 1981:

<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>General Account</td>
<td>$ 574,900</td>
<td>$ 80,100</td>
<td>$ 8,000</td>
<td>$ 663,000</td>
</tr>
<tr>
<td>B. Data Center:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 923,200</td>
<td></td>
<td></td>
<td>$ 923,200</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>129,500</td>
<td>$1,402,000</td>
<td>$220,700</td>
<td>1,752,200</td>
</tr>
<tr>
<td>Total</td>
<td>$1,052,700</td>
<td>$1,402,000</td>
<td>$220,700</td>
<td>2,675,400</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$1,627,600</td>
<td>$1,482,100</td>
<td>$228,700</td>
<td>3,338,400</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 April 4, 1980.

Chapter 344
(H.B. No. 760)

An Act
Relating to the Salary of Certain Prosecuting Attorneys; Providing an Exception for the Annual Salary of the Prosecuting Attorney of Bannock County; and Declaring an Emergency.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. Notwithstanding the provisions of section 31-3113, Idaho Code, for the fiscal year commencing October 1, 1980, the rate of annual salary of the prosecuting attorney for Bannock County shall be thirty-three thousand dollars ($33,000), provided, that such salary be fixed and determined by the county budget process as detailed in chapter 16, title 31, Idaho Code.

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

Approved April 4, 1980.

CHAPTER 345
(H.B. No. 761)

AN ACT
RELATING TO VOUCHERS AND ACCOUNTS PRESERVED BY THE STATE AUDITOR;
AMENDING SECTION 67-1010, IDAHO CODE, TO PROVIDE THAT AFTER TWO YEARS, RECORDS MAY BE DISPOSED OF IF THE LEGISLATIVE AUDITOR HAS INDICATED NO FURTHER NEED FOR THE RECORDS.

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

SECTION 1. That Section 67-1010, Idaho Code, be, and the same is hereby amended to read as follows:

67-1010. VOUCHERS AND ACCOUNTS PRESERVED. All accounts, vouchers, and documents settled, or to be settled, by the auditor or board of examiners must be preserved in his office for not less than two (2) years, and copies thereof, authenticated by the official seal of the auditor, shall be given to any person interested therein who requires the same. After two-(2)-years the legislative auditor has indicated no further need, such records may be disposed of as provided by sections 9-328 through 9-330, Idaho Code; unless a specific written request for further retention has been made to the auditor.

Approved April 4, 1980.

CHAPTER 346
(H.B. No. 759)

AN ACT
AMENDING SECTION 1, CHAPTER 163, LAWS OF 1979, RELATING TO THE APPROPRIATION TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY, BY APPROPRIATING $26,700 FROM THE GENERAL ACCOUNT FOR THE FUEL SERVICES PROGRAM; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 163, Laws of 1979, 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 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>Administration Account $145,100</td>
<td>$599,400</td>
<td>$1,400</td>
<td>$745,900</td>
</tr>
<tr>
<td>B. ENERGY POLICY AND ANALYSIS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 88,900</td>
<td>$ 59,400</td>
<td>$2,500</td>
<td>$150,800</td>
</tr>
<tr>
<td>C. FUEL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 12,000</td>
<td>$ 14,700</td>
<td></td>
<td>$26,700</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$234,000</td>
<td>$658,800</td>
<td>$3,900</td>
<td>$923,400</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 April 4, 1980.

CHAPTER 347
(H.B. No. 763)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE, IN ADDITION TO ANY OTHER MONEYS WHICH MAY BE APPROPRIATED BY THE SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, FOR THE AIR QUALITY AND HAZARDOUS MATERIALS PROGRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENDITURE CLASSES FOR THE PERIOD JULY 1, 1980 THROUGH JUNE 30, 1981; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT TO THE COOPERATIVE WELFARE ACCOUNT OF THE DEDICATED FUND AS REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND APPROVED BY THE BOARD OF EXAMINERS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amount, in addition to any other moneys which may be appropriated by the Second Regular Session, Forty-fifth Idaho Legislature, for the Air Quality and Hazardous Materials Program, to be expended according to the designated expenditure classes from the General Account for the period July 1, 1980 through June 30, 1981:

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$195,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$55,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$250,000</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the General Account moneys appropriated in Section 1 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.

Approved April 4, 1980.

CHAPTER 348
(H.B. No. 554)

AN ACT
RELATING TO VEHICLES USED TO HAUL LIVESTOCK; AMENDING SECTION 61-801, IDAHO CODE, TO STRIKE THE PROVISION WHICH PROVIDES THAT MOTOR VEHICLES USED FOR HAULING LIVESTOCK IN CERTAIN INSTANCES SHALL NOT EXCEED A GROSS WEIGHT OF THIRTY THOUSAND POUNDS.

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

SECTION 1. That Section 61-801, Idaho Code, be, and the same is hereby amended to read as follows:

61-801. DEFINITIONS OF TERMS. a. The term "person" when used in this act means any individual, firm, copartnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.  
b. The term "permit" means a permit issued under this chapter to any motor carrier.  
c. The term "highway" means the roads, highways, streets, and ways of the state.  
d. The term "department" when used in this chapter means the department of law enforcement of this state acting directly or through its duly authorized officers and agents.  
e. The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highway in the transportation of passengers and/or prop-
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property but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

f. The term "common carrier" means any person, which holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

g. The term "contract carrier" means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (f)) by motor vehicle of passengers or property in commerce in the state for compensation.

h. The term "private carrier" means any person not included in the terms "common carrier" or "contract carrier" who or which transports in commerce in the state by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent, or bailment, or in the furtherance of any commercial enterprise; provided that a motor vehicle of a private carrier, of less than eight thousand (8,000) pounds gross vehicle weight, not engaged in the transport of a hazardous substance, shall be exempt from the provisions of this act.

i. The term "motor carrier" means common carrier, contract carrier or private carrier.

j. The term "transportation" to which this act applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in the state.

k. Nothing in this act shall be construed to include (1) motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are wholly owned and operated by such school; or (2) taxicabs or other motor vehicles performing a bona fide taxicab service, having a seating capacity of not more than seven (7) passengers; or (3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or other common carrier stations; or (4) motor vehicles controlled and operated by any farmer when used in the transportation of his livestock or agricultural commodities and products thereof, or in the transportation of supplies to his farm; or (5) motor vehicles used exclusively in the distribution of newspapers; or (6) transportation of persons or property by motor vehicle when incidental to transportation by aircraft; or (7) transportation of persons and/or property except transportation of any house, building or structure within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of a service maintained within the limits of the municipality with the privilege of transfer of passengers to vehicles within the municipality without additional fare; or (8) any farmer resident of the state of Idaho who transports the products or livestock of his farm or whose sole income
from transportation in his motor vehicles is derived from the occa­sional transportation of the farm equipment, farm products or live­stock of neighboring farmers from the place of production to a ware­house, regular market, place of storage, place of shipment or neigh­boring farm for temporary storage, or from the occasional transporta­tion of such items to a neighbor's farm from a regular market; or (9) motor propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States or casual trans­portation of freight in connection therewith not exceeding two hundred (200) pounds; or (10) private carriers primarily engaged in trans­portation of livestock or products of agriculture between the farm and the first point of storage or processing plants; or (11) motor carriers transporting products of the forest; or (12) motor car­riers transporting products of the mine, except petroleum products and except carriers for compensation, either common or contract, primarily engaged in transportation of sand, gravel and aggregates thereof. 

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Approved April 4, 1980.

CHAPTER 349
(H.B. No. 455, As Amended)

AN ACT
RELATING TO THE METHOD OF COMPUTING THE DISTRIBUTION OF SALES TAX REVENUES BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 63-3638, IDAHO CODE, AS AMENDED BY SENATE BILL NO. 1330, AS AMENDED IN THE HOUSE, SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO PROVIDE A METHOD FOR COMPUTATION AND DISTRIBUTION ON THE BASIS OF THE CURRENT PROPERTY TAX ROLLS AND LEVIES.

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

SECTION 1. That Section 63-3638, Idaho Code, as amended by Senate Bill No. 1330, As Amended in the House, Second Regular Session, Forty-fifth Idaho Legislature, 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) Ten per cent (10%) 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 and ten per cent (10%) is hereby appropriated and shall be paid from the sales tax account to the state treasurer for deposit into the public school income fund.

(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, except school districts, 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 taxes which vary from the average levy by each such district in the period above described and, as adjusted, take the tax charge, applicable to the first real and personal property rolls equalized.
by county commissioners sitting as a board of equalization, of each taxing district within the county, except school districts, and divide it by the total current tax charges applicable to those first real and personal property rolls of all taxing districts, except school districts, within said county and the resulting percentages shall be 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.

(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 cent (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."

Approved April 4, 1980.
CHAPTER 350  
(H.B. No. 764)  

AN ACT  

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

SECTION 1. That Section 21-808, Idaho Code, be, and the same is hereby amended to read as follows:

21-808. ISSUANCE OF BONDS. Subject to and consistent with the percentage of financial participation determined by the board and approved by the electors of the region, as provided in sections 21-804 and 21-805, Idaho Code, or as determined by the board as provided in section 21-807(14), Idaho Code, an authority may secure the necessary funds to finance part or all of the cost of acquiring, establishing, constructing, developing, expanding, extending or further improving the regional airport within its limits through the issuance of general obligation bonds as hereinafter provided, the principal amount of which at any one (1) time outstanding, shall not exceed three percent (3%) of the aggregate assessed valuation six-tenths percent (.6%) of market value for assessment purposes of all property within the participating counties within the region. Provided further, all such bonds shall be payable within thirty (30) years from the date of issuance.

SECTION 2. That Section 27-102, Idaho Code, be, and the same is hereby amended to read as follows:

27-102. CREATION AND ORGANIZATION OF DISTRICT. Whenever fifteen (15) or more of the holders of title, or evidence of title, to lands aggregating not less than six thousand (6,000) acres of contiguous territory, or consisting of contiguous territory of less extent but having an assessed valuation market value for assessment purposes of at least $200,000 one million dollars ($1,000,000) at the last preceding county assessment, desire to provide for the organization of the same as a cemetery maintenance district, none of their said lands being included within the boundaries of an already created and organ-
ized cemetery maintenance district under the terms of this act, such district may be created and organized as hereinafter provided.

SECTION 3. That Section 27-112, Idaho Code, be, and the same is hereby amended to read as follows:

27-112. ANNEXATION OR EXCLUSION OF TERRITORY FROM DISTRICT — PROCEDURE. After the organization of a cemetery maintenance district, additional territory adjoining such district, and lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district, by the affirmative vote of a majority of the qualified electors of such additional territory voting on the question at an election held therefor, which vote may be taken either at a general or a special election held as provided in section 27-106, Idaho Code. But such additional territory shall not be annexed to or be included within the district unless such annexation and inclusion be first approved by the cemetery maintenance board of the existing district by resolution entered on the minutes of such board prior to the election on the question of annexation. The same procedure, with such modifications in the form of petition, notices, ballots, etc., as may be necessary shall be adopted as in this law provided in sections 27-102 and 27-104—27-107, Idaho Code, inclusive: A petition signed by a majority of the owners of lands lying within the boundaries of the area proposed to be annexed such lands lying within the boundaries of any cemetery maintenance district herefore created requesting the withdrawal and exclusion of lands described in said petition from such district and setting forth that the people residing upon said lands are not served by the cemetery or cemeteries within the boundaries of said district, that said people are served by other cemeteries within the county, and that the exclusion and withdrawal of said lands from said district will not reduce the assessed—valuation market value for assessment purposes of the lands remaining in said district below $1,000,000 five million dollars ($5,000,000), may be presented and filed with the board of county commissioners of the county within which said district is located. Upon the presentation and filing of such petition said board of county commissioners shall immediately fix a time and place for a hearing on said petition when and where any elector of said district may appear and be heard in support of or opposition to said petition. Notice of said hearing shall be given by said board by publication in one (1) issue of a newspaper of general circulation in said cemetery district at least ten (10) days prior to the date of said hearing and a copy of said notice shall be served by registered mail or personally on the president and secretary of the cemetery district commissioners. If after a hearing on said petition the board of county commissioners determine[s] that the people residing upon the land sought to be withdrawn from such cemetery district are not served by the cemetery or cemeteries within such district, that said people are served by other cemeteries within the county, and that the exclusion and withdrawal of said lands from said district will not reduce the assessed—valuation market value for assessment purposes of the lands remaining therein below $1,000,000
five million dollars ($5,000,000), said commissioners shall make and enter such findings in the minutes of their meeting and make and enter an order authorizing and directing the withdrawal and exclusion of said lands from said cemetery district. Provided that the land so ordered to be withdrawn and excluded from said cemetery district be either annexed to an adjoining cemetery district which does serve said petitioners, or, if not served by an adjoining cemetery district, that said lands be included in the formation of a new cemetery district which does serve said petitioners.

A copy of such findings and order shall be served upon the president and secretary of the cemetery district commissioners, and county assessor, personally, or by registered mail. If the entry of such findings and order be made prior to the 4th Monday of June the lands annexed shall be excluded and withdrawn from the said cemetery district of which they were formerly a part and shall not be subject to assessment made and levied by said former district for the current fiscal year or subsequent years; provided, however, that such lands shall be subject to assessment made and levied for the current fiscal year and subsequent years by the new cemetery district of which they are made a part. If the entry of such findings and order be made subsequent to the 4th Monday of June the lands annexed shall be subject to assessment made and levied by the cemetery district of which they were formerly a party for the current fiscal year but shall thereafter be subject to assessment made and levied by the new cemetery district of which they are made a part. If said county commissioners do not find such facts they shall make and enter findings as to the facts which may exist and deny such petition. The costs in connection with giving the notices herein required shall be paid by petitioners.

SECTION 4. That Section 27-113, Idaho Code, be, and the same is hereby amended to read as follows:

27-113. ANNEXATION OF TERRITORY IN ADJOINING COUNTY. After the organization of a cemetery maintenance district, additional territory adjoining such district and contiguous thereto, and located wholly within an adjoining county, may be added to such district and become a part thereof as hereinafter provided. The proceedings for such annexation shall be the same as the proceedings for the creation and organization of a cemetery maintenance district with the following exceptions and modifications:

a. Such proceeding may be initiated by ten (10) or more of the holders of title or evidence of title to contiguous lands aggregating not less than two thousand (2000) acres, or of less area but having an assessed-valuation market value for assessment purposes of at least $500,000.

b. A petition, such as is required by section 27-104, Idaho Code, shall be filed with the board of county commissioners of the county in which is situated the territory proposed to be annexed but shall accurately describe the boundaries of such territory, and also name and describe the cemetery maintenance district to which annexation is
sought, and shall be accompanied by a map showing and distinguishing the boundaries of the original district and the boundaries of the territory proposed to be annexed, and showing the location of the intervening county line. Such petition must be accompanied by a certified copy of a resolution of the board of cemetery maintenance commissioners of the original district consenting to such annexation.

c. The notice of hearing on such petition shall state that certain territory therein described is proposed to be annexed to a cemetery maintenance district therein named and that any taxpayer within the boundaries of the territory proposed to be annexed may offer objections thereto at the time and place therein specified. The order entered by the local board of county commissioners on such petition shall, if such petition be granted, fix the boundaries of such annexed territory and direct that a map thereof be prepared under the direction of the clerk of the board, and certified copies of such order and map shall be transmitted to the clerk of the board of county commissioners of the county in which the original cemetery maintenance district is situated.

d. An election shall be held in the territory proposed to be annexed for the purpose of voting upon such annexation and the notice thereof shall accurately describe the boundaries of the territory proposed to be annexed, and shall state the name of the district to which annexation is sought, and that a map showing the boundaries of such district and of the territory proposed to be annexed is on file in the office of the clerk of the local board of county commissioners. Such notice shall prescribe the form of ballot to be cast, which shall contain the words "In favor of annexation to .... Cemetery Maintenance District" and "Against annexation to .... Cemetery Maintenance District," and shall direct that the voter indicate his choice thereon by a cross (X).

e. The territory proposed to be annexed shall constitute one (1) election precinct and there shall be added to the usual elector's oath, in case of challenge, the following words: "And I am a resident within the boundaries of the territory proposed to be annexed to .... Cemetery Maintenance District." The returns of such election shall be canvassed by the board of the county commissioners of the county in which the territory proposed to be annexed is situated, and if it shall appear from such canvass that more than one-half (1/2) of said voters are in favor of such annexation, such board shall, by order entered on its minutes, declare such territory a part of the cemetery maintenance district to which annexation is sought, and a certified copy of such order shall be transmitted to the cemetery maintenance board of the original district, and also to the board of the county commissioners of the county in which such original district is situated. A certified copy of such order shall also be filed in the office of the county recorder of the county in which the territory proposed to be annexed is situated. Prior to the next district election following such annexation the cemetery maintenance board shall divide the district into two (2) subdistricts each of which shall comprise all territory of the district situated within the boundaries of one (1) county, and thereafter the commissioners of such district shall be
elected at large; provided, that not more than two (2) members of the cemetery maintenance board shall be residents of the same county; and provided, further, that the commissioner whose term of office first expires after such annexation shall be elected by the voters of the entire district from among the qualified electors of such annexed territory. Certified copies of appointments of secretary and treasurer of the district shall be filed with the clerk of the board of county commissioners and with the tax collector of each county in which any portion of the district is situated and all taxes levied by the district shall be certified to, and extended, collected and remitted by, the proper officers of the county in which is situated the property subject to such levy.

SECTION 5. That Section 31-1402, Idaho Code, be, and the same is hereby amended to read as follows:

31-1402. CREATION AND ORGANIZATION OF DISTRICT. Whenever twenty-five (25) or more of the holders of title, or evidence of title, to lands aggregating not less than one thousand (1,000) acres of contiguous territory, or consisting of contiguous territory of less extent but having an assessed value market value for assessment purposes of at least $100,000 five hundred thousand dollars ($500,000) at the last preceding county assessment, desire to provide for the organization of the same as a fire protection district, none of their said lands being included within the boundaries of an already created and organized fire protection district under the terms of this act, such district may be created and organized as hereinafter provided.

SECTION 6. That Section 31-1412, Idaho Code, be, and the same is hereby amended to read as follows:

31-1412. ANNEXATION OF TERRITORY IN ADJOINING COUNTY. After the organization of a fire protection district, additional territory adjoining such district and contiguous thereto, and located wholly within an adjoining county, may be added to such district and become a part thereof as hereinafter provided. The proceedings for such annexation shall be the same as the proceedings for the creation and organization of a fire protection district with the following exceptions and modifications:

a. Such proceeding may be initiated by two (2) or more of the holders of title or evidence of title to contiguous lands aggregating not less than one hundred (100) acres, or of less area but having an assessed value market value for assessment purposes of at least $25,000 one hundred twenty-five thousand dollars ($125,000).

b. A petition, such as is required by section 31-1403, Idaho Code, shall be filed with the board of county commissioners of the county in which is situated the territory proposed to be annexed but shall accurately describe the boundaries of such territory, and also name and describe the fire protection district to which annexation is sought, and shall be accompanied by a map showing and distinguishing the boundaries of the original district and the boundaries of the ter-
ritory proposed to be annexed, and showing the location of the intervening county line. Such petition must be accompanied by a certified copy of a resolution of the board of fire protection commissioners of the original district consenting to such annexation.

c. The notice of hearing on such petition shall state that certain territory therein described is proposed to be annexed to a fire protection district therein named and that any taxpayer within the boundaries of the territory proposed to be annexed may offer objections thereto at the time and place therein specified. The order entered by the local board of county commissioners on such petition shall, if such petition be granted, fix the boundaries of such annexed territory and direct that a map thereof be prepared under the direction of the clerk of the board, and certified copies of such order and map shall be transmitted to the clerk of the board of county commissioners of the county in which the original fire protection district is situated.

d. An election shall be held in the territory proposed to be annexed for the purpose of voting upon such annexation and the notice thereof shall accurately describe the boundaries of the territory proposed to be annexed, and shall state the name of the district to which annexation is sought, and that a map showing the boundaries of such district and of the territory proposed to be annexed is on file in the office of the clerk of the local board of county commissioners. Such notice shall prescribe the form of ballot to be cast, which shall contain the words "In favor of annexation to .... Fire Protection District" and "Against annexation to .... Fire Protection District," and shall direct that the voter indicate his choice thereon by a cross (X).

e. The territory proposed to be annexed shall constitute one (1) election precinct and there shall be added to the usual elector's oath, in case of challenge, the following words: "And I am a resident within the boundaries of the territory proposed to be annexed to .... Fire Protection District." The returns of such election shall be canvassed by the board of the county commissioners of the county in which the territory proposed to be annexed is situated, and if it shall appear from such canvass that more than one-half (1/2) of said voters are in favor of such annexation, such board shall, by order entered on its minutes, declare such territory a part of the fire protection district to which annexation is sought, and a certified copy of such order shall be transmitted to the fire protection board of the original district, and also to the board of the county commissioners of the county in which such original district is situated. A certified copy of such order shall also be filed in the office of the county recorder of the county in which the territory proposed to be annexed is situated. Not more than two (2) members of the fire protection board shall be residents of the same county; and provided, further, that the commissioner whose term of office first expires after such annexation shall be elected by the voters of the entire district from among the qualified electors of such annexed territory. Certified copies of appointments of secretary and treasurer of the district shall be filed with the clerk of the board of county commissioners and
with the tax collector of each county in which any portion of the dis­
trict is situated and all taxes levied by the district shall be certi­
fied to, and extended, collected and remitted by, the proper officers
of the county in which is situated the property subject to such levy.

SECTION 7. That Section 31-1424, Idaho Code, be, and the same is
hereby amended to read as follows:

31-1424. INDEBTEDNESS PROHIBITED -- EXCEPTIONS. The board of com­
missioners of a fire protection district organized pursuant to the
provisions of this chapter shall have no power to incur any debt or
liability, except to the extent for the purposes and in the manner
hereinafter provided:

(a) In the first year after organization, the board of a district
may, for the purpose of organization, to finance general preliminary
expenses of the district or for any other purpose of the fire pro­
tection district law, and before making a tax levy, incur an indebted­
ness not exceeding in the aggregate a sum equal to five--cents--(5¢)
one cent (1¢) on each one hundred dollars ($100) of assessed-valua­
tion market value for assessment purposes of all real and personal
property within the district.

(b) Whenever the board of commissioners of a fire protection dis­
trict shall determine that the interest of said district and the
public interest or necessity require incurring an indebtedness exceed­
ing the income and revenue provided for the year for the purposes of
(i) acquiring, purchasing, constructing, improving and equipping
lands, building sites and buildings together with the necessary appur­
tenant facilities and equipment and (ii) acquiring and purchasing
suitable equipment and apparatus necessary to provide fire protection,
the board shall have the power and authority as hereinafter provided
to issue general obligation coupon bonds not to exceed in the aggre­
gate at any time ten two percent (10.2%) of the-assessed-value market value for assessment purposes of the real and personal property
in said district.

Whenever the board of a district shall deem it advisable to issue
general obligation coupon bonds, the board shall provide for the issu­
ance of such bonds by ordinance which shall specify and set forth all
the purposes, objects and things required by section 57-203, Idaho
Code, and make provision for the collection of an annual tax suffi­
cient to (i) constitute a sinking fund for the payment of the prin­
cipal thereof within thirty (30) years from the time of contracting
said bonded indebtedness and (ii) to pay the interest on such proposed
bonds as it falls due.

The aforesaid ordinance shall also provide for holding an elec­
tion, notice of which shall be given for thirty (30) days in a news­
paper or newspapers of general circulation in the district. The elec­
tion shall be conducted in the manner and form, the returns canvassed,
and the qualifications of electors of the district voting or offering
to vote shall be determined, as provided by the pertinent and applica­
bale provisions of title 34, Idaho Code. The voting at such election
must be by ballot and the ballot used shall be substantially as fol­
laws: "In favor of issuing bonds to the amount of ________ dollars for the purpose stated in Ordinance No. ________" and "Against issuing bonds to the amount of ________ dollars for the purpose stated in Ordinance No. ________." If at such election two-thirds (2/3) of the qualified electors voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purposes, objects, and things provided in said Ordinance No. ________, such bonds shall be issued in the manner provided by chapter 2, title 57, Idaho Code, the municipal bond law of the state of Idaho.

Bonds issued pursuant to the provisions of this section and the income therefrom shall be exempt from taxation except transfer and estate taxes.

SECTION 8. That Section 31-1435, Idaho Code, be, and the same is hereby amended to read as follows:

31-1435. ANY DISSOLUTION. Dissolution of any fire protection district organized under this chapter may be initiated by a petition signed by twenty-five (25) or more of the holders of title, or evidence of title to real property within the fire protection district aggregating not less than one thousand (1,000) acres of contiguous territory, or consisting of contiguous territory of less extent, by having an assessed valuation market value for assessment purposes of at least one five hundred thousand dollars ($500,000) at the last preceding county assessment, or by a petition signed by at least twenty-five per cent (25%) of the holders of title, or evidence of title, to the real property within the fire protection district, requesting dissolution of such fire protection district, in the following manner:

The petition shall first be presented to the board of county commissioners of the county in which the fire protection district is situated, signed by the number of holders of title or evidence of title above provided, which petition shall clearly designate the boundaries of the fire protection district and shall state the name of the district and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith, shall, at proper hours, be open to public inspection in the office of the clerk of the board of county commissioners between the date of their said filing and the date of the election on the question of districts as hereafter provided. The petition may be in one (1) or in several papers. When such petition is presented to the board of county commissioners, and filed in the office of the clerk of the board, the said board shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time of such hearing shall be published by said board, once a week for three (3) successive weeks previous to the time set for such hearing, in a newspaper published within the county in which said district is situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has been filed to dissolve the same, and that on the date fixed for the hearing, any taxpayer
within the district, may appear and offer any objection to the dis-
solving of such district.

After hearing and considering any and all objections to the dis-
solving of said district, the county commissioners shall thereupon
make an order either denying such petition or granting same, with or
without modification. After the county commissioners have entered
their order approving or denying such petition, the clerk of the board
of county commissioners shall cause to be published, a notice of elec-
tion to be held in such proposed fire protection district, for the
purpose of determining whether or not the same shall be dissolved.
Such notice shall plainly and clearly designate the boundaries of the
fire protection district, its name, and further, that the election is
to be held to decide the question of whether the fire protection dis-
trict shall be maintained or dissolved. Such notice shall be published
once in each week for three (3) successive publications prior to such
election, in a newspaper published within the county aforesaid.

Such notice shall require the electors to cast ballots which shall
contain the words "fire protection district dissolved ___ yes" or:
"fire protection district dissolved ___ no" or words equivalent
thereto. No person shall be entitled to vote at any election held
under the provisions of this act, unless he shall possess all the
qualifications required of electors under the general laws of the
state and be a resident of the district.

The election qualifications of electors and canvass of the ballots
shall be made in the same manner as provided for in sections 31-1406
and 31-1407, Idaho Code.

If a majority of the electors voting at such election shall vote
to dissolve the fire protection district, the board of county commis-
sioners shall, after certifying the results of such election, enter an
order upon the minutes of its official proceedings dissolving said
fire protection district, and such district shall thereupon be dis-
solved.

Provided, however, that whenever a petition requesting dissolution
of a fire protection district is signed by the holders of title, or
evidence of title, to all of the real property included within the
fire protection district and is presented to the board of county com-
misioners of the county in which the fire protection district is
situated, accompanied by a map clearly designating the boundaries of
the district, the board of county commissioners shall set a time for
hearing of such petition, which time shall not be less than four (4)
nor more than six (6) weeks from the date of the presenting and filing
of said petition. A notice of the time and place of such hearing shall
be published by said board once a week for three (3) successive weeks
previous to such hearing, in a newspaper published within the county
in which the fire protection district is situated. Said notice shall
give the boundaries of the fire protection district and shall state
that a petition has been filed to dissolve the same, and that on the
date fixed for the hearing, any resident, taxpayer, or creditor of
such fire protection district may appear and offer any objection to
the dissolving of the fire protection district. If at such hearing, no
protests are made to the granting of the petition, the board of county
commissioners shall enter an order upon the minutes of its official proceedings dissolving such fire protection district, and such district shall thereupon be dissolved. If, however, any protests from residents, taxpayers, or creditors of the district are entered at such hearing, the board of county commissioners shall, within thirty (30) days of said hearing, determine whether or not such fire protection district shall be dissolved and shall cause an order to that effect to be entered upon the minutes of its official proceedings. If the board determines that the fire protection district shall be dissolved, such dissolution shall be effective as of the date of the entry of such order upon the minutes.

The property of such district shall remain the property of the county in which such district is located and any money remaining in the fund of such district shall be expended in the maintenance and repair of the highways of such district whether such highways at the time of the dissolution, are in the incorporated territory or in unincorporated territory.

SECTION 9. That Section 31-3908, Idaho Code, be, and the same is hereby amended to read as follows:

31-3908. AMBULANCE DISTRICT AUTHORIZED. (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) qualified electors of said county, or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain an ambulance service district within the county as may be designated in the petition.

(a) A petition to form an ambulance service district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition the board of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county. With the publication of the petition there shall be published a notice of the time of the meeting of the board of county commissioners when the petition will be considered stating that all persons interested may appear and be heard. No more than five (5) names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated.

At the time of filing the petition the sponsors thereof shall
cause to be deposited with the county clerk a sufficient sum of money to cover the cost of publication of the petition and all necessary notices. If the petition and notices are not published the deposit shall be returned to whomever deposited the funds, and if there is any surplus remaining after paying for the publication as herein provided it shall be returned to the original depositors, and if a district is created the fees so expended are an obligation of the district and shall be repaid by the district to the depositors.

(d) At the time set for hearing the petition, the board of county commissioners shall hear all persons who desire to be heard relative to the creation of an ambulance service district. The board of county commissioners may, if they so desire and it appears desirable, adjourn the meeting for not to exceed thirty (30) days in time to further hear the petitioners and protesters, if any. After the hearing or hearings, the board of county commissioners shall adopt a resolution either creating the proposed ambulance service district or denying the petition. When the board of county commissioners creates an ambulance service district the board shall adopt a resolution describing the boundaries of the district.

(e) When the board of county commissioners adopts the resolution creating the ambulance service district, the board shall include in the resolution the name of the district, and file a copy of the order creating the district with the county clerk and recorder, for which the clerk shall receive a fee of three dollars ($3.00).

(f) Procedures for annexation, deannexation, or dissolution of a district created pursuant to this section shall be in substantial compliance with the provisions for public notice and hearing provided herein, and shall be by resolution adopted by the board of county commissioners.

(2) When the board of county commissioners has ordered the creation of an ambulance service district, pursuant to the provisions of this section, such district is hereby recognized as a legal taxing district, and providing ambulance service is a governmental function.

(3) The board of county commissioners shall be the governing board of an ambulance service district created pursuant to this section, and shall exercise the duties and responsibilities provided in chapter 39, title 31, Idaho Code.

(4) In any county where an ambulance service district is created as provided herein, the board of county commissioners is authorized to levy a special tax, not to exceed two (2)-mills four-hundredths percent (.04%) of market value for assessment purposes, except as authorized by subsection (a) below, upon all taxable property within the district for the purposes of the district, but the levy otherwise authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the district.

(a) In any county where an ambulance service district has been created as of January 1, 1976, and the assessed--valuation market value for assessment purposes of the district is less than one hundred twenty-five million dollars ($125,000,000), the board of
county commissioners is authorized to levy a special tax, not to exceed five-(5)-mills ten-hundredths percent (.10%) of market value for assessment purposes, upon all taxable property within the district for the purposes of the district, but the levy otherwise authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the district.

SECTION 10. That Section 31-4304, Idaho Code, be, and the same is hereby amended to read as follows:

31-4304. CREATION OF RECREATION DISTRICTS. A recreation district may be created as follows:

(a) Any person or persons may file a petition for the formation of a recreation district with the clerk. Such petition which may be in one or more papers shall clearly designate the boundaries of the proposed district, shall state the name of the proposed district and shall be signed by not less than twenty per cent (20%) of the qualified electors resident within the boundaries of the proposed district. The boundaries of the proposed district shall include contiguous territory having an-assessed-value market value for assessment purposes of not less than one five million dollars ($1,000,000,000) at the last preceding county assessment and shall not include any area included within an already existing recreation district. The petition shall be accompanied by a map showing the boundaries of the proposed district.

(b) The clerk shall, within ten (10) days after the filing of such petition and map, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any one of the persons filing such petition as to the amount of such estimate. Such person or persons shall within twenty (20) days after receipt of such written notice deposit such estimated amount with the clerk in cash, or such petition shall be deemed withdrawn. If the deposit is made and the district is formed, the person or persons so depositing such sum shall be reimbursed from the first moneys collected by the district from the taxes authorized to be levied by this act.

(c) Within thirty (30) days after the filing of such petition together with such map and the making of such cash deposit, the county commissioners shall determine whether or not the same substantially comply with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to the effect specifying the particular deficiencies, dismissing such petition and refunding such cash deposit. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the formation of such proposed district as provided in this section.

(d) If the county commissioners order an election as provided in this section, such election shall be conducted as nearly as practicable in accordance with the general election laws of the state,
except as hereinafter provided. The county commissioners shall estab-

lish election precincts, design and print elector's oaths, ballots and other necessary supplies, appoint election personnel and by rule and regulation provide for the conduct and tally of such election. Each qualified elector who is a resident of the proposed district shall be entitled to vote in such election. No prior registration shall be required but each person offering to vote shall be required to sign an elector's oath prior to receipt of a ballot which oath shall be in the usual form but shall have added thereto the words, "and I am a resi-
dent within the boundaries of the proposed recreation district." The clerk shall give notice of such election which notice shall clearly designate the boundaries of such proposed district, shall state the name of the proposed district as designated in the petition, shall state the date of such election and the hours on such date which the polls will be open for receipt of ballots, shall set forth the qual-
ifications of electors, and shall state that a map showing the bounda-
daries of such district is on file in the office of the clerk. Such notice shall be published once each week for three (3) successive publications prior to such election in a newspaper published within the county.

(e) Immediately after such election, the judges at such election shall forward the ballots and results of such election to the clerk. The county commissioners shall canvass the vote within ten (10) days after such election. If one-half (1/2) or more of the votes cast at such election are against the formation of such district, the county commissioners shall enter an order so finding and declaring that such district shall not be formed. If more than one half (1/2) of the votes cast at such election are in favor of forming such district, the county commissioners shall enter an order so finding, declaring such district duly organized under the name designated in such petition, and dividing such district into three (3) subdivisions, as nearly equal in population as possible, to be known as director's sub-district one (1), two (2) and three (3). The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county and shall cause one (1) certified copy of such order to be transmitted to the governor. Immediately upon the entry of such order, the organization of such district shall be complete.

(f) Upon receipt of a certified copy of the order of the county commissioners, the governor shall appoint a qualified elector from each director's sub-district who shall constitute the first board of such district. The appointees from director's sub-districts one (1) and two (2) shall serve until the first district election thereafter held at which their successors shall be elected and the appointee from director's sub-district three (3) shall serve until the second dis-

tRICT election thereafter held at which such appointee's successor shall be elected. The certificate of appointment shall be filed with the clerk with a copy forwarded to each appointee.

(g) When the boundaries of the proposed district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and organization of that part of the pro-
posed district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county and fix the boundaries of each director's sub-district in case such election shall carry.

(h) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualification of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the organization of such district after six (6) months has expired from the date of entering the order declaring the formation of such district.

SECTION 11. That Section 31-4323, Idaho Code, be, and the same is hereby amended to read as follows:

31-4323. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVEMENTS -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of a recreation district shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation, completion or maintenance of any buildings, equipment or apparatus to carry out the objects or purposes of said district requiring the creation of an indebtedness of five thousand dollars ($5,000) or more, and in any event, when the indebtedness will exceed the income and revenue provided for the year, the board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors, at an election held for that purpose. The declaration of public interest or necessity, herein required, and the provision for the holding of such election, may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the manner of holding the same, and the method of voting for or against the incurring of the proposed indebtedness; such resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place or places and shall appoint for each polling place, from the qualified electors who are taxpayers of the district, the officers of such election, consisting of three (3) judges, one (1) of whom shall act as the clerk, provided, however, that no district shall issue or have outstanding its coupon bonds in excess of ten--per--cent-(10%)-of-the-assessed-value two percent (2%) of market value for assessment purposes of the real estate and personal property within the said district, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election.
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" Market value for assessment purposes" 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 market value for assessment purposes thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten two per centum (102%) of the assessed-value market value for assessment purposes thereof less the aggregate outstanding indebtedness. The assessed-value market value for assessment purposes, the aggregate outstanding indebtedness and the unexhausted debt-incumbering 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 33-2103, Idaho Code, be, and the same is hereby amended to read as follows:

33-2103. MINIMUM REQUIREMENTS FOR THE FORMATION OF A JUNIOR COLLEGE DISTRICT. A junior college district shall include (a) the area, or any part thereof, of four (4) or more school districts and the area or any part thereof, of one (1) or more counties having an aggregate enrollment in grades nine (9) through twelve (12) during the school year, next preceding the organization of such district, of not less than two thousand (2000) students, and (b) property having an assessed valuation market value for assessment purposes as shown by the equalized assessment rolls of real and personal property for the preceding calendar year of not less than twenty one hundred million dollars ($21,000,000,000,000).

The state board of education in considering a petition filed pursuant to section 33-2104, Idaho Code, shall verify all the above requirements, as well as determine the number of the students expected to attend and the facilities available, or to be made available, for operation of the school.

SECTION 14. That Section 33-2107C, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107C. DEFINITION OF URBAN AREA DISTRICTS EMPOWERED TO CREATE UPPER DIVISIONS. The powers provided herein for instruction of the third and fourth year college curriculum shall only be exercisable by junior college districts which at the date of the filing of notice of establishment of upper divisions as required are urban area districts, which is defined as a district containing (a) an assessed value market value for assessment purposes of taxable property of not less than $350,000,000,000 and (b) a population of not less than ninety thousand (90,000) persons, in the county of the district where the college is located.

SECTION 15. That Section 33-2113, Idaho Code, be, and the same is hereby amended to read as follows:

33-2113. CAPITAL FUNDS. The board of trustees of each junior college district may issue general obligation bonds in the manner and form, and for the same purposes, as prescribed for public school districts, the maximum amount of general obligation bonds outstanding, computed in the manner so prescribed shall not at any time exceed five one per cent (51%) of the assessed value market value for assessment purposes of the taxable property in the district. The board may also create a plant facilities reserve fund in the manner, and for the same purposes, as prescribed for school districts.

Tax levies for the purposes of this section shall be certified to the board of county commissioners at the same time as are certified the tax levies provided in section 33-2111, Idaho Code.
SECTION 16. That Section 33-2723, Idaho Code, be, and the same is hereby amended to read as follows:

33-2723. BOND ELECTION. The purposes for which bonds may be issued shall be: To acquire, purchase, or improve a library site or sites; to build a library or libraries, or other building or buildings; to demolish or remove buildings; to add to, remodel or repair any existing building; to furnish and equip any building or buildings, including all facilities and appliances necessary to maintain and operate the buildings of the library; and to purchase motor vehicles for use as bookmobiles.

The library district may issue bonds in an amount not to exceed two-percentage (.2%) of the assessed--valuation market value for assessment purposes of property within the district, less any aggregate outstanding indebtedness.

The board of trustees of any library district, upon approval of a majority thereof, may call a bond election on 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 stated in the notice of election. The notice of bond election, the qualification of bond voters, the conduct of the election, the canvass of election and determination of the result of election, the issuance of bonds, the expenditure of bond proceeds and the repayment of the bonds shall all be determined and done in accordance with the laws of Idaho with respect to the authorization and issuance of bonds by school districts.

SECTION 17. That Section 39-1339, Idaho Code, be, and the same is hereby amended to read as follows:

39-1339. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVEMENTS -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of the hospital district shall by resolution, determine that the interest of said district and the public interest or necessity demand, the acquisition, construction, installation, or completion of any works or other improvements of facilities or the construction, installation and maintenance of a hospital, hospital grounds, medical clinic, nurses' quarters and equipment, or for the enlargement, improvement and acquisition of existing hospital, hospital grounds, medical clinic, nurses' quarters and equipment, or the making of any contract with the United States or other persons or corporations, public or private, municipalities or governmental subdivisions to carry out the objects or purposes of said district requiring the creation of an indebtedness of five thousand dollars ($5,000) or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, the board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors of the district at an election held for that purpose; provided, however, that no election shall be required for any lease or other transaction entered into between the hospital district and the Idaho health facilities authority. Notwithstanding any other provi-
sion, the hospital district shall be entitled to enter into a lease or other transaction regardless of the amount involved with the Idaho health facilities authority upon determination by the board of the hospital district that it is in the interest of the hospital district and best interests of the public to enter into such lease or other transaction. The declaration of public interest or necessity, herein required, and the provision for the holding of such election may be included within one (1) and the same resolution, which resolution, in addition to such declaration of public interest or necessity shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated costs of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the manner of holding the same, and the method of voting for or against the incurring of the proposed indebtedness; such resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place or places and shall appoint for each polling place, from the qualified electors of the district, the officers of such election, consisting of three (3) judges, one (1) of whom shall act as the clerk, provided, however, that no district shall issue or have outstanding its coupon bonds in excess of ten two percent (102%) of the assessed--valuation market value for assessment purposes of the real estate and personal property within the said district, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election, provided, however, that such bonds shall not be issued, nor shall any indebtedness be incurred, at any time that there shall be a bond issue outstanding and unpaid for the construction, acquisition or maintenance of a county hospital in the county in which such district is organized.

SECTION 18. That Section 40-1620, Idaho Code, be, and the same is hereby amended to read as follows:

40-1620. INDEBTEDNESS IN EXCESS OF EXPRESS PROVISIONS PROHIBITED -- EXCEPTIONS. The highway board, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds, or otherwise, in excess of the express provisions of this chapter; and any debt, or liability incurred in excess of such express provisions shall be and remain absolutely void: provided, that for the purpose of organization or for any of the purposes of this chapter, the highway board may, before making the tax levy in any year, incur an indebtedness not exceeding in the aggregate a sum equal to one-half-of-one-per-cent-(.5%) one-tenth per cent (.1%) of the assessed--valuation market value for assessment purposes of all the property in the district subject to taxation; and after making such levy, may incur an indebtedness within the limit, on the entire indebtedness, of the amount of such levy when augmented by the district's share in the county levy, as defined in section 40-1633,
Idaho Code; but at no time shall the total indebtedness exceed such amount; and may cause warrants of the district to issue therefor, bearing interest not exceeding seven per cent (7%) per annum. The power granted in this section is in addition to, and independent of, the power hereinafter granted to issue bonds.

SECTION 19. That Section 40-1654, Idaho Code, be, and the same is hereby amended to read as follows:

40-1654. BONDS AND FUNDING BONDS OF HIGHWAY DISTRICTS. Every highway district shall have power and authority, by resolution of the board of highway commissioners and without an election, to issue negotiable coupon bonds of the district for the object of funding or refunding any existing indebtedness, whether the indebtedness exists as warrant indebtedness or otherwise. Every highway district shall have the power and authority to issue negotiable coupon bonds of the district for the purpose of construction and improvements or repairs of any of the highways, bridges or structures in the district, for the purchase of material, machinery, contracting road and bridge, engineering, construction and for the necessary expenses of the district in connection therewith, or for any or all of such purposes. The authorization for issuance of bonds other than funding or refunding existing indebtedness, shall be by special election held in conformity to the provisions of the Municipal Bond Law. The total amount of bonds any highway district issued and outstanding at any time shall not exceed ten two per cent (102%) of the assessed-market value for assessment purposes of all the taxable property in said district as shown by the last preceding assessment list. Such bonds shall be issued, sold and redeemed in accordance with the provisions of the Municipal Bond Law for the state of Idaho.

SECTION 20. That Section 40-1904, Idaho Code, be, and the same is hereby amended to read as follows:

40-1904. BONDS -- ELECTION -- ISSUANCE. Where a two-thirds majority of the qualified electors of any such highway district voting on the proposition, having voted at an election held in such highway district called by the board of highway commissioners thereof, in favor of the issuance of bonds of such highway district for the construction, improvement or repair of highways, notice of such election having been given by publication for ten (10) days in a newspaper published in the county wherein the highway district is located, the canvass of said vote revealing such majority, having been recorded in the records of said board of highway commissioners, and where thereafter said board of highway commissioners by resolution adopted and recorded in its records, authorized the issuance of such bonds of such highway district, prescribed the date, and maturity thereof within twenty (20) years, and rate of interest the bonds were to bear, the place of payment of principal and interest, and provided for the levy of a tax upon all taxable property in such highway district, according to the value thereof as fixed for state and county purposes, sufficient to
pay the interest on such bonds and to produce a sinking fund sufficient to pay the bonds at maturity, and such bonds in an amount not to exceed ten two per cent (10.2%) of the assessed-valuation market value for assessment purposes of all taxable property of said highway district were sold and delivered and the proceeds received by the treasurer of said highway district and expended in the construction, improvement or repair of highways located therein; and such election and all acts and proceedings had and taken in connection therewith by such board of highway commissioners in respect to such bonds, levy of taxes and construction, improvement or repair of highways are hereby legalized, approved and validated and constituted the negotiable legal obligations of such highway district.

SECTION 21. That Section 50-236, Idaho Code, be, and the same is hereby amended to read as follows:

50-236. CAPITAL IMPROVEMENT FUND LEVY -- LIMITATIONS. Cities are hereby empowered to establish a "Capital Improvements Fund", by ordinance, and levy a special tax not to exceed in the aggregate two-(2) mills four-hundredths per cent (.04%) of market value for assessment purposes in any one (1) year. Said fund shall never exceed in the aggregate two four-tenths per cent (2.4%) of the assessed-valuation market value for assessment purposes of the city. Such funds shall not be subject to the provisions of section 50-1014, Idaho Code. Said ordinance shall identify the specific purpose for which the capital improvements fund shall be used.

SECTION 22. That Section 50-1019, Idaho Code, be, and the same is hereby amended to read as follows:

50-1019. PURPOSES FOR WHICH BONDS MAY BE ISSUED -- LIMITATION ON AMOUNT. Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds not to exceed in aggregate at any time, ten two per cent (10.2%) of the assessed-valuation market value for assessment purposes of the real and personal property in said city, according to the assessment of the preceding year, for any or all of the purposes specified in subdivisions sections one--ten inclusive of this section, as follows:

1. To provide for constructing, laying out, grading, curbing, draining, sidewalking or otherwise improving streets, alleys, intersections, crossings and crosswalks; and to construct, or aid in the construction of bridges across streams within or contiguous to, or within one (1) mile of the exterior limits of, such city.

2. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness, bonds may be issued under this section for such purposes, without submission of the question of issuance of such bonds to the electors of the city, when the same can be done to the profit and benefit of such city without incurring any additional liability.

3. To provide for the establishment of hospitals and cemeteries,
either within or without the corporate limits of such city.

4. To provide for the purchase, improvement and equipment of lands and buildings thereon, for public parks, monuments, recreation facilities and zoos, either within or without the corporate limits of such city.

5. To provide for the purchase, erection, construction and furnishing of city public libraries.

6. To provide for the establishment of a fire department by the purchase of building sites, buildings, and suitable equipment and apparatus necessary to provide fire protection.

7. To provide for the purchase, acquisition, improvement and equipment of aviation facilities either wholly or partly within or without the corporate limits of such city, or wholly or partly within or without the state of Idaho.

8. To provide for flood control by acquisition and purchase of right of way and to establish, alter, enlarge, improve, reconstruct and change the channels of watercourses or any stream, river or body of water within or without the corporate limits of the city.

9. To provide for the acquisition, construction, remodeling, improvement or otherwise, of buildings for public use, together with all necessary appurtenant facilities and equipment, including all necessary land for building sites, either within or without the corporate limits of such city.

10. To provide for the purchase, acquisition, erection and construction of off-street parking sites, structures, buildings, facilities, equipment and appurtenances.

All bonds of any municipality which were issued, sold and delivered to the purchasers thereof prior to April 12, 1967, for the purpose of providing for the building, laying, construction, equipment, extension, enlargement, alteration, improvement or maintenance of storm sewers or sanitary sewerage systems, shall be excluded when determining the aggregate amount of bonds of any city issued hereunder which are outstanding for the purpose of computing the debt limitation provided for in the first paragraph of this section.

SECTION 23. That Section 63-208, Idaho Code, be, and the same is hereby amended to read as follows:

63-208. NONRESIDENT PROPERTY OWNER'S DECLARATION. Idaho property owners who are nonresidents of the county where the property is situated, and any resident of another state owning property in Idaho shall be required by the assessor to furnish a list of all taxable real and personal property owned by or in possession of said owner and situate in the county on forms prescribed by the tax commission and available from the assessor. Such declaration shall be signed and certified as true, correct, and complete to the best of the knowledge, information and belief of the person listing such property. The information required shall be specified on the declaration form and shall request identification of ownership of property in the possession of a person who is not the owner of such property, if such ownership is known to the declarant; however, the required information may be provided in
written form convenient to the taxpayer and attached to the declaration which shall be delivered or mailed to the assessor on or before some day named therein, but not later than March 15.

The failure of the assessor to provide the taxpayer's declaration shall not impair or invalidate any assessment, nor will such failure relieve the property owner or his agent of the responsibility to obtain such declaration and to comply with the requirements of this act. In the event the assessor fails to receive the taxpayer's declaration as required, the property owner may be assessed an addition to tax in the sum of one hundred dollars ($100) plus ten two per cent (102%) of the assessed-value market value for assessment purposes of such property, the addition to tax to be distributed to the current expense fund of the county. The county board of equalization may excuse the liability for such addition to tax, upon a proper showing that by reason of good and sufficient cause, the requirement to file pursuant to this act could not be complied with. The assessor or his representative shall attend such hearing.

Any willful failure on the part of the assessor to obtain the declaration prescribed in this act on any ground other than the refusal of the property owner or his agent to provide the required information shall be deemed malfeasance in office and ground for the removal of the assessor from office.

SECTION 24. That Section 63-804, Idaho Code, be, and the same is hereby amended to read as follows:

63-804. MANNER OF ASSESSMENT. It shall be the duty of the tax commission to estimate market value for assessment purposes utilizing statements and data furnished by the railroads and car company, mercantile or other company or corporation, firm or individual and such other pertinent information deemed necessary by the tax commission's rules and regulations to conform with generally recognized appraisal data.

It shall be the duty of the state tax commission to ascertain and determine the assessed-value market value for assessment purposes of all property in the state owned by each company described in section 63-802, Idaho Code. The state tax commission is authorized and directed to prescribe by regulation the method of determining the proportionate share of such companies, or number of cars of such companies, taxable in this state. In making such determination, the state tax commission may use and consider any of the following factors or criteria: (1) an actual count of cars in this state; (2) the ratio between the mileage traveled by taxpayers' cars in this state as compared with the mileage traveled by taxpayers' cars everywhere; (3) such other factors or criteria as the state tax commission may deem appropriate.

Such estimated market value for assessment purposes shall be converted to assessed-value by the tax commission and shall be included in the records and proceedings of the commission, and shall be prorated among the several counties traversed by railways carrying said cars in proportion to the main track mileage and branch track mileage.
of railway carrying said cars in said county, and a statement transmitted to the county auditor of each county as provided in cases of other assessments made by said board, and shall be apportioned among the respective districts, school districts, road districts, cities in which the same may be entered on the tax list and collected by the county tax collector, as otherwise provided by law;

(a) Provided, however, in any case where assessment of the personal property of any car company, mercantile or other company or corporation, firm or individual, made and equalized by the state tax commission, shall be in an assessed value of less than one five hundred thousand dollars ($100,000), the commission then shall determine the tax to be charged on the property covered by each such assessment by applying to the assessed value market value for assessment purposes thereof the average tax rate in the state for the current year, on car companies having an assessed value market value for assessment purposes of more than one five hundred thousand dollars ($100,000). In the event no car companies are assessed for one five hundred thousand dollars ($100,000) in the current year then the average tax rate shall be the average tax rate on all taxable property for the prior year. The state tax commission hereby is empowered to charge, levy and collect the tax so determined on the personal property of any such company having a taxable situs in this state. Each tax so charged and levied shall constitute a lien as of January 1 of the year of assessment on all the personal property of the company within this state and shall be payable in the same manner and at the same due dates provided by law in respect to taxes on personal property payable in the several counties. In collecting such taxes the state tax commission hereby is authorized to pursue any or all of the rights, remedies or processes provided by law for the collection of delinquent taxes on personal property. All moneys collected by the commission as provided under this subsection (a) shall be paid forthwith to the state treasurer for transfer to the public school income fund in the state treasury and apportioned as provided by section 33-1009, Idaho Code, to the several counties.

SECTION 25. That Section 63-903, Idaho Code, be, and the same is hereby amended to read as follows:

63-903. CURRENT EXPENSE FUND — ANNUAL TAX LEVY. The board of county commissioners of each county in this state may levy annually upon all taxable property of said county, a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund which levy shall not exceed one dollar thirty cents-($1.30)—on each one hundred dollars-($100)—of the assessed valuation twenty-six hundredths percent (0.26%) of market value for assessment purposes of such property, or a levy in excess sufficient to raise two hundred fifty thousand dollars ($250,000), whichever is greater, in the counties where the assessed valuation market value for assessment purposes is $7,500,000 thirty seven million five hundred thousand dollars ($37,500,000) or over, and one dollar seventy cents-($1.70)—on each one hundred dollars-($100)—of the
assessed-value thirty-four hundredths percent (0.34%) of market value for assessment purposes of such property where the assessed-value market value for assessment purposes is less than $7,500,000 thirty seven million five hundred thousand dollars ($37,500,000) for the year in which such levy is made.

SECTION 26. That Section 63-1902, Idaho Code, be, and the same is hereby amended to read as follows:

63-1902. LIEN OF PERSONAL PROPERTY TAXES ON REAL PROPERTY ROLL. The taxes upon not to exceed $1,000-of-assessed five thousand dollars ($5,000) of assessed-value market value for assessment purposes of personal property over and above personal property exempt from taxation entered on the real property assessment roll by the assessor under the provisions of section 63-306, Idaho Code, or pursuant to the provisions of section 63-1901, Idaho Code, shall be a lien upon the real property against which the same is entered and the title conveyed by any tax deed issued thereon shall be superior and prior to all mortgages and liens of every kind against such real property; but if the assessed-value market value for assessment purposes of the personal property entered on the real property assessment roll as aforesaid exceeds $1,000 five thousand dollars ($5,000) then the lien of the taxes on such excess above that amount and the title conveyed by any tax deed issued thereon in so far as the same is based on such personal property taxes shall be subordinate and subject to all valid mortgages and other liens appearing of record against said real property in the office of the county recorder of the county where such real property is situated and of which notice has been given as provided in section 63-1903, Idaho Code; and in case of the foreclosure of such mortgage or lien, the lien of such personal property tax may be barred and foreclosed in the same manner as any other subordinate lien. Personal property taxes placed upon the real property assessment roll hereunder upon an-assessed-value market value for assessment purposes thereof over and above $1,000 five thousand dollars ($5,000) and other taxes appearing on said roll against such real property may be separately paid, redeemed, or discharged.

SECTION 27. That Section 70-1716, Idaho Code, be, and the same is hereby amended to read as follows:

70-1716. GENERAL OBLIGATION BONDS -- ELECTIONS. Each port district may, with the assent of two-thirds (2/3) of the qualified voters of the district voting thereon at a general or special port election called for that purpose, contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor, provided that total indebtedness of the district at any such time, excluding that indebtedness evidenced by revenue bonds, shall not exceed five one per cent (51%) of the assessed-value market value for assessment purposes of the taxable property in the district to be ascertained by the last assessment for state and county purposes previous to incurring the indebtedness.
The district may issue general district bonds evidencing any such indebtedness, payable at any time not exceeding thirty (30) years from the date of the bonds.

Approved April 4, 1980.

CHAPTER 351
(H.B. No. 682)

AN ACT
RELATING TO THE FISCAL YEAR OF RECREATION DISTRICTS; AMENDING SECTION 31-4313, IDAHO CODE, TO CHANGE THE FISCAL YEAR OF RECREATION DISTRICTS TO CONFORM WITH ESTABLISHED AND EXISTING PRACTICES.

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

SECTION 1. That Section 31-4313, Idaho Code, be, and the same is hereby amended to read as follows:

31-4313. FISCAL YEAR -- AUDIT. The fiscal year of each district shall commence on the first day of January October of each year. The directors shall cause a full and complete audit of the financial transactions of the district to be made every year by a recognized practicing public accountant and shall pay the cost thereof from district funds.

Approved April 4, 1980.

CHAPTER 352
(H.B. No. 762)

AN ACT
RELATING TO POWERS AND DUTIES OF BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT; AMENDING SECTION 33-701, IDAHO CODE, TO ALLOW INVESTMENT OF MONEYS BY BOARD OF TRUSTEES OF SCHOOL DISTRICTS.

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 salaries and other expenses by category. Salaries may be reported in gross amount. 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.

10. To invest any money coming into the hands of the school district in investments permitted by section 67-1210, Idaho Code. 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.

Approved April 4, 1980.
CHAPTER 353  
(H.B. No. 744)  
AN ACT  
RELATING TO THE LEASING OF STATE LANDS; AMENDING SECTION 58-138, IDAHO CODE, TO PROVIDE THAT THE USER OF LANDS BEING INITIALLY LEASED FROM THE STATE BE OFFERED A LEASE FOR THE LAND UNDER CERTAIN CONDITIONS.  

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. 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, any of the state lands now or hereafter held and owned by this state for similar lands of equal value 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 and receive 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. Subject to the approval of the state board of land commissioners, the first lease on lands acquired through land exchange and in lieu selections shall be offered to the present user, lessee, or permittee of the land, provided that the present user agrees in writing to enter into a contractual management program through which the resource values of the land may be enhanced or improved for the purpose of increasing the income to the endowed institutions.  

Approved April 4, 1980.  

CHAPTER 354  
(H.B. No. 479, As Amended)  
AN ACT  
RELATING TO POWERS OF THE BOARD OF PHARMACY; AMENDING SECTION 54-1720, IDAHO CODE, TO PROVIDE AUTHORITY TO THE BOARD OF PHARMACY TO SUBPOENA WITNESSES AND DOCUMENTS AND PROVIDING THE PROCEDURE FOR A SUBPOENA; AND DECLARING AN EMERGENCY.  

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

SECTION 1. That Section 54-1720, Idaho Code, be, and the same is hereby amended to read as follows:  

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 moneys 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 moneys in addition to its annual appropriations, from parties other than the state, provided:

(a) Such moneys 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 moneys are expended for the pursuit of the objective for which they are awarded;

(c) Activities connected with or occasioned by the expenditures of such moneys 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 moneys 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 moneys.

(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.

(11) (a) For the purpose of any proceedings held before the board as authorized by law, including the refusal, nonrenewal, revocation or suspension of licenses, registrations or certifications authorized by this act, or the imposition of fines or reprimands on persons holding such licenses, certification or registrations, the board may subpoena witnesses and compel their attendance, and may also at such time require the production of books, papers, documents or other memoranda. In any such proceeding before the board, any member of the board, or its designee, may administer oaths or affirmations to witnesses so appearing.

(b) If any person shall refuse to obey a subpoena so issued, or refuse to testify or produce any books, papers or documents called for by said subpoena, the board may make application to the district court of the county in which the proceeding is held, for an order of the court requiring the person to appear before the court, and to show cause why the person should not be compelled to testify, to produce such books, papers, memoranda or other documents required by the subpoena, or otherwise comply with its terms. The application shall set forth the action theretofore taken by the board to compel the attendance of the witness, the circumstances surrounding the failure of the witness to attend or otherwise comply with the subpoena, together with a brief statement of the reasons why compliance with the subpoena is necessary to the proceeding before the board.

(c) Upon the failure of a person to appear before the court at the time and place designated by it, the court may enter an order without further proceedings requiring the person to comply with the subpoena. Any person failing or refusing to obey such order of the court shall be punished for contempt of court as in other cases provided.

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

Approved April 4, 1980.
CHAPTER 355
(H.B. No. 654, As Amended, As Amended in the Senate)

AN ACT
RELATING TO THE LAVA HOT SPRINGS FOUNDATION; AMENDING CHAPTER 44, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4409, IDAHO CODE, TO CREATE THE LAVA HOT SPRINGS CAPITAL IMPROVEMENT ACCOUNT.

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

SECTION 1. That Chapter 44, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4409, Idaho Code, and to read as follows:

67-4409. LAVA HOT SPRINGS CAPITAL IMPROVEMENT ACCOUNT. There is hereby created and established in the agency asset fund in the state treasury an account to be known as the Lava Hot Springs capital improvement account to which shall be credited or deposited such moneys and interest accruing over and above the operation and maintenance cost from the Lava Hot Springs foundation account, as the members of the foundation may from time to time determine. The purposes for which moneys in the account may be used shall be to acquire, purchase, improve, repair, furnish, and equip Lava Hot Springs facilities and sites. 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. This account shall be invested by the state treasurer in investments permitted by section 67-1210, Idaho Code, and the interest shall be returned to the account.

Approved April 4, 1980.

CHAPTER 356
(H.B. No. 776)

AN ACT
AUTHORIZING A STATE HIGHWAY USE FEE STUDY COMMITTEE; PROVIDING FOR THE CREATION OF A SPECIAL LEGISLATIVE COMMITTEE AND ITS COMPOSITION; PROVIDING FOR A REPORT OF FINDINGS AND PROPOSED LEGISLATION TO THE FIRST REGULAR SESSION OF THE FORTY-SIXTH IDAHO LEGISLATURE; PROVIDING FOR THE APPROPRIATION OF MONEYS OUT OF THE STATE HIGHWAY ACCOUNT FOR THE PURPOSES OF THE COMMITTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature hereby recognizes that the state highway system is reaching a critical point in its continued usefulness; that inflation is rapidly diminishing funding levels to adequately
maintain the state highway system; that the state of Idaho is largely dependent upon motor vehicle transportation for its everyday existence; and that vehicles in excess of sixteen thousand (16,000) pounds gross vehicle weight contribute the greatest percentage of wear and tear on the state highway system.

SECTION 2. There is hereby created a special legislative committee, to be known as the legislative interim state highway use fee study committee, for the purpose of a thorough, impartial and factual study of fee schedules "A" and "B" for vehicles in excess of sixteen thousand (16,000) pounds gross vehicle weight together with funding alternatives. The interim committee shall be composed of the house transportation and defense committee chairman, and one (1) member of the majority party and two (2) members of the minority party of that committee to be appointed by the speaker, and the chairman of the senate transportation committee, and one (1) member of the majority party and one (1) member of the minority party of that committee to be appointed by the president pro tempore. The two (2) chairmen shall act as cochairs of the interim committee.

SECTION 3. The interim committee shall report findings and any proposed legislation to the first regular session of the forty-sixth Idaho legislature.

SECTION 4. There is hereby appropriated out of the State Highway Account the sum of $6,500, or so much thereof as may be necessary, for the purpose of the Transportation Department to pay the allowances and expenses of the interim committee established by this act. The Transportation Department is hereby authorized to pay, from funds appropriated herein, to individual members of the interim committee $35.00 a day for each day spent on actual business of the committee and the cost of travel, food, and lodging, incurred in the furtherance of interim committee business.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 4, 1980.

CHAPTER 357
(S.B. No. 1432)

AN ACT
RELATING TO SIZE OF VEHICLES AND LOADS; AMENDING SECTION 49-913, IDAHO CODE, TO PROVIDE THAT LOG JAMMERS AND LOG LOADERS SHALL BE EXEMPT FROM THE SIZE LIMITATIONS OF THE SECTION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 49-913, Idaho Code, be, and the same is hereby amended to read as follows:

49-913. SIZE OF VEHICLES AND LOADS. A. No vehicle shall exceed a total outside width including any load thereon, of eight and one-half (8 1/2) feet, except that the limitations as to size of vehicles stated in this section shall not apply to farm tractors and implements of husbandry, including the load thereon, log jammers and log loaders, and including all equipment used in land leveling operations, temporarily propelled, moved or transported upon the public highway to or from the farm. Such overwidth vehicle must not proceed at a speed in excess of thirty-five (35) miles per hour, must display one (1) twelve (12) inch by twelve (12) inch red flag on front of truck or tractor pulling or hauling implement or trailer, display one (1) twelve (12) inch by twelve (12) inch red flag on outermost left projection of implement hauled, and move in daylight only.

B. No vehicle unladen or with load shall exceed a height of fourteen (14) feet.

C. No single vehicle shall exceed a length of forty (40) feet, extreme overall dimension, inclusive of front and rear bumpers; no vehicle equipped with a semitrailer shall exceed a length of sixty-five (65) feet overall dimensions; provided that if the coupling device connecting the truck tractor to the semitrailer is located to the rear of the tire tread of the truck tractor's rearmost axle, such combination of truck tractor and stinger steered semitrailer may have an overall combination length, inclusive of front and rear bumpers, of seventy-five (75) feet; and no combination of vehicles coupled together shall consist of more than three (3) vehicles and, when so combined, shall not exceed a total length of seventy-five (75) feet, except that combinations consisting of three (3) or four (4) vehicles may be operated on designated highways with an overall length not to exceed one hundred five (105) feet, provided that such combinations of vehicles exceeding seventy-five (75) feet in overall length must be operated in accordance with rules and regulations adopted by the Idaho transportation board. For purposes of this section, a converter gear shall not be considered a vehicle.

D. No train of vehicles or vehicle operated alone shall carry any load extending more than four (4) feet beyond the front thereof.

E. No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fender on the right side thereof.

F. Earth moving equipment may be used to move a load or travel to a site of operation, when said equipment is wider than eight and one-half (8 1/2) feet, in daylight hours, without requiring a permit therefor, provided that said equipment is equipped, in addition to those requirements set forth in chapter 8, title 49, Idaho Code, with a flashing amber colored light at least four (4) inches in diameter clearly visible from in front of the equipment, and a flashing red colored light at least four (4) inches in diameter clearly visible from the back of said equipment.
G. Notwithstanding any other provision of this section, the total outside width of any vehicle using the interstate system in this state may not exceed eight (8) feet, except as permitted by section 49-905, Idaho Code.

Approved April 4, 1980.

CHAPTER 358
(H.B. No. 706)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 67-802, Idaho Code, be, and the same is hereby amended to read as follows:

67-802. OFFICE OF GOVERNOR -- DUTIES OF GOVERNOR. The office of the governor shall be composed of: the division of tourism and industrial development, as provided by chapter 47, title 67, Idaho Code; the state liquor dispensary, as provided by chapter 2, title 23, Idaho Code; the military division, as provided by title 46, Idaho Code; the division of budget, policy, planning and coordination; as provided by chapter 51, title 19, and chapters 35 and 57, title 67, Idaho Code; financial management; and such other divisions and units as are established or assigned by law, or created through administrative action of the governor.

The governor shall appoint an administrator for each division, with the advice and consent of the senate. Administrators shall serve at the pleasure of the governor, and shall be exempt from the provisions of chapter 53, title 67, Idaho Code. Other subordinate staff necessary to accomplish a division's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

The supreme executive power of the state is vested by section 5, article IV, of the constitution of the state of Idaho, in the governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested, the governor is authorized and empowered to implement and exercise those powers and perform those duties by issuing executive orders from time to time which shall have the force and effect of law when issued in accordance with this section and within the limits imposed by the constitution and laws of this state. Such executive orders, when issued, shall be serially numbered for each calendar year and may be referred to and cited by such numerical designation and title. Each executive order issued hereunder shall be effective only after signature by the governor, attestation by and filing with the secretary of state, who shall keep a permanent register and file of such orders in the same manner as applies to acts of the legislature, and after publication in full in a newspaper or newspapers of general circulation in the state. Each such executive order issued by the governor must prescribe a date after which it shall cease to be effective, which shall be within two (2) calendar years of the effective date of such order, and if no date after which such order shall cease to be effective is contained in the order, then such order shall cease to be effective two (2) calendar years from the issuance thereof.

In addition to those powers prescribed above, and those prescribed by the constitution, the governor has the powers, and may perform the duties prescribed in this section and the following sections:

1. To supervise the official conduct of all executive and ministerial officers.
2. To see that all offices are filled, and the duties thereof performed, or, in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session.
3. To make the appointments and supply the vacancies provided by law.

4. He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States.

5. Whenever any suit or legal proceeding is pending in this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state.

6. He may require the attorney general or prosecuting attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this state.

7. He may require the attorney general to aid any prosecuting attorney in the discharge of his duties.

8. He may offer rewards not exceeding one thousand dollars ($1,000) each, payable out of the state treasury, for the apprehension of any convict who has escaped from the state prison, or of any person who has committed, or is charged with the commission of, an offense punishable with death; and also offer like rewards, not exceeding five hundred dollars ($500) each, in cases of felony, where the offense is not punishable with death.

9. To perform such duties respecting fugitives from justice as are prescribed by the penal code.

10. To issue and transmit election proclamations as prescribed by law.

11. He may require any officer to make special reports to him in writing on demand.

12. He has such other powers and may perform such other duties as are devolved upon him by any law of this state.

SECTION 2. That Section 67-1910, Idaho Code, be, and the same is hereby amended to read as follows:

67-1910. MANAGEMENT-DUTIES. The division of budget, policy, planning, and coordination in the office of the governor is hereby authorized and directed:

(1) To study and recommend to the governor methods of interdepartmental cooperation and consolidation within the executive branch of government;

(2) To study and recommend to the governor methods for improving the efficiency of intradepartmental functions;

(3) To perform such other duties and perform such other studies assigned by the governor in any area of administration for the executive branch;

(4) To approve the leasing, purchasing, or installing of any electronic data processing equipment and facilities for any officer, board, department, agency, or institution of state government.

DIVISION OF FINANCIAL MANAGEMENT — ADMINISTRATOR — APPOINTMENT. There is hereby created within the governor's office a division of financial management. The governor shall appoint an administrator for the division of financial management. The administrator shall be
knowledgeable about finance, accounting, and budget principles. The administrator of the division may employ additional personnel as may be necessary, and may contract for professional services or assistance when necessary or desirable.

SECTION 3. That Sections 67-1911, 67-1912 and 67-1914, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Chapter 19, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1911, Idaho Code, and to read as follows:

67-1911. FINANCIAL MANAGEMENT TECHNICAL DEVELOPMENT COMMITTEE. Because accounting, budgeting and financial information programs and policies are vital to the affairs of the legislative as well as the executive branch, there is hereby created a financial management technical development committee consisting of the officers listed below, which committee shall meet not less often than quarterly on the call of the chairman, to review financial information programs and policies and disapprove such programs or policies by a majority vote if deemed appropriate. The members of the committee shall be the administrator of the division of financial management who shall be chairman, the director of the department of state information systems, the director of the personnel commission, the director of the legislative fiscal office, and the director of the legislative council, all of whom shall be voting members, and the legislative auditor, whose role shall be advisory.

SECTION 5. That Section 67-1915, Idaho Code, be, and the same is hereby amended to read as follows:

67-1915. FEDERAL-ASSISTANCE-MANAGEMENT--DUTIES, RESPONSIBILITIES, AND AUTHORITY. The division of budget policy-planning and coordination financial management shall serve as the central information reception-center for all state agencies and their subdivisions--which request--federal-assistance--The state planning and community affairs agency shall have the following duties, responsibilities, and authority:


2.--To--make-studies-of-the-effect-of-federal-assistance-programs in-the-state-and-advice-the-governor-and-the-legislature-of-alternative--recommended--methods--and--procedures--for-the-administration-of these-programs;

3.--To--assist-in-the-coordination-of-federal-programs-administered by-more-than-one-(1)--state-agency;

4.--To-report,-as-requested-by-the-legislature-or-its--committees;
on-the-status-and-condition-of-federal-assistance-programs-in-the-state:

1. To study and recommend to the governor methods of interdepartmental cooperation and consolidation within the executive branch of government;
2. To study and recommend to the governor methods for improving efficiency of interdepartmental functions;
3. To provide technical assistance to state agencies when requested;
4. To serve as a clearinghouse for information, data and material which may be helpful in determining needed legislation;
5. To have the power to petition for and receive monies such as grants or gifts;
6. To work to harmonize the planning activities of state agencies so that comprehensive statewide programs are consistent and to eliminate duplication where possible; and
7. To carry out continuing studies and analyses of the problems faced by the state and develop such recommendations for administrative or legislative action as would appear necessary.

SECTION 6. That Section 67-1916, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 67-1917, Idaho Code, be, and the same is hereby amended to read as follows:

67-1917. REPORTS BY PARTICIPATING STATE AGENCIES. Any state agency that participates in any federal assistance program shall make additional information available as the division of budget, policy planning and coordination financial management may require.

SECTION 8. That Chapter 19, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1918, Idaho Code, and to read as follows:

67-1918. FINANCIAL AND ACCOUNTING RESPONSIBILITIES OF THE DIVISION. It shall be the duty of the administrator of the division of financial management to work with the financial management technical development committee to:

(1) Develop and implement financial and management reporting systems to serve the needs of budget development and management support. Such systems shall be developed in consultation with the state auditor, executive departments, legislature and other elected officials and shall be designed to assist department directors, the governor, and the legislature with their decision-making responsibilities;
(2) Develop recommended changes to the state account structure, accounting policies or accounting procedures, that would benefit financial and management reporting. Such recommendations shall be supplied to the state auditor not later than May first of each fiscal year;
(3) Make studies of the effect of federal assistance programs in the state and advise the governor and the legislature of alternative recommended methods and procedures for the administration of these programs;

(4) Study and recommend to the governor methods for improving efficiency of interdepartmental financial functions;

(5) Perform such other duties and perform other studies assigned by the governor in the area of administration for the executive branch.

SECTION 9. That Section 67-3501, Idaho Code, be, and the same is hereby amended to read as follows:

67-3501. BUDGET FUNCTION. The governor shall be the chief budget officer of the state whose duty it shall be to carry out the provisions of this chapter. The division of budget-policy-planning-and-coordination financial management shall have such duties as may be prescribed by law, and such other duties as may be designated by the governor. No increase in compensation paid to any employee of the state of Idaho shall be effective until approved by the administrator of the division of budget-policy-planning-and-coordination financial management; provided, however, that any decision of the administrator of the division may be rejected and changed by the state board of examiners.

SECTION 10. That Section 67-3502, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 11. That Section 67-3503, Idaho Code, be, and the same is hereby amended to read as follows:

67-3503. PREPARATION AND RETURN OF ESTIMATES. Each department, office and institution (including elective officers in the executive, legislative and judicial departments and including the state board of education) shall, not later than the fifteenth day of August, except with special permission and agreement of the administrator of the division of budget, policy planning and coordination financial management and the legislative-auditor director of the legislative fiscal office, prepare and file in the office of the administrator of the division upon the blanks described in section 67-3502, Idaho Code, its report of receipts from all sources including appropriations made by the legislature, its expenditures of all sums received from all sources, segregated as provided for in the blanks, and its estimates of the amount required and its estimate of receipts and expenditures for the current and succeeding fiscal years, provided that any department, office or institution operating under a continuing appropriation shall, in accordance with the provisions of this chapter, prepare and file in the office of the administrator of the division its expenditures as provided for in the blanks furnished by the division and its estimates of the amount required for the succeeding fiscal year of all the expenses for the administrative functions of each department, office, or institution, provided further, that any department, office, or institution, operating in part or in whole under a continuing appropriation or fund authorized by the legislature shall, in accordance with the provisions of this chapter, prepare and file in the office of the administrator of the division upon the blanks described in section 67-3502, Idaho Code, its report of receipts from all sources, its expenditures of all sums received from all sources, segregated as provided for in the blanks, and its estimates of the amount required and its estimates of receipts and
expenditures-for-the-succeeding-fiscal-year-in-its-estimate-of
receipts-each-office-department-or-institution-shall-itemize-the
sources-from-which-expected-and-its-estimates-of-expenditures-shall
be-segregated-as-provided-in-the-standard-classification-Such-esti-
mates-shall-be-accompanied-by-a-statements-in-writing-giving-facts-and
explanation-of-reasons-for-each-item-of-expenditure-requested-in
listing-expenditures-for-the-past-fiscal-year-each-office-institu-
tion-or-department-shall-set-forth-an-estimate-of-the-amounts-which
will-be-required-to-july-first-next.

SECTION 12. That Section 67-3504, Idaho Code, be, and the same is
hereby amended to read as follows:

67-3504. DUTIES OF ADMINISTRATOR OF THE DIVISION. (1) It shall be
the duty of the administrator of the division of budget-policy-plann-
ing-and-coordination financial management to make such further
inquiries and investigations as to any item included either in the
report of expenditures or the estimate for the succeeding fiscal year
which may be included in the report and estimates furnished by any
department, office or institution. In making such investigation he
shall be allowed his necessary expenses of travel and subsistence in
visiting any institution or department in the state. He may upon
approval-of-the-board-of-examiners employ additional clerical help
whenever in his discretion it may be necessary to check the items of
expenditure or the estimates submitted by any department, office or
institution. The administrator of the division shall serve as a clear-
inghouse for information, data for multi-agency projects not including
requests made by the legislative branch and shall have power to demand
and it is hereby made the duty of every department, officer, board,
commission, or institution receiving appropriations from the legis-
lature to furnish upon demand any and all information so requested by
the administrator of the division.

(2) The administrator of the division, in addition to the duties
hereinbefore set forth, shall perform such other duties as the gover-
nor as chief budget officer of the state may direct. He shall, as
often as required by the governor, prepare and furnish reports as to
the condition of any appropriations made by the legislature and shall
investigate and report to the governor, when required, concerning
receipts from sources other than appropriation and expenditures made
by any department, office or institution of the state. The administra-
tor of the division, or his designated representative, shall also
appear at all sessions of the standing committees of the house of
representatives and of the senate in charge of appropriations and
shall furnish to such committees any information required while said
committees are considering the budget.

SECTION 13. That Section 67-3508, Idaho Code, be, and the same is
hereby amended to read as follows:

67-3508. STANDARD CLASSIFICATION. (1) Excepting where the legis-
lature expressly departs from the classification hereinafter set forth
in any appropriation bill, all appropriations made by the legislature, and all estimates hereafter made for budget purposes, and all expenditures herinafter made from appropriations or funds received from other sources, shall be classified and standardized by items as follows:

(a) Personnel costs, which shall include the salaries or wage expenses of employees and officers whether full-time, part-time, or other irregular or seasonal help and including compensation or honorarium of members of boards or commissions, and shall also include the employer's share of contributions related to those employees and officers, such as retirement, health and life insurance, workmen's compensation, employment security and social security.

(b) Operating expenditures, which shall include all expenses for services, travel, consumable supplies, and minor items of equipment that have an estimated life of less than two (2) years and not otherwise classified under personnel costs or capital outlay, and shall include the governmental overhead charge, including all payments made in the way of refunds of receipts and overpayments erroneously deposited in the state treasury.

(c) Capital outlay, which, when used in an appropriation act, shall include all expenditures for land, highways, buildings including appurtenances, fixtures and fixed equipment, structures, which also includes additions, replacements, major repairs, and renovations to, which materially extends the capital assets' useful life or materially improves or increases its capacity, and shall include salaries and wages of nonagency personnel in connection therewith. Automobiles, domestic animals, machinery, apparatus, equipment and furniture including additions thereto, which will have a useful life or service substantially more than two (2) years, shall also be included.

(d) Trustee and benefit payments, which shall include the cash payments of welfare or retirement benefits to individuals and payments to individuals, persons, or political entities, and not otherwise classified under personnel costs, operating expenditures or capital outlay.

(2) The state auditor is hereby authorized and directed to implement such subclassifications of the standard classifications herein set forth which are necessary for preparation of the state budget, as supplied by the administrator of the division of budget, policy planning and coordination financial management, and the legislative auditor and the director of the legislative fiscal office.

An annual review of the subclassifications shall be made by the administrator of the division, and the legislative auditor and the director of the legislative fiscal office.

The state auditor shall be supplied the changes desired by the administrator, and the legislative auditor and the director of the legislative fiscal office in the subclassifications which are necessary for the preparation of the state budget or the identification and distribution of expenditures from appropriations no later than sixty (60) days prior to the beginning of any fiscal year to be effective for that fiscal year.
SECTION 14. That Section 67-3511, Idaho Code, be, and the same is hereby amended to read as follows:

67-3511. TRANSFER OF APPROPRIATIONS. (1) No appropriations made by the twentieth session of the Idaho legislature, or hereafter made, may be transferred from one class to another except with the consent of the state board of examiners upon application duly made by the head of any department, office or institution of the state (including the elective officers in the executive and judicial departments and the state board of education). And no appropriation made for expenses other than personal services shall be expended for personal services of the particular department, office or institution for which it is appropriated.

(2) Appropriations may be transferred from one program to another within a budgeted agency, as appropriated, upon application duly made by the head of any department, office or institution of the state (including the elective officers in the executive, the legislative and judicial departments and the state board of education) and approval of the application by the administrator of the division of budget, policy planning and coordination financial management and the board of examiners provided the requested transfer is not more than ten per cent (10%) cumulative change from the appropriated program amount. Requests for transfers above ten per cent (10%) cumulative change must, in addition to the above, be approved by law.

(3) All moneys appropriated to any budgeted agency of the state of Idaho for the purpose of capital outlay shall be used for that purpose and not for any other purpose. Receipts from the sale of capital outlay items shall be placed in the fund from which the item was obtained, and shall not be expended without an appropriation.

SECTION 15. That Section 67-3512, Idaho Code, be, and the same is hereby amended to read as follows:

67-3512. REDUCTION OF APPROPRIATIONS. Any appropriation made for any department, office or institution of the state (including the elective officers in the executive, legislative and judicial departments and the state board of education) may be reduced in amount by the state board of examiners upon investigation and report of the administrator of the division of budget, policy planning and coordination financial management; provided, that before such reduction is ordered the head of such department, office or institution shall be allowed a hearing before said state board of examiners and may at such hearing present such evidence as he may see fit. No reduction of appropriations shall be made without hearing unless and until the head of such department, office or institution shall file his consent in writing thereto.

SECTION 16. That Section 67-3513, Idaho Code, be, and the same is hereby amended to read as follows:
67-3513. COMMITTEES OF LEGISLATURE TO CONSIDER BUDGET. (1) The standing committees of the house of representatives and of the senate in charge of appropriation measures shall sit jointly in open sessions while considering the budget. Such committee may resolve itself into executive session upon the vote of two-thirds (2/3) of the membership of the committee, at which time persons who are not members of the legislature may be excluded; provided, however, that during such executive session, no votes or any official action may be taken. The administrator of the division of budget; policy-planning and coordination financial management or his designated representative shall attend all meetings of the joint committee and shall present to the committee the recommendations of the governor for amounts to be appropriated for each department, office and institution, including the elective officers, the judicial department, the legislative department and the state board of education, such presentation to include all information necessary to substantiate the recommendations of the governor. The joint committee at its discretion may cause the attendance of heads or responsible representatives of said departments, offices and institutions. The joint committee may increase or decrease items in the budget as it may deem to be in the interests of greater economy and efficiency in the public service.

(2) By not later than January 15 of each year, the administrator of the division of financial management shall report to the joint committee the following minimal information:

(a) A list by department, by program, and by funding source of all permanent positions authorized as of January 1 of that year and the current salary established for each position as of January 1 of that year; the list shall also designate which of the listed positions were vacant as of January 1, and the date such position became vacant.

(b) A list by department, by program, and by funding source of the amounts needed to fund the state employee compensation changes being recommended by the governor, which list must be prepared to show the individual cost of each component of the compensation changes.

SECTION 17. That Section 67-3516, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(d) The agency which is billed for the goods and services shall classify, treat and account for such expenses in the same manner as if such expenses had been paid by warrant, and may encumber unexpended balances to liquidate known or anticipated interagency billing expenses at the end of a fiscal year. The state auditor shall provide for the method of liquidation of these encumbrances.

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

(a) The state auditor will classify these moneys as receipts.

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

(c) The collecting agency may expend all such receipts only to the extent that authority to do so has been requested and approved by the legislature through an appropriation. All receipts shall be maintained on the subaccount level.

SECTION 18. That Section 67-3517, Idaho Code, be, and the same is hereby amended to read as follows:

67-3517. REQUESTS FOR ALLOTMENT BY OFFICIALS, DEPARTMENTS, BUREAUS AND INSTITUTIONS. In order to guard against excessive expenditure of appropriations, and as an act of economy, efficiency and control relating to said appropriations, it is hereby made the duty of each officer, department, bureau and institution, to file with the administrator of the division of budget—policy—planning—and-coordination financial management, a request for allotment of funds to be
made available on a six (6) month basis, from the appropriation to said officer, department, bureau or institution. Said requests for allotment shall be submitted to the administrator of the division at a time and in such form as prescribed by the administrator of the division and as a general rule, in the same detail as appropriated, unless greater detail is deemed necessary by the administrator of the division.

SECTION 19. That Section 67-3518, Idaho Code, be, and the same is hereby amended to read as follows:

67-3518. INVESTIGATION OF REQUESTS BY ADMINISTRATOR. It is hereby made the duty of the administrator of the division of budget; policy planning-and-coordination financial management to investigate such requests, to act upon said requests, making the necessary additions or reductions thereto, based upon necessary requirements, and within the amount appropriated, and deliver the same, to the state auditor not later than fifteen (15) days prior to the expiration of the current allotment.

SECTION 20. That Section 67-3520, Idaho Code, be, and the same is hereby amended to read as follows:

67-3520. ALLOCATION OF AMOUNT BY STATE AUDITOR. The state auditor shall, upon receipt of the requests, allocate and make available for expenditure the amount authorized by the administrator of the division of budget; policy planning-and-coordination financial management.

SECTION 21. That Section 67-3521, Idaho Code, be, and the same is hereby amended to read as follows:

67-3521. ENCUMBERING APPROPRIATIONS OR EXCESSIVE EXPENDITURES FORBIDDEN -- ENCUMBRANCES TO REVERT -- APPROVAL. (1) No officer, department, bureau or institution, shall encumber any appropriations or be allowed to make any expenditures from appropriations in excess of the allotments provided by this act.

(2) Encumbrances shall be reported as reductions against appropriations in anticipation of a class coded expenditure, shall be made only for the accrued cost of a specific product or service due and payable prior to or as of the end of the current fiscal year, and shall not be used as a means of reserving a portion of the appropriation of one (1) fiscal year to be used in combination with the appropriation of the following year. Requests for encumbrances shall be accompanied by proper identification of the accrued cost which must be adequately covered by appropriated funds from the current fiscal year allotment.

(3) Encumbrances not liquidated by payment of the accrued cost during the succeeding fiscal year shall revert to the fund from which encumbered, unless approved for extension by the administrator of the division of budget; policy planning-and-coordination financial management.
(4) Requests for encumbrances must have the approval of the administrator of the division of budget-planning and coordination-financial management.

(5) Notwithstanding any of the above, all purchase orders issued by the state purchasing agent shall be encumbered, and such encumbrance shall not require the approval of the administrator of the division of budget-planning and coordination-financial management.

(6) The provisions of this section shall not apply to encumbrances involving vocational educational reimbursements to educational institutions or to encumbrances involving contracts for the construction of highways, bridges, buildings or other primary structures or capital improvements.

Approved April 7, 1980.

CHAPTER 359
(H.B. No. 780)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE OFFICE OF THE GOVERNOR, TO BE EXPENDED FOR THE GOVERNOR'S OFFICE ADMINISTRATION PROGRAM ACCORDING TO THE DESIGNATED EXPENSE CLASSES FOR THE PURPOSE OF PLANNING AND CONTROL OF AUTOMATED DATA PROCESSING EQUIPMENT PROCUREMENT FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; AND PROVIDING DUTIES FOR THE GOVERNOR RELATING TO DATA PROCESSING.

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

SECTION 1. There is hereby appropriated from the General Account to the Office of the Governor the following amount, to be expended for the Governor's Office Administration Program according to the designated expense classes for the purpose of planning and control of automated data processing equipment procurement for the period July 1, 1980, through June 30, 1981.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
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<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$69,200</td>
</tr>
</tbody>
</table>

SECTION 2. It shall be the duty of the Governor to:

(1) Approve the leasing, purchasing or installing of any electronic data processing equipment and facilities for any officer, board, department, agency or institution of state government; and

(2) Provide overall state data processing planning.

Approved April 7, 1980.
CHAPTER 360
(H.B. No. 769)

AN ACT
RELATING TO APPROPRIATIONS ACTS BEING FIXED BUDGETS; AMENDING SECTION 67-3516, IDAHO CODE, TO PROVIDE A NAME CHANGE, TO PROVIDE FOR THE DEPOSIT OF INTERAGENCY BILLING CREDITS, TO PROVIDE FOR THE EXPENDITURE OF INTERAGENCY BILLING CREDITS, TO PROVIDE FOR THE DEPOSIT OF CASH RECEIPTS, AND TO PROVIDE FOR THE EXPENDITURE OF CASH RECEIPTS.

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

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

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

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

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

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

(b) The state auditor will treat interagency billing credits as receipts and not classify such credits as a reduction of the expenditures of the receiving agency. Interagency billing credits shall be maintained as an internal-agency-subaccount for agencies funded from the general account shall be deposited to a revenue account of that agency. Interagency billing credits for all other accounts shall be deposited to the appropriate account of that agency.

(c) Interagency billing credits may be expended by the collecting agency in the fiscal year collected only to the extent that authority to do so has been requested and approved by the legis-
lature through an appropriation for the state operating and dedicated accounts. Interagency billing credits for the trust and agency asset accounts may be expended like all other receipts for those accounts. These credits will be clearly identified as interagency billing credits.
(d) The agency which is billed for the goods and services shall classify, treat and account for such expenses in the same manner as if such expenses had been paid by warrant, and may encumber unexpended balances to liquidate known or anticipated interagency billing expenses at the end of a fiscal year. The state auditor shall provide for the method of liquidation of these encumbrances.
(4) State agencies selling goods, products, and services to another state agency must use the interagency process detailed by subsection (3) above. State agencies, departments and institutions may sell goods, products, and services to the public and/or other political entities. These cash receipts may be expended according to the following rules:
(a) The state auditor will classify these moneys as receipts.
(b) Such receipts will be clearly identified to distinguish between these receipts and general revenue receipts or interagency billing credits. Receipts for agencies funded from the general account shall be deposited to a revenue account of that agency. Receipts for all other accounts shall be deposited to the appropriate account of that agency.
(c) The collecting agency may expend all such receipts only to the extent that authority to do so has been requested and approved by the legislature through an appropriation. All receipts shall be maintained on the subaccount level, except receipts received by agencies for the sale of capital outlay items or receipts from insurance for the settlement of claims may be included as an increase to their appropriation and must be identified at a class code level. Expenditure of such receipts must be for like kind capital outlay items.

Approved April 7, 1980.

CHAPTER 361
H.B. No. 705

AN ACT
RELATING TO THE DIVISION OF ECONOMIC AND COMMUNITY AFFAIRS, IN THE OFFICE OF THE GOVERNOR, ITS POWERS AND DUTIES; AMENDING SECTIONS 67-802 AND 67-4701, IDAHO CODE, TO CHANGE THE NAME OF THE DIVISION OF TOURISM AND INDUSTRIAL DEVELOPMENT TO THE DIVISION OF ECONOMIC AND COMMUNITY AFFAIRS; AMENDING SECTION 67-4702, IDAHO CODE, TO PROVIDE THAT THE DIVISION MAY EMPLOY NECESSARY PERSONS; AMENDING SECTION 67-4703, IDAHO CODE, TO CHANGE THE NAME OF THE DIVISION OF TOURISM AND INDUSTRIAL DEVELOPMENT TO THE DIVISION OF ECONOMIC AND COMMUNITY AFFAIRS, AND TO PROVIDE FOR THE DUTIES OF THE DIVISION; AMENDING SECTION 67-4704, IDAHO CODE, TO PROVIDE FOR A SIX MEMBER

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

SECTION 1. That Section 67-802, Idaho Code, be, and the same is hereby amended to read as follows:

67-802. OFFICE OF GOVERNOR -- DUTIES OF GOVERNOR. The office of the governor shall be composed of: the division of tourism-and-industrial-development economic and community affairs, as provided by chapter 47, title 67, Idaho Code; the state liquor dispensary, as provided by chapter 2, title 23, Idaho Code; the military division, as provided by title 46, Idaho Code; the division of budget, policy planning and coordination, as provided by chapter 51, title 19, and chapters 19, 35 and 57, title 67, Idaho Code; and such other divisions and units as are established or assigned by law, or created through administrative action of the governor.

The governor shall appoint an administrator for each division, with the advice and consent of the senate. Administrators shall serve at the pleasure of the governor, and shall be exempt from the provisions of chapter 53, title 67, Idaho Code. Other subordinate staff necessary to accomplish a division's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

The supreme executive power of the state is vested by section 5, article IV, of the constitution of the state of Idaho, in the governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested, the governor is authorized and empowered to implement and exercise those powers and perform those duties by issuing executive orders from time to time which shall have the force and effect of law when issued in accordance with this section and within the limits imposed by the constitution and laws of this state. Such executive orders, when issued, shall be serially numbered for each calendar year and may be referred to and cited by such numerical
designation and title. Each executive order issued hereunder shall be effective only after signature by the governor, attestation by and filing with the secretary of state, who shall keep a permanent register and file of such orders in the same manner as applies to acts of the legislature, and after publication in full in a newspaper or newspapers of general circulation in the state. Each such executive order issued by the governor must prescribe a date after which it shall cease to be effective, which shall be within two (2) calendar years of the effective date of such order, and if no date after which such order shall cease to be effective is contained in the order, then such order shall cease to be effective two (2) calendar years from the issuance thereof.

In addition to those powers prescribed above, and those prescribed by the constitution, the governor has the powers, and may perform the duties prescribed in this section and the following sections:

1. To supervise the official conduct of all executive and ministerial officers.

2. To see that all offices are filled, and the duties thereof performed, or, in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session.

3. To make the appointments and supply the vacancies provided by law.

4. He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States.

5. Whenever any suit or legal proceeding is pending in this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state.

6. He may require the attorney general or prosecuting attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this state.

7. He may require the attorney general to aid any prosecuting attorney in the discharge of his duties.

8. He may offer rewards not exceeding one thousand dollars ($1,000) each, payable out of the state treasury, for the apprehension of any convict who has escaped from the state prison, or of any person who has committed, or is charged with the commission of, an offense punishable with death; and also offer like rewards, not exceeding five hundred dollars ($500) each, in cases of felony, where the offense is not punishable with death.

9. To perform such duties respecting fugitives from justice as are prescribed by the penal code.

10. To issue and transmit election proclamations as prescribed by law.

11. He may require any officer to make special reports to him in writing on demand.

12. He has such other powers and may perform such other duties as are devolved upon him by any law of this state.
SECTION 2. That Section 67-4701, Idaho Code, be, and the same is hereby amended to read as follows:

67-4701. DIVISION OF TOURISM-AND-INDUSTRIAL-DEVELOPMENT ECONOMIC AND COMMUNITY AFFAIRS CREATED. There is hereby created in the office of the governor a division of tourism-and-industrial-development economic and community affairs, hereinafter referred to as the division, which shall have the duties, powers and authorities hereinafter provided.

SECTION 3. That Section 67-4702, Idaho Code, be, and the same is hereby amended to read as follows:

67-4702. ADMINISTRATOR HAVING SUPERVISORY CONTROL OF DIVISION -- APPOINTMENT -- COMPENSATION. The division shall be under the control and supervision of an administrator, who shall be appointed by the governor and who shall serve at the pleasure of the governor. His compensation shall be fixed by the governor within the limits of appropriations made therefor. The division may employ, subject to the provisions of chapter 53, title 67, Idaho Code, such executive, technical, accounting, clerical or other assistants as may be necessary to carry out the duties imposed upon the division by this act.

SECTION 4. That Section 67-4703, Idaho Code, be, and the same is hereby amended to read as follows:

67-4703. POWERS AND DUTIES. The division of tourism-and-industrial-development economic and community affairs shall have the power and it shall be its duty to:

(1) Engage in advertising the state of Idaho, its resources, both developed and undeveloped, its tourist resources and attractions, its agricultural, mining, lumbering and manufacturing resources, its health conditions and advantages, its scenic beauty and its other attractions and advantages; and in general either directly, indirectly or by contract do anything and take any action which will promote and advertise the resources and products of the state of Idaho, develop its resources and industries, promote tourist travel to and within the state of Idaho, and further the welfare and prosperity of its citizens.

The division shall also have the following duties when it deals with promoting economic development and tourism within the state:

(2) (1) Survey and investigate the social, economic and physical resources of the state, including land, water, minerals, facilities for power, transportation, communications, recreation, health, education and other resources and facilities; endeavor to aid the legislature and the citizens of the state of Idaho in formulating a program for the development and utilization of these resources and facilities, and for balancing our agricultural, timber and mining economy with industrial capacity. It shall coordinate the work of all research, fact-finding and development agencies established by the laws of the state, and which agencies shall make such facilities available to the
division. It shall cooperate with, and coordinate the work of, local and regional agencies within the state. It shall cooperate with like agencies of other states, with agencies maintained by private persons or corporations, and with agencies established or employed by the United States to promote the development of the country and the welfare of its people.

(2) To develop and promote a comprehensive international marketing plan for Idaho's products.

(3) To collect and compile reliable data for general dissemination which will tend to the development of the state of Idaho by inducing people and capital to come within our borders.

(4) Keep accurate records and preserve all data collected by it, and from time to time prepare and submit to the governor and the legislature, reports, programs, recommendations and plans for the comprehensive, long-range development, conservation and use of all the resources of the state of Idaho. It shall make such special investigations as to resources, facilities, and other matters as may be required by the governor or the legislature.

(5) To employ, subject to the provisions of chapter 53; title 67, Idaho Code; such executive; technical; accounting; clerical; or other assistants as may be necessary to carry out the duties--imposed--upon the division by this act and to fix their duties and compensation with the--approval--and--consent--of--the--governor Coordinate those activities of local, state, federal and private agencies and departments when they deal with the promotion of Idaho's economic resources.

(6) To require and receive from the various executive departments and public officials of the state of Idaho such information as may be required by the division to enable it to fulfill its functions and carry out the purposes of this act.

(7) Administer and perform any other related functions or activities assigned to the division by the governor.

(8) Enter into interagency agreements with other state agencies in developing economic and community plans and programs.

(9) Provide technical assistance to other state agencies upon request.

(10) Contract with universities, consultants and other public and private agencies to develop plans and programs.

(11) Serve as a clearinghouse for information, data, and other materials which may be used in developing Idaho's economy.

(12) Prepare a comprehensive economic development strategy.

(13) Collect and compile reliable economic data for general dissemination.

(14) Petition for and receive moneys such as grants or gifts, to be used for state or local planning and economic development activities.

SECTION 5. That Section 67-4704, Idaho Code, be, and the same is hereby amended to read as follows:

67-4704. DEVELOPMENT--AND--PUBLICITY ADVISORY COUNCIL -- APPOINTMENT OF MEMBERS -- QUALIFICATIONS. There shall be a--development--and
publicity an advisory council in the division of tourism-and-industrial-development economic and community affairs to advise with the division in the preparation and execution of plans, projects and programs in furtherance of the power and duties conferred on the division by section 67-4703, Idaho Code, which council may be divided into such subcouncils with such duties as may be deemed necessary and desirable by the administrator, with the advice and consent of the governor. The development--and-publicity advisory council shall consist of seven (7) six (6) persons, who shall be appointed by the governor, and who shall serve at-his-pleasure; for three (3) year terms, with two (2) members' terms expiring each year. They shall serve without pay, but who shall receive allowance for actual and necessary expenses incurred in the performance of their duties in the same manner as other employees of the state of Idaho. The--persons--appointed-to-such-councils-shall represent-the-several-geographical-areas.--and--the--several--economic groups--of--the--state One (1) person shall be appointed to represent each of the six (6) planning regions of the state. Membership shall be divided between political parties.

SECTION 6. That Section 67-4705, Idaho Code, be, and the same is hereby amended to read as follows:

67-4705. IDAHO DEVELOPMENT AND PUBLICITY FUND ACCOUNT. There is hereby established an Idaho development and publicity fund account in the state operating fund and all of the moneys now or hereafter in said fund account are hereby appropriated to the use of the division of tourism--and-industrial-development economic and community affairs for the purposes expressed in this act. The division may accept contributions to said fund account from local units of government, and private persons or agencies. The said fund account shall consist of such contributions; and appropriations made thereto from time to time; and-the-proceeds-of-the-tax-imposed-by-section-48-418;-Idaho-Code.

SECTION 7. That Section 67-4706, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4706, Idaho Code, and to read as follows:

67-4706. COMMUNITY AFFAIRS FUNCTIONS AND RESPONSIBILITIES OF THE DIVISION. The division of economic and community affairs shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs planning. The programs and projects shall be consistent with local, regional and state comprehensive plans and policies.

(2) Upon request, cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, regional planning commissions, parks
or recreation boards, community development groups, community action agencies, Indian tribes and similar agencies created for the purposes of aiding and encouraging an orderly, productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

SECTION 9. That Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4707, Idaho Code, and to read as follows:

67-4707. FUNDS OF DIVISION. When federal or other funds are received by the division, they shall be promptly transferred to the state treasurer and thereafter be expended only upon the approval of the administrator.

SECTION 10. That Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4708, Idaho Code, and to read as follows:

67-4708. FEDERAL ASSISTANCE MANAGEMENT -- DUTIES, RESPONSIBILITIES AND AUTHORITY. The division of economic and community affairs shall serve as the central information center for all state agencies requesting federal assistance. The division of economic and community affairs shall have the following duties, responsibilities and authority:

(1) To establish and maintain a central reporting and information service to keep the governor, the agencies of the state and its subdivisions, and the legislature informed of the intent of the state entities to apply for federal assistance throughout the state.

(2) To assist in the coordination of federal programs administered by more than one (1) state agency.

(3) To report, as requested by the legislature or its committees, on the status or condition of federal assistance programs in the state.

SECTION 11. That Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4709, Idaho Code, and to read as follows:

67-4709. REPORTS BY PARTICIPATING AGENCIES. Any state agency that participates in any federal assistance program shall make additional information available as the division of economic and community affairs may require.

Approved April 7, 1980.
CHAPTER 362
(S.B. No. 1474, As Amended in the House)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL
HEALTH SERVICES PROGRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES
FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1980, THROUGH JUNE 30, 1981; AND
PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT OF THE
STATE OPERATING FUND TO THE COOPERATIVE WELFARE ACCOUNT OF THE DEDICATED FUND AS
REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND APPROVED BY THE
BOARD OF EXAMINERS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for
the 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, 1980, through June 30, 1981:

<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>General Account</td>
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<td>$584,100</td>
<td>$4,100</td>
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<td>Miscellaneous Receipts Account</td>
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<td>624,200</td>
<td>19,100</td>
<td>922,700</td>
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<td>Cooperative Welfare Account</td>
<td>809,900</td>
<td>214,500</td>
<td>13,200</td>
<td>1,037,600</td>
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<td>TOTAL</td>
<td>$4,120,000</td>
<td>$1,422,800</td>
<td>$6,400</td>
<td>$5,581,200</td>
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</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account
moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested
by the Director of the Department of Health and Welfare and approved by the Board of
Examiners, not to exceed the amount provided herein.

Approved April 7, 1980.
CHAPTER 363
(S.B. No. 1487, As Amended in the House)

AN ACT

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Institutional Developmental Disability Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
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<td>$10,000</td>
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<td>Miscellaneous Receipts Account</td>
<td>348,100</td>
<td>184,100</td>
<td>8,900</td>
<td>541,100</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>5,468,600</td>
<td>567,000</td>
<td>18,900</td>
<td>30,700</td>
<td>6,035,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,788,700</td>
<td>$1,284,700</td>
<td>$18,900</td>
<td>$30,700</td>
<td>$11,123,000</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 April 7, 1980.
CHAPTER 364
(S.B. No. 1473, As Amended in the House)

AN ACT


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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Community Developmental Disability Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts, for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,949,800</td>
<td>$1,115,100</td>
<td>$26,100</td>
<td>$128,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>792,700</td>
<td>59,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>352,000</td>
<td>1,026,100</td>
<td>232,300</td>
<td>1,610,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,094,500</td>
<td>$2,201,000</td>
<td>$26,100</td>
<td>$360,700</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 April 7, 1980.
CHAPTER 365  
(S.B. No. 1477)

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 Indirect Support Services Program the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>FOR PERSONNEL OPERATING</th>
<th>FOR EXPENSES TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COSTS</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,989,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>20,200</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>1,622,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,612,100</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 April 7, 1980.

CHAPTER 366  
(S.B. No. 1476)

AN ACT
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 Air Quality and Hazardous Materials Program the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<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>$242,800</td>
<td>$ 43,200</td>
<td>$286,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>422,600</td>
<td>152,200</td>
<td>574,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$665,400</td>
<td>$195,400</td>
<td>$860,800</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 April 7, 1980.
C. 367 '80

IDAHO SESSION LAWS

CHAPTER 367

(S.B. No. 1484, As Amended in the House)

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 according to the designated expense classes from the listed accounts, for the period July 1, 1980, through June 30, 1981:

<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>$1,980,700</td>
<td>$384,600</td>
<td>$7,600</td>
<td>$1,010,300</td>
<td>$3,383,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>106,900</td>
<td>104,400</td>
<td>489,400</td>
<td></td>
<td>700,700</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>5,474,100</td>
<td>1,112,500</td>
<td>2,205,400</td>
<td></td>
<td>8,792,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,561,700</td>
<td>$7,601,700</td>
<td>$7,600</td>
<td>$3,705,100</td>
<td>$12,875,900</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 April 7, 1980.
AN ACT
RELATING TO PROCEEDINGS ON ADOPTION; AMENDING SECTION 16-1506, IDAHO CODE, TO PROVIDE THAT THE PETITIONER MAY BE REQUIRED TO PAY ALL OR ANY PART OF THE COSTS OF THE INVESTIGATION.

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

SECTION 1. That Section 16-1506, Idaho Code, be, and the same is hereby amended to read as follows:

16-1506. PROCEEDINGS ON ADOPTION. Proceedings to adopt a child shall be commenced by the filing of a petition together with a copy thereof. Said petition shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the county in which said person or persons reside and have residence. The petition shall set forth the name and address of the petitioner or petitioners, the name of the child proposed to be adopted and the name by which it shall be known if and when adopted, the degree of relationship of the child, if any, to the petitioner or petitioners and the names of any person or agency whose consent to said adoption is necessary. At the time fixed for hearing such petition the person adopting a child, and the child adopted, and the spouse of petitioner if a natural parent of the child, must appear before the court of the county where the person adopting resides. Petitioner shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. Any person or persons whose consent is required shall execute such consent in writing, and acknowledge the same before any officer authorized by the laws of this or any other state to take acknowledgment of deeds, which consent being filed in the court where the application is made, shall be deemed a sufficient appearance on the part of such person or persons. If any adoptive parent, or a person not a minor being adopted by a resident adult under the provisions of section 16-1501, Idaho Code, is a member of the armed services and is unable to attend the hearing, his appearance and testimony shall be received by means of deposition, which shall be filed in the court at the time of the hearing.

Upon the filing of a petition to adopt a minor child by a person unrelated to the child or unmarried to a natural parent of the child and at the discretion of the court upon the filing of any other petition for adoption, a copy of such petition, together with a statement containing the full names and permanent address of the child and the petitioners, shall be served by the court receiving the petition within five (5) days on the director of the department of health and welfare by registered mail or personal service. It shall then be the duty of the said director, through the personnel of the department or through such qualified child-placing agency incorporated under chapter 11 of title 30, Idaho Code, as the director may designate, to verify
the allegations of the petition, and as soon as possible not exceeding thirty (30) days after service of the petition on the director to make a thorough investigation of the matter and report his findings in writing to the court, and return therewith the petition, statement and all other papers, records or files relating to said adoption to the court. The department of health and welfare may require the petitioner to pay all or any part of the costs of the investigation. If the report disapproves of the adoption of the child, motion may be made to the court to dismiss the petition.

Proceedings for termination of parent-child relationship in accordance with chapter 20, title 16, Idaho Code, and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all of the requirements of this chapter as well as chapter 20, title 16, Idaho Code, be fully complied with.

Approved April 7, 1980.
CHAPTER 369
(S.B. No. 1479)

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, 1980, through June 30, 1981:

<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>$ 41,900</td>
<td></td>
<td></td>
<td>$ 41,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>18,800</td>
<td>$ 36,500</td>
<td>55,300</td>
<td></td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>659,600</td>
<td>663,000</td>
<td>$6,200</td>
<td>$338,900</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>722,500</td>
<td>184,400</td>
<td>158,900</td>
<td>1,065,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,442,800</td>
<td>$883,900</td>
<td>$6,200</td>
<td>$497,800</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 April 7, 1980.
CHAPTER 370
(S.B. No. 1504)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE BOARD OF PHAR­
MACY IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, TO BE EXPENDED
FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES
FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1980 THROUGH JUNE
30, 1981:

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

SECTION 1. There is hereby appropriated to the Board of Pharmacy
in the Department of Self-governing Agencies the following amount, to
be expended for the Protecting Public Health Program according to
expense classes designated from the listed account for the period July
1, 1980 through June 30, 1981:

FOR:
Personnel Costs $ 86,500
Operating Expenditures 36,100
TOTAL $122,600

FROM:
Pharmacy Board Account $122,600

Approved April 7, 1980.

CHAPTER 371
(S.B. No. 1360)

AN ACT
RELATING TO RIDESHARING ARRANGEMENTS; AMENDING TITLE 49, IDAHO CODE,
BY THE ADDITION OF A NEW CHAPTER 32, TITLE 49, IDAHO CODE, BY
DEFINING RIDESHARING ARRANGEMENTS, BY DECLARING THAT CERTAIN
RIDESHARING VEHICLES ARE NOT COMMERCIAL VEHICLES, BY PROVIDING
THAT CERTAIN MOTOR CARRIER LAWS DO NOT APPLY TO RIDESHARING, BY
PROVIDING THAT WORKMEN'S COMPENSATION LAWS DO NOT APPLY TO
RIDESHARING, BY LIMITING THE LIABILITY OF EMPLOYERS, BY PROHIBITING
DISCRIMINATION AGAINST RIDESHARING ARRANGEMENTS BY INSURERS
IN ISSUING POLICIES OR SETTING PREMIUMS, BY DEFINING RIDESHARING
ARRANGEMENTS AS NONPROFIT, AND LIMITING THE NUMBER OF VEHICLES PER
HOUSEHOLD, BY EXEMPTING RIDESHARING ARRANGEMENTS FROM THE PAYMENT
OF SALES TAX, BY EXEMPTING RIDESHARING ARRANGEMENTS FROM MUNICIPAL
LICENSING, BY EXEMPTING RIDESHARING ARRANGEMENTS FROM OVERTIME AND
MINIMUM WAGE LAWS, BY PROVIDING THAT PUBLICLY OWNED VEHICLES MAY
BE USED FOR RIDESHARING; AND PROVIDING SEVERABILITY.

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 32, Title 49, Idaho Code, and to read as follows:

CHAPTER 32
RIDESHARING ARRANGEMENTS

49-3201. RIDESHARING ARRANGEMENT DEFINED. "Ridesharing arrange­ment" means the nonprofit transportation in a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, whereby a fixed group, not exceeding fifteen (15) people including passengers and driver, is transported between their residences or termini near such places, and their places of employment or educational or other institutions or termini near such places, in a single daily round trip where the driver is also on the way to or from his or her place of employment or education or other institution.

49-3202. COMMERCIAL VEHICLE EXEMPTIONS. (1) A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" or "commercial vehicle" under the provisions of title 49, Idaho Code, relating to equipment requirements or rules of the road.

(2) A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" or "commercial vehicle" under the provi­sions of title 49, Idaho Code, relating to registration.

(3) The driver of a passenger car (motor vehicle that has a seating capacity for not more than fifteen (15) persons, including the driver) used in a ridesharing arrangement is not a "chauffeur" nor is he transporting persons for compensation under the driver licensing provisions of title 49, Idaho Code.

49-3203. RIDESHARING EXEMPT MOTOR CARRIER LAWS. The following laws and regulations of this state shall not apply to any ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen (15) persons, including the driver:

(1) Title 61, Idaho Code, pertaining to the regulation of motor carriers of any kind or description by the public utilities commis­sion.

(2) Laws and regulations containing insurance requirements that are specifically applicable to motor carriers or commercial vehicles.

(3) Laws imposing a greater standard of care on motor carriers or commercial vehicles than that imposed on other drivers or owners of motor vehicles.

(4) Laws and regulations with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial vehicles.

(5) Laws imposing a tax on fuel purchased in another state by a motor carrier or road user taxes on commercial buses.

49-3204. RIDESHARING EXEMPT WORKMEN'S COMPENSATION LAW. Title 72,
Idaho Code, providing compensation for workers injured during the course of their employment shall not apply to a person injured while participating in a ridesharing arrangement between his or her place of residence and place of employment or termini near such places, provided that if the employer owns, leases or contracts for the motor vehicle used in such arrangement, title 72, Idaho Code, shall apply.

49-3205. LIABILITY OF EMPLOYER. (1) An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle, not owned, leased or contracted for by the employer, in a ridesharing arrangement.

(2) An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

49-3206. INSURANCE AVAILABILITY -- RATES -- POLICY EXCLUSIONS. (1) Insurers shall not increase any premium, cancel any policy, nor refuse to insure a vehicle solely because it is used in a ridesharing arrangement.

(2) Provisions in an insurance policy which deny coverage for any motor vehicle used for commercial purposes or as a public or livery conveyance shall not apply to a vehicle used in a ridesharing arrangement.

49-3207. RIDESHARING ARRANGEMENTS ARE NONPROFIT. Ridesharing arrangements using a motor vehicle with a seating capacity for not more than fifteen (15) persons, including the driver, shall be deemed nonprofit even though the driver, owner or lessee receives compensation for operating and maintaining the vehicle and a reasonable amount of compensation for the driver's services. No household shall operate more than one (1) vehicle with a capacity of seven (7) to fifteen (15) persons in a ridesharing arrangement at one (1) time.

49-3208. SALES TAX NOT APPLICABLE. The laws of this state imposing a tax on the sale of goods and services shall not apply to money received by a driver as part of a ridesharing arrangement.

49-3209. MUNICIPAL LICENSES -- TAX. No county, city, town or other municipal corporation may impose a tax on, or require a municipal license for a ridesharing arrangement.

49-3210. OVERTIME COMPENSATION -- MINIMUM WAGE LAWS. The mere fact that an employee participates in any kind of ridesharing arrangement shall not result in the application of chapter 15, title 44, Idaho Code, laws requiring payment of a minimum wage, overtime pay or otherwise regulating the hours a person may work.

49-3211. USE OF PUBLIC MOTOR VEHICLES. Motor vehicles owned or operated by any state or local agency may be used in ridesharing arrangements. Participants in any such ridesharing arrangement shall
pay the actual total costs of using the vehicle in that arrangement.

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 7, 1980.

CHAPTER 372
(S.B. No. 1508)

AN ACT


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

SECTION 1. There is hereby appropriated to the Board of Pharmacy in the Department of Self-governing Agencies the following amount, to be expended for the Controlled Substances Act Program according to the expense classes designated from the listed accounts for the period July 1, 1980 through June 30, 1981:

<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>Pharmacy - Triplicate Prescription Program Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>FROM:</td>
</tr>
<tr>
<td>$67,800</td>
<td>General Account</td>
</tr>
<tr>
<td>$40,600</td>
<td>Pharmacy - Triplicate Prescription Program Account</td>
</tr>
<tr>
<td>$108,400</td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

Approved April 7, 1980.

CHAPTER 373
(S.B. No. 1512)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE PUBLIC UTILITIES COMMISSION FOR THE DESIGNATED PURPOSE FOR THE PERIOD JULY 1, 1980 THROUGH JUNE 30, 1981; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE STATE TAX COMMISSION FOR THE DESIGNATED PURPOSE FOR THE PERIOD JULY 1, 1980 THROUGH JUNE 30, 1981; AND APPROPRIATING MONEYS FROM THE INDUSTRIAL ADMINISTRATION ACCOUNT TO THE INDUS-

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

SECTION 1. There is hereby appropriated to the Public Utilities Commission from the General Account the sum of $14,600 for the purpose of providing salary increases and related personnel benefits for the Public Utilities Commissioners for the period July 1, 1980 through June 30, 1981.

SECTION 2. There is hereby appropriated to the State Tax Commission from the General Account the sum of $19,400 for the purpose of providing salary increases and related personnel benefits for the Tax Commissioners for the period July 1, 1980 through June 30, 1981.

SECTION 3. There is hereby appropriated to the Industrial Commission from the Industrial Administration Account the sum of $14,600 for the purpose of providing salary increases and related personnel benefits for the Industrial Commissioners for the period July 1, 1980 through June 30, 1981.

Approved April 7, 1980.

CHAPTER 374
(S.B. No. 1513)
AN ACT
RELATING TO THE SALARIES OF CERTAIN COUNTY COMMISSIONERS; AMENDING SECTION 31-3104, IDAHO CODE, AS AMENDED BY H. B. NO. 702, AS AMENDED, SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO AMEND THE SALARY OF THE COUNTY COMMISSIONERS OF BONNEVILLE COUNTY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3104, Idaho Code, as amended by H. B. No. 702, as amended, Second Regular Session, Forty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

31-3104. SALARIES OF THE COUNTY COMMISSIONERS -- SCHEDULE. All county commissioners shall be reimbursed for their actual and necessary expenses during their term of office and the salaries of the county commissioners in the various counties shall be no higher than as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$22,785</td>
</tr>
<tr>
<td>Adams</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$17,400</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$ 4,600</td>
</tr>
<tr>
<td>Benewah</td>
<td>$ 7,500</td>
</tr>
</tbody>
</table>
Bingham $14,000
Blaine $5,400
Boise $5,000
Bonner $16,000
Bonneville $15,000
Boundary $7,800
Butte $2,400
Camas $3,000
Canyon $17,500
Caribou $4,600
Cassia $5,500
Clark $3,000
Clearwater $5,000
Custer $3,200
Elmore $6,000
Franklin $4,600
Fremont $7,000
Gem $5,800
Gooding $4,800
Idaho $9,000
Jefferson $5,000
Jerome $6,000
Kootenai $18,000
Latah $10,000
Lemhi $3,600
Lewis $3,900
Lincoln $4,400
Madison $7,000
Minidoka $6,000
Nez Perce $15,000
Oneida $4,600
Owyhee $5,000
Payette $4,800
Power $4,200
Shoshone $18,725
Teton $3,000
Twin Falls $14,600
Valley $6,000
Washington $6,500

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 October 1, 1979.

Approved April 7, 1980.
CHAPTER 375
(S.B. No. 1514)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE OFFICE OF GOVERNOR FOR THE OFFICE OF ENERGY, TO BE EXPENDED FOR THE DESIGNATED PURPOSES FOR THE PERIODS SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Account to the Office of the Governor for the Office of Energy the sum of $53,200, to be expended for energy conservation measures and retrofits for the period from the effective date of this act through September 30, 1980, and the sum of $21,300, to be expended for a Capitol Mall geothermal test well for the period from the effective date of this act through June 30, 1980.

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

Approved April 7, 1980.

CHAPTER 376
(S.B. No. 1515)

AN ACT
REAPPROPRIATING CERTAIN MONEYS APPROPRIATED BY SECTION 1, CHAPTER 306, LAWS OF 1979, TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE SPECIFIED; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE AND PERIOD SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The moneys appropriated by Section 1, Chapter 306, Laws of 1979, to the Permanent Building Fund Advisory Council and the Division of Public Works to remodel the Director's offices of the Department of Correction are hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for state agency moving and remodeling costs in the Capitol Mall.

SECTION 2. There is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works the sum of $275,000 from the General Account, or so much thereof as may be necessary, for state agency moving and remodeling costs in the Capitol Mall, for the period from the effective date of this act through June 30, 1980.
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 7, 1980.

CHAPTER 377
(S.B. No. 1451, As Amended in the House)

AN ACT
RELATING TO THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6203, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF ADVISORY MEMBERS TO THE COMMISSION BY THE LEGISLATIVE COUNCIL; AMENDING SECTION 67-6220, IDAHO CODE, TO PROVIDE FOR PERIODIC EXAMINATION OF THE BOOKS AND RECORDS OF THE AGENCY BY THE LEGISLATIVE AUDITOR.

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

SECTION 1. That Section 67-6203, Idaho Code, be, and the same is hereby amended to read as follows:

67-6203. COMMISSIONERS -- CHAIRMAN -- APPOINTMENTS. The governor shall appoint seven (7) persons to be commissioners of the Idaho housing agency. Preference shall be given to persons of low income and to persons with experience in the fields of mortgage, finance, banking, real estate, or home building. The governor shall appoint a chairman from among the seven (7) commissioners. The commissioners shall be appointed for terms of four (4) years, except that all vacancies shall be filled for the unexpired term, and provided that the terms of the first seven (7) commissioners appointed shall end on July 1, 1976, and that the terms of three (3) commissioners next appointed shall end on July 1, 1978, and that the terms of the remaining four (4) commissioners so next appointed shall end on July 1, 1980. A commissioner shall hold office until his successor has been appointed and qualifies. A certificate of the appointment or reappointment of any commissioner shall be filed in the office of the secretary of state and in the office of the agency, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. The governor, the state treasurer, the state auditor and the administrator of the division of the budget, policy planning and coordination shall serve as advisors to the commissioners of the agency. In addition, two (2) members of the Idaho legislature, one (1) from the majority party and one (1) from the minority party, shall be appointed by the legislative council to serve as advisors to the commissioners of the agency. Such appointments shall be for a term of two (2) years beginning on January 1 of each odd numbered year, and no appointee shall serve more than two (2) terms. Actual and necessary expenses and per diem shall be allowed as provided for members of the legislative council, and shall be paid from legislative funds. The
legislative council shall appoint advisory members as provided herein for terms beginning on July 1, 1980, and expiring January 1, 1981, which terms shall not be included in the prohibition against more than two (2) terms.

SECTION 2. That Section 67-6220, Idaho Code, be, and the same is hereby amended to read as follows:

67-6220. AUDITS -- ANNUAL REPORTS. (1) The legislative auditor is authorized to conduct a post audit of the books and records of the Idaho housing agency on the same basis as audits are conducted of state agencies.

(2) The agency shall file an annual report with the secretary of state within sixty (60) days after the close of its fiscal year describing its activities during the preceding year. In such report it may make recommendations regarding additional legislation or other action it deems necessary to permit it to carry out the purposes of this act.

Approved April 7, 1980.

CHAPTER 378
(S.B. No. 1301, As Amended in the House)

AN ACT
RELATING TO DIVORCE; REPEALING SECTIONS 32-706, 32-709, 32-710, AND 32-711, IDAHO CODE; AMENDING SECTION 32-704, IDAHO CODE, TO PROVIDE FOR MAINTENANCE OF A SPOUSE DURING PENDENCY OF PROCEEDINGS, ATTORNEYS' FEES, AND LEGAL REPRESENTATION OF MINOR CHILDREN; AMENDING SECTION 32-705, IDAHO CODE, TO REDESIGNATE IT AS SECTION 32-717, IDAHO CODE, AND TO PROVIDE STANDARDS FOR AWARDING CUSTODY OF CHILDREN; ADDING A NEW SECTION 32-705, IDAHO CODE, TO ESTABLISH STANDARDS FOR AND AMOUNTS OF MAINTENANCE FOR A SPOUSE; ADDING A NEW SECTION 32-706, IDAHO CODE, TO ESTABLISH STANDARDS FOR THE AMOUNT OF CHILD SUPPORT TO BE PAID AND BY WHOM; AMENDING SECTION 32-707, IDAHO CODE, TO EXTEND REFERENCES TO EITHER PARTY REQUIRED TO MAKE PAYMENTS; AMENDING SECTION 32-708, IDAHO CODE, TO SPECIFY THAT PROPERTY OF EITHER SPOUSE MAY BE LIABLE FOR IMPLEMENTING SECTIONS 32-705 THROUGH 32-707, IDAHO CODE; ADDING A NEW SECTION 32-709, IDAHO CODE, TO PROVIDE FOR MODIFICATION OF PROVISIONS FOR MAINTENANCE AND SUPPORT; AMENDING SECTION 32-712, IDAHO CODE, TO PROVIDE FACTORS FOR CONSIDERATION IN DISTRIBUTION OF COMMUNITY PROPERTY AND THE HOMESTEAD IN A DIVORCE; ADDING A NEW SECTION 32-718, IDAHO CODE, TO PROVIDE ATTORNEY FEES FOR VEXATIOUS MODIFICATION PROCEEDINGS; AMENDING SECTION 32-804, IDAHO CODE, CONFORMING THE AUTHORITY OF THE COURTS TO PROCEEDINGS FOR MAINTENANCE, SUPPORT, AND DIVORCE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Sections 32-706, 32-709, 32-710, and 32-711, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 32-704, Idaho Code, be, and the same is hereby amended to read as follows:

32-704. ALLOWANCE OF SUPPORT AND-SUIT-MONEY MONEYS, COURT COSTS AND ATTORNEY FEES -- REPRESENTATION OF CHILD.

1. While an action for divorce is pending, the court may, in its discretion, require the husband to pay as alimony any money necessary to enable the wife to support herself or her children; or to prosecute or defend the action; on the motion of either party and upon showing made in conformity with section 32-705 or section 32-706, Idaho Code, whichever be appropriate, order the payment of temporary maintenance of either spouse by the other or temporary support of a child of the marriage, in amounts and on terms just and proper under the circumstances.

2. The court may from time to time after considering the financial resources of both parties and the factors set forth in section 32-705, Idaho Code, order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this act and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

3. The court may appoint an attorney to represent the interests of a minor or dependent child with respect to his or her support, custody, and visitation, but only in those instances where the court deems legal representation necessary beyond any court ordered and court related services previously authorized for the particular case. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county in which the action is pending.

SECTION 3. That Section 32-705, Idaho Code, be, and the same is hereby amended to read as follows:

32-705. CUSTODY OF CHILDREN -- BEST INTEREST.

In an action for divorce the court may, before or and after judgment, give such direction for the custody, care and education of the children of the marriage as may seem necessary or proper, and may at any time vacate or modify the same in the best interests of the children. The court shall consider all relevant factors which may include:

1. The wishes of the child's parent or parents as to his or her custody;
2. The wishes of the child as to his or her custodian;
3. The interaction and interrelationship of the child with his or her parent or parents, and his or her siblings;
4. The child's adjustment to his or her home, school, and com-
munuity;
5. The mental and physical health and integrity of all individuals involved; and
6. The need to promote continuity and stability in the life of the child.

SECTION 4. That Chapter 7, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-705, Idaho Code, and to read as follows:

32-705. MAINTENANCE. 1. Where a divorce is granted, for an offense of either spouse, including a divorce granted upon the complaint of the party at fault, the court may grant a maintenance order for the innocent spouse if it finds that the innocent spouse seeking maintenance:
   (a) Lacks sufficient property to provide for his or her reasonable needs; and
   (b) Is unable to support himself or herself through employment.
2. The maintenance order shall be in such amounts and for such periods of time that the court deems just, after considering all relevant factors which may include:
   (a) The financial resources of the spouse seeking maintenance, including the marital property apportioned to said spouse, and said spouse's ability to meet his or her needs independently;
   (b) The time necessary to acquire sufficient education and training to enable the spouse seeking maintenance to find employment;
   (c) The duration of the marriage;
   (d) The age and the physical and emotional condition of the spouse seeking maintenance;
   (e) The ability of the spouse from whom maintenance is sought to meet his or her needs while meeting those of the spouse seeking maintenance;
   (f) The tax consequences to each spouse.

SECTION 5. That Chapter 7, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-706, Idaho Code, and to read as follows:

32-706. CHILD SUPPORT. In a proceeding for divorce or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his or her support, without regard to marital misconduct, after considering all relevant factors which may include:
1. The financial resources of the child;
2. The financial resources, needs, and obligations of both the custodial and noncustodial parents;
3. The standard of living the child enjoyed during the marriage;
4. The physical and emotional condition and needs of the child and his or her educational needs.
SECTION 6. That Section 32-707, Idaho Code, be, and the same is hereby amended to read as follows:

32-707. SECURITY. The court may require the husband to give reasonable security for providing maintenance or making any payments required under the provisions of this chapter, and may enforce the same by the appointment of a receiver, or by any other remedy applicable to the case.

SECTION 7. That Section 32-708, Idaho Code, be, and the same is hereby amended to read as follows:

32-708. WHAT PROPERTY LIABLE. In executing the four (4) preceding sections when implementing and construing sections 32-705 through 32-707, Idaho Code, the court must resort, first, to the community property, then to the separate property of the husband either party.

SECTION 8. That Chapter 7, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 32-709, Idaho Code, and to read as follows:

32-709. MODIFICATION OF PROVISIONS FOR MAINTENANCE AND SUPPORT. 1. The provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial and material change of circumstances.

SECTION 9. That Section 32-712, Idaho Code, be and the same is hereby amended to read as follows:

32-712. COMMUNITY PROPERTY AND HOMESTEAD -- DISPOSITION. In case of the dissolution of the marriage divorce by the decree of a court of competent jurisdiction, the community property and the homestead must be assigned as follows:

1. The community property must be assigned to the respective parties in such proportions as the court, from all the facts of the case and the condition of the parties, deems just, with due consideration of the following factors:
   (a) Unless there are compelling reasons otherwise, there shall be a substantially equal division in value, considering debts, between the spouses.
   (b) Factors which may bear upon whether a division shall be equal, or the manner of division, include, but are not limited to:
      (1) Duration of the marriage;
      (2) Any antenuptial agreement of the parties; provided, however, that the court shall have no authority to amend or
rescind any such agreement;
(3) The age, health, occupation, amount and source of income, vocational skills, employability, and liabilities of each spouse;
(4) The needs of each spouse;
(5) Whether the apportionment is in lieu of or in addition to maintenance;
(6) The present and potential earning capability of each party; and
(7) Retirement benefits, including, but not limited to, social security, civil service, military and railroad retirement benefits.

2. If a homestead has been selected from the community property, it may be assigned to the innocent party, either absolutely provided such assignment is considered in distribution of the community property, or for a limited period, subject in the latter case to the future disposition of the court; or it may be divided or be sold and the proceeds divided.

3. If a homestead has been selected from the separate property of either, it must be assigned to the former owner of such property, subject to the power of the court to assign it for a limited period to the innocent-party other spouse.

SECTION 10. That Chapter 7, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-718, Idaho Code, and to read as follows:

32-718. VEXATIOUS OR HARASSING MODIFICATION PROCEEDINGS. Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification proceeding is vexatious and constitutes harassment.

SECTION 11. That Section 32-804, Idaho Code, be, and the same is hereby amended to read as follows:

32-804. ALIMONY MAINTENANCE -- DISTRIBUTION OF PROPERTY -- CUSTODY OF CHILDREN. In any action brought under the provisions of this chapter the said courts and the judges thereof shall possess all the powers relative to the payment of alimony maintenance and support, the distribution of property and the care and custody of children of the parties, that such courts now have, or may hereafter have, in other actions for divorce.

Approved April 7, 1980.
CHAPTER 379
(S.B. No. 1498, As Amended in the House)

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, 1980, through June 30, 1981:

FOR: Education Commission of the States $11,250
FROM: General Account $11,250

Approved April 7, 1980.

CHAPTER 380
(S.B. No. 1262, As Amended in the House, As Amended in the House)

AN ACT
RELATING TO STATE SPENDING; LIMITING STATE SPENDING TO A PERCENTAGE OF TOTAL PERSONAL INCOME; ESTABLISHING AN ECONOMIC ESTIMATES COMMISSION; PRESCRIBING DUTIES FOR SAID COMMISSION; PROVIDING FOR AN EXPENDITURE LIMITATION; PROVIDING FOR EXCEEDING THE LIMITATION AND ADJUSTMENTS TO THE LIMITATION.

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

SECTION 1. ECONOMIC ESTIMATES COMMISSION CREATED. There is hereby established an economic estimates commission, the membership of which shall be the same as that of the state tax commission.

SECTION 2. DUTIES OF COMMISSION. The economic estimates commission shall determine and publish prior to January 1 of each year the estimated total personal income for the following fiscal year for the state of Idaho, which estimate shall be in conformance with definitions used by the bureau of economic analysis, U.S. department of commerce, and shall be used in computing the appropriations limit for the legislature.

SECTION 3. EXPENDITURE LIMITS. (a) The legislature shall not, by appropriation for any fiscal year, cause the expenditure of general account revenues for that fiscal year to exceed five and one-third percent (5 1/3%) of the total personal income of the state for the ensuing fiscal year as determined by the economic estimates commis-
sion.

(b) In order to permit the transference of governmental functions between the federal and state governments and between the state government and its political subdivisions without abridging the purpose of this act, adjustments to the appropriation percentage limitation of total personal income shall be specifically detailed in appropriations and shall be consistent with the following principles:

(1) If, by order of any court or by legislative enactment on or after January 1, 1980, the costs of a program or any portion thereof are transferred from a political subdivision of this state to the state, the appropriation percentage limitation may be commensurately increased provided the tax revenues of the affected political subdivisions are commensurately decreased.

(2) If, by order of any court or by legislative enactment on or after January 1, 1980, the costs of a program or any portion thereof are transferred from the state to a political subdivision of this state, the appropriation percentage limitation shall be commensurately decreased, and the tax rates of the political subdivision may be commensurately increased.

(3) If funds provided by the federal government in support of an existing service or program are eliminated or significantly curtailed on or after January 1, 1980, the appropriation percentage limitation may be commensurately increased by the amount of the increased state costs incurred in continuing such service or program or any portion thereof pursuant to an order of any court or by legislative enactment.

(4) If the costs of a program are transferred from the state to the federal government on or after January 1, 1980, the appropriation percentage limitation shall be commensurately decreased.

Approved April 7, 1980.

CHAPTER 381
(H.B. No. 755)

AN ACT
RELATING TO TERMS USED IN THE ASSESSMENT OF PROPERTY FOR TAXATION;
AMENDING SECTION 63-111, IDAHO CODE, TO INCLUDE THE TERMS "ASSESSED VALUE," "ASSESSED VALUATION," AND "VALUATION" IN THE DEFINITION OF MARKET VALUE FOR ASSESSMENT PURPOSES; AMENDING SECTIONS 63-306, 63-307, 63-402 AND 63-1203, IDAHO CODE, TO STRIKE REFERENCES TO CERTAIN TERMS, AND TO PROVIDE THAT ALL REAL AND PERSONAL PROPERTY SHALL BE ASSESSED FOR TAXATION PURPOSES AT MARKET VALUE FOR ASSESSMENT PURPOSES.

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

SECTION 1. 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 "assessed value," "assessed valuation," "value," "valuation," "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 2. That Section 63-306, Idaho Code, be, and the same is hereby amended to read as follows:

63-306. TIME OF ASSESSMENT -- ASSESSMENT ROLL. The assessor shall assess all real and personal property, whereon the tax is a lien upon real property, in his county, subject to assessment by him, between the first day of January and the fourth Monday of June in each year and shall complete such assessment on or before the fourth Monday of June. In making his assessment, the assessor may, at his option, utilize data submitted to him pursuant to the provisions of section 63-305A, Idaho Code, and the assessor shall actually determine, as near as practicable, the full-cash-value market value for assessment purposes of each tract or piece of real property assessed, and shall enter the assessed-value market value for assessment purposes thereof, and the assessed-value market value for assessment purposes of all improvements thereon, and the amount and assessed-value market value for assessment purposes of each class of personal property whereon the tax is a lien on such real property, in appropriate columns against the description of such real property in the real property assessment roll. The tax levies shall be made on the aggregate assessed-value market value for assessment purposes of said property, real and personal, after deducting the amount of any exemptions allowed, and any personal property so entered upon the real property assessment roll shall not be entered upon the personal property assessment roll. Provided that if after the fourth Monday of June it is discovered that real property has been inadvertently omitted from the real roll such property may be entered on a subsequent real property assessment roll and submitted to the board of county commissioners meeting as a board of equalization on the fourth Monday of November of the current year. If other real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county commissioners meeting as a board of equalization during their monthly meeting in January of the following year. The real property taxes so assessed must be paid on or before the 20th day of June of the following year.

SECTION 3. 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, and the improvements thereon, and the assessed-value market
value for assessment purposes 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 market value for assessment purposes of such personal property, and the assessed-value market value for assessment purposes of all property after the description of each lot, block or tract. In carrying the equalized values of such property 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 space shall be provided on the tax roll for the amount of and reasons for any exemptions allowed, and 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 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 spaces 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 4. That Section 63-402, Idaho Code, be, and the same is hereby amended to read as follows:

63-402. EQUALIZATION OF VALUATIONS -- EXEMPTIONS. It is hereby made the duty of the board of county commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this act to be entered upon the real property assessment roll and personal property assessment roll, and in so doing the board shall examine such real property assessment roll, and shall raise or cause to be raised, or lower or cause to be lowered, the assessment of any property which, in the judgment of the said board, has not been lawfully assessed. The board must determine all complaints in regard to the full-cash-value-or-assessed-value market value for assessment purposes of any property entered upon said rolls, and must, except as
prohibited in this act, correct any valuation market value for assessment purposes entered upon said rolls.

The board must examine and act upon all claims for exemptions filed in accordance with the provisions of this act, and must either allow or disallow the same in the manner provided by law.

SECTION 5. That Section 63-1203, Idaho Code, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. The assessor shall assess all personal property required by this act to be entered on the personal property assessment roll, between the first day of January and the first Monday of July in each year, and shall complete the assessment on or before the first Monday in July and file the roll with the clerk of the board of county commissioners. He shall assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all personal property which comes into the county, between the first Monday of July and the fourth Monday of November of each year which has not been assessed, and all personal property which has during the year escaped assessment, and shall immediately deliver the subsequent roll to the board of commissioners which shall then meet as a board of equalization as provided in section 63-1904, Idaho Code. Upon adjournment of the board of equalization the county auditor shall, without delay, compute and enter the amount of tax due thereon and deliver the roll to the tax collector and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable from the information provided to him by the taxpayer's declaration, the market value for assessment purposes of each piece of personal property assessed and shall enter the assessed--valuation market value for assessment purposes of such personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate assessed--valuation market value for assessment purposes of the property, after deducting the amount of any exemptions allowed. The following mobile homes are specifically exempt from the operation of this section, (a) mobile homes eligible to be used under a dealer's license plate; (b) mobile homes designated as sheep camps or cow camps; and (c) trailer houses defined as recreational vehicles.

Approved April 7, 1980.

CHAPTER 382
(H.B. No. 407)

AN ACT RELATING TO PENALTIES FOR VIOLATION OF THE MOTOR VEHICLE CODE; AMENDING SECTION 49-1104, IDAHO CODE, TO PROVIDE THAT VIOLATION OF THE MOTOR VEHICLE CODE SHALL BE A MISDEMEANOR PENALTY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1104, Idaho Code, be, and the same is hereby amended to read as follows:

49-1104. PENALTIES FOR MISDEMEANOR. (a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any section of this act for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars; for a second such conviction within one year thereof, such person shall be punished by a fine of not more than five hundred dollars; and upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. No provision of this act shall limit a police officer's authority to arrest.

Approved April 7, 1980.

CHAPTER 383
(H.B. No. 772)

AN ACT
RELATING TO A WATER RESOURCE BOARD STUDY; AMENDING SECTION 14-425, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 767, SECOND REGULAR SESSION, FORTY-FIFTH IDAHO LEGISLATURE, TO PROVIDE DISTRIBUTION OF CERTAIN MONEYS TO THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1981; APPROPRIATING MONEYS FROM THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT TO THE IDAHO WATER RESOURCE BOARD FOR THE SODA SPRINGS DAM FEASIBILITY STUDY FOR THE PERIOD SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14-425, Idaho Code, as amended by House Bill No. 767, Second Regular Session, Forty-fifth Idaho Legislature, 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 percent (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 percent (85%) of such moneys shall be transferred to the credit of the water pollution control fund of the state; except that, for the period from the effective date of this act through June 30, 1981, **fifty-thousand-dollars** ($50,000) one hundred and five thousand dollars ($105,000) 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 percent (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 percent (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 percent (10%) of the moneys refunded but not in excess of the amount originally distributed under subsection (a) and to the extent of such refunds charged future distributions to be made under subsection (a) to such counties shall be paid into the transfer and inheritance tax act refund fund in lieu of being paid to such counties. Any balance in the refund fund in excess of fifty thousand dollars ($50,000) shall be paid solely to the water pollution control fund.

SECTION 2. There is hereby appropriated from the Water Resources Conservation and Development Trust Account to the Idaho Water Resource Board the sum of $55,000 for the Soda Springs dam feasibility study, for the period from the effective date of this act through June 30, 1981.

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 7, 1980.
CHAPTER 384
(H.B. No. 767)

AN ACT
RELATING TO A WATER RESOURCE BOARD STUDY; AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE DISTRIBUTION OF CERTAIN MONEYS TO THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1981; APPROPRIATING MONEYS FROM THE WATER RESOURCES CONSERVATION AND DEVELOPMENT TRUST ACCOUNT TO THE IDAHO WATER RESOURCE BOARD FOR THE UPPER SNAKE RECHARGE RECONNAISSANCE STUDY FOR THE PERIOD SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) Ten percent (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 percent (85%) of such moneys shall be transferred to the credit of the water pollution control fund of the state; except that, for the period of July 1, 1979 through June 30, 1981, the first four hundred thirty-five thousand dollars ($435,000) from the effective date of this act through June 30, 1981, fifty thousand dollars ($50,000) 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 percent (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 percent (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 percent
(10%) of the transfer and inheritance tax shall be charged with ten
percent (10%) of the moneys refunded but not in excess of the amount
originally distributed under subsection (a) and to the extent of such
refunds charged future distributions to be made under subsection (a)
to such counties shall be paid into the transfer and inheritance tax
act refund fund in lieu of being paid to such counties. Any balance in
the refund fund in excess of fifty thousand dollars ($50,000) shall be
paid solely to the water pollution control fund.

SECTION 2. There is hereby appropriated from the Water Resources
Conservation and Development Trust Account to the Idaho Water Resource
Board the sum of $50,000 for the Upper Snake recharge reconnaissance
study, for the period from the effective date of this act through June
30, 1981.

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 7, 1980.
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, 1980, through June 30, 1981:

| FOR PERSONNEL OPERATING CAPITAL BENEFIT TRUSTEE AND TOTAL |
|----------|-----------|--------|--------|-------|-------|
| FROM:    | COSTS     | EXPENDITURES | OUTLAY | PAYMENTS | TOTAL |
| General Account | $3,020,100 | $ 601,100 | $10,500 |         | $3,631,700 |
| Miscellaneous Receipts Account | 48,300 | 206,600 |          |         | 254,900 |
| Cooperative Welfare Account | 3,594,000 | 2,184,900 |         | $43,500 | 5,822,400 |
| TOTAL     | $6,662,400 | $2,992,600 | $10,500 | $43,500 | $9,709,000 |

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved April 7, 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 Economic and Community Affairs, as set forth in Section 2 hereof, not exceed the following amounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$609,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$572,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$2,000</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>$350,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,533,800</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Office of the Governor for the Division of Economic and Community Affairs, the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism and Industrial Development</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$164,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$164,900</td>
</tr>
<tr>
<td>Economic Resources and Community Affairs</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$385,500</td>
</tr>
<tr>
<td>State Planning Account</td>
<td>$105,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$491,300</td>
</tr>
</tbody>
</table>

GRAND TOTAL: $609,100
$572,700
$2,000
$350,000
$1,533,800

Approved April 8, 1980.
CHAPTER 387  
(H.B. No. 751)  
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 Financial Management the following amounts, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL FOR COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$590,600</td>
<td>$164,500</td>
<td>$755,100</td>
</tr>
<tr>
<td>Interaccount Account</td>
<td>20,600</td>
<td>14,800</td>
<td>35,400</td>
</tr>
<tr>
<td>State Planning Account</td>
<td>31,500</td>
<td>47,300</td>
<td>78,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$642,700</td>
<td>$226,600</td>
<td>$869,300</td>
</tr>
</tbody>
</table>

Approved April 8, 1980.

CHAPTER 388  
(S.B. No. 1461)  
AN ACT  
RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2701, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF DRUG PARAPHERNALIA; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 37-2734A AND 37-2734B, IDAHO CODE, TO PROVIDE FOR PROHIBITED ACTS AND PENALTIES; AMENDING SECTION 37-2744, IDAHO CODE, TO PROVIDE FOR THE FORFEITURE OF DRUG PARAPHERNALIA; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 37-2701, Idaho Code, be, and the same is hereby amended to read as follows:

37-2701. DEFINITIONS. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
(1) A practitioner (or, in his presence, by his authorized agent), or
(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotic and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of article II of this act.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trade-mark trademark, trade-name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any
packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

1. By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or
2. By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for delivery.

(n) "Marijuana" means all parts of the plant of the genus Cannabis, regardless of species, and whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. It does not include the mature stalks of the plant unless the same are intermixed with prohibited parts thereof, fiber produced from the stalks, oil or cake made from the seeds or the achene of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom or where the same are intermixed with prohibited parts of such plant), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. Evidence that any plant material or the resin or any derivative thereof, regardless of form, contains any of the chemical substances classified as tetrahydrocannabinols shall create a presumption that such material is "marijuana" as defined and prohibited herein.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
2. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.
3. Opium poppy and poppy straw.
4. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 37-2702, Idaho Code, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its sales (dextromethorphan). It does include its racemic and levorotatory
forms.

(q) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(r) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state;

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of their professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy created in chapter 17, title 54, Idaho Code, or its successor agency.

(y) "Director" means the director of the department of law enforcement of the state of Idaho.

(z) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full time or part time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(aa) "Peace officer" means any duly appointed officer or agent of a law enforcement agency, as defined herein, including but not limited to a duly appointed investigator or agent of the department of law enforcement, an officer or employee of the board of pharmacy, who is authorized by the board to enforce this act, an officer of the Idaho state police or department of law enforcement, a sheriff or deputy sheriff of a county, or a marshal or policeman of any city.

(bb) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, con-
cealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
   a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
   b. Water pipes;
   c. Carburetion tubes and devices;
   d. Smoking and carburetion masks;
   e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
   f. Miniature cocaine spoons, and cocaine vials;
   g. Chamber pipes;
   h. Carburetor pipes;
   i. Electric pipes;
(j) Air-driven pipes;
(k) Chillums;
(l) Bongs;
(m) Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this act;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;

SECTION 2. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2734A, Idaho Code, and to read as follows:

37-2734A. PROHIBITED ACTS D — PENALTIES. (1) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(2) It is unlawful for any person to place in any newspaper,
magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(3) Any person who is in violation of the provisions of subsections (1) and/or (2) of this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars ($1,000), or both.

(4) Any person eighteen (18) years of age or over who is in violation of the provisions of section 37-2734B, Idaho Code, by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than twenty-five thousand dollars ($25,000), or both.

SECTION 3. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2734B, Idaho Code, and to read as follows:

37-2734B. PROHIBITED ACTS E -- PENALTIES. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who is in violation of this section is guilty of a felony and upon conviction may be imprisoned for not more than nine (9) years, fined not more than thirty thousand dollars ($30,000), or both.

SECTION 4. That Section 37-2744, Idaho Code, be, and the same is hereby amended to read as follows:

37-2744. FORFEITURES. (a) The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, possessed or held in violation of this act or with respect to which there has been any act by any person in violation of this act;
(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substances or counterfeit substances in violation of this act;
(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2) hereof;
(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, delivery, receipt, possession or concealment, for the purpose of distribution or receipt of...
property described in paragraph (1) or (2) hereof, but:

(A) No conveyance used by any person as a common carrier in
the transaction of business as a common carrier is subject to
forfeiture under this section unless it appears that the
owner or other person in charge of the conveyance is a con-
senting party or privy to a violation of this act;
(B) No conveyance is subject to forfeiture under this
section if the owner establishes that he could not have known
in the exercise of reasonable diligence that the conveyance
was being used to unlawfully transport any property described
in paragraph (1) or (2) hereof;
(C) A conveyance is not subject to forfeiture for a viola-
tion of section 37-2732(c), Idaho Code; and
(D) A forfeiture of a conveyance encumbered by a bona fide
security interest is subject to the interest of the secured
party if he neither had knowledge of or reason to know nor
consented to the act or omission.

(5) All books, records, and research products and materials,
including formulas, microfilm, tapes, and data which are used, or
intended for use, in violation of this act;

(6) All money or currency which shall be found in close proximity
to contraband controlled substances or other property described in
paragraphs (2) and (3) hereof or which otherwise has been used or
intended for use in connection with the illegal manufacture,
distribution, dispensing or possession of controlled substances,
counterfeit substances or other property described in paragraphs
(2) or (3) hereof.

(7) All drug paraphernalia as defined by section 37-2701
Idaho
Code.

(b) Property subject to forfeiture under this act may be seized
by the director, or any peace officer of this state, upon process
issued by any district court, or magistrate's division thereof, having
jurisdiction over the property. Seizure without process may be made
if:

(1) The seizure is incident to an arrest or a search under a
search warrant or an inspection under an administrative inspection
warrant;
(2) The property subject to seizure has been the subject of a
prior judgment in favor of the state in a criminal injunction or
civil forfeiture proceeding based upon this act;
(3) Probable cause exists to believe that the property is
directly or indirectly dangerous to health or safety; or
(4) Probable cause exists to believe that the property was used
or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to subsection (b) of this
section, proceedings under subsection (d) of this section shall be
instituted promptly.

(1) When property is seized under this act, the director or the
peace officer who seized the property may:
(A) Place the property under seal;
(B) Remove the property to a place designated by it; or
(C) Take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(2) The peace officer who seized the property shall within five (5) days notify the director of such seizure.

(3) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted within thirty (30) days by the director.

(d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the director subject only to the orders and decrees of the district court, or magistrate's division thereof, having jurisdiction over the forfeiture proceedings. Forfeiture proceedings shall be civil actions against the property subject to forfeiture and the standard of proof shall be preponderance of the evidence.

(1) All property described in paragraph (1) of subsection (a) hereof shall be deemed contraband and shall be summarily forfeited to the state. Controlled substances which are seized or come into possession of the state, the owners of which are unknown, shall be deemed contraband and shall be summarily forfeited to the state.

(2) When property described in paragraphs (2), (3), (5) and (6) of subsection (a) hereof is seized pursuant to this section, forfeiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such property is seized. The procedure governing such proceedings shall be the same as that prescribed for civil proceedings by the Idaho Rules of Civil Procedure. The court shall order the property forfeited to the director if he determines that such property was used, or intended for use, in violation of this act.

(3) When conveyances, including aircraft, vehicles, or vessels are seized pursuant to this section a complaint instituting forfeiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such conveyance is seized.

(A) Notice of forfeiture proceedings shall be given each owner or party in interest whose right, title, or interest is of record in the department of law enforcement or the department of aeronautics or a similar department of another state if the records are maintained in that state, by serving a copy of the complaint and summons according to one (1) of the following methods:

(I) Upon each owner or party in interest by mailing a copy of the complaint and summons by certified mail to the address as given upon the records of the appropriate department.

(II) Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address.

(III) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the conveyance, by one (1) publication in a newspaper of general circulation in the county where the seizure was
made.

(B) Within twenty (20) days after the mailing or publication of the notice, the owner of the conveyance and any other party in interest or claimant may file a verified answer and claim to the conveyance described in the complaint instituting forfeiture proceedings.

(C) If at the end of twenty (20) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use, or intent to use, and shall order the conveyance forfeited to the director, if such fact is proved.

(D) If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than thirty (30) days therefrom; and the proceeding shall have priority over other civil cases.

(I) At the hearing any owner who has a verified answer on file may show by competent evidence that the conveyance was not used or intended to be used to unlawfully transport any property described in paragraphs (1) and (2) of subsection (a) of this section.

(II) At the hearing any owner who has a verified answer on file may show by competent evidence that the conveyance is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the conveyance was being used or was intended to be used to unlawfully transport any property described in paragraphs (1) and (2) of subsection (a) of this section.

(III) If the court finds that the conveyance was not used or was not intended to be used in violation of this act, or is not subject to forfeiture under this act, the court shall order the conveyance released to the owner as his right, title, or interest appears on records in the appropriate department as of the seizure; the court shall order the conveyance forfeited to the director if it determines that such conveyance was used, or intended for use, in violation of this act.

(IV) The claimant of any right, title, or interest in the conveyance may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created without any knowledge or reason to believe that the conveyance was being or was intended to be used, for the purpose charged;

(i) In the event of such proof, the court shall order the conveyance released to the bona fide or innocent owner, lien holder, mortgagee, or conditional sales vendor, upon payment of all costs incurred by the state or law enforcement agency as a result of such seizure, if the amount due him is equal to, or in excess of, the value of the conveyance as of the date of the seizure, it being the intention of this section to forfeit only the
right, title, or interest of the purchaser;
(ii) If the amount due to such person is less than the value of the conveyance, the conveyance may be sold at public auction by the director. The director shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the conveyance. The proceeds from such sale shall be distributed as follows in the order indicated;
1. To the bona fide or innocent purchaser, conditional sales vendor, lien holder or mortgagee of the conveyance, if any, up to the amount of his interest in the conveyance when the court declaring the forfeiture orders a distribution to such person.
2. The balance, if any, in the following order:
   A. To the director for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage, or transportation of the conveyance, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including but not limited to expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.
   B. To the law enforcement agency of this state which seized the conveyance for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any conveyance seized under this act.
   C. The remainder, if any, to the director for credit to the fund used to purchase evidence or the fund used to purchase vehicles for agents to enforce this act.
(iii) In any case the director may, within thirty (30) days after judgment pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee or conditional sales vendor and thereby purchase the conveyance for use to enforce this act.
(iv) If the court determines that a claimant of any right, title, or interest in such conveyance does not have a valid claim thereto under subsection (a)(4)(D) hereof, the court shall order the
(e) When property is forfeited under this act the director may:
(1) Retain it for official use;
(2) Sell that which is not required to be destroyed by law and which is not harmful to the public.
The director shall publish a notice of the sale by at least one publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:
(A) To the director for all expenditures made or incurred by him in connection with the sale, including expenditure for any necessary repairs, storage or transportation, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including but not limited to expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.
(B) To the law enforcement agency of this state which seized the property for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any property seized under this act.
(C) The remainder, if any, to the director for credit to the fund used to purchase evidence or the fund used to purchase vehicles for agents to enforce this act.
(3) Take custody of the property and remove it for disposition in accordance with law; or
(4) Forward it to the bureau for disposition.
(f) (1) The director or any peace officer of this state seizing any of the property described in paragraphs (1) and (2) of subsection (a) of this section shall cause a written inventory to be made and maintain custody of the same until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the court, law enforcement agency, or person having custody of the same to the director to be destroyed pursuant to paragraph (2) hereof. The property shall be accompanied with a written inventory on forms furnished by the director.
(2) All property described in paragraphs (1) and (2) of subsection (a) which is seized or surrendered under provisions of this act shall be destroyed after all legal actions have been exhausted. The destruction shall be done under the supervision of the supervisory drug analyst of the department of health and welfare, a representative of the office of the director and a representative of the state board of pharmacy. An official record listing the property destroyed and the location of destruction shall be kept on file at the office of the director.
(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in
violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

(h) The failure, upon demand by the director, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) The director shall have the authority to enter upon any land or into any dwelling pursuant to a search warrant, to cut, harvest, carry off or destroy such plants described in subsection (g) hereof.

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.

April 9, 1980.

CHAPTER 389
(S.B. No. 1462)

AN ACT RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-612, IDAHO CODE, TO PROVIDE THAT POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT SCHOOL FUNCTIONS ON SCHOOL PROPERTY IS A MISDEMEANOR.

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

SECTION 1. That Chapter 6, 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 23-612, Idaho Code, and to read as follows:

23-612. ALCOHOLIC BEVERAGES ON PUBLIC SCHOOL GROUNDS. Every person who possesses or consumes any alcoholic beverage while present at any public school function on the property of a school district is guilty of a misdemeanor.

Approved April 9, 1980.
CHAPTER 390
(H.B. No. 795, As Amended in the Senate)

AN ACT
RELATING TO LIMITATIONS ON BUDGET REQUESTS AND TAX CHARGES OF TAXING
DISTRICTS; AMENDING SECTION 63-923, IDAHO CODE, TO PROVIDE THAT
THE ONE PERCENT LIMITATION ON AD VALOREM TAXES SHALL BE SUBJECT TO
THE PROVISIONS OF SECTION 63-2220, IDAHO CODE, DURING FISCAL YEAR
1980-81, TO PROVIDE THAT MARKET VALUE FOR THE PURPOSES OF THIS
SECTION SHALL INCLUDE THE VALUE OF RESIDENTIAL IMPROVEMENTS, EVEN
THOUGH PARTIALLY EXEMPTED FROM TAXATION; AMENDING SECTION 63-2220,
IDAHO CODE, TO PROVIDE THAT TAXING DISTRICTS MAY INCREASE BUDGET
REQUESTS OVER THE 1979 AMOUNT OF AD VALOREM TAXES CERTIFIED, TO
PROVIDE FOR LIMITATIONS ON BUDGET REQUESTS, TO PROVIDE DUTIES FOR
THE BOARD OF COUNTY COMMISSIONERS, AND TO PROVIDE DUTIES FOR THE
STATE TAX COMMISSION; AMENDING SECTION 33-802, IDAHO CODE, TO
STRIKE REFERENCE TO 1978 VALUATIONS, TO PROVIDE THAT A SCHOOL
DISTRICT'S LEVYING AUTHORITY SHALL BE BASED ON THE PREVIOUS YEAR'S
VALUATIONS, TO PROVIDE FOR AN ELECTION TO EXEMPT A NON-CHARTER
SCHOOL DISTRICT'S LEVY FROM THE LIMITATION, TO STRIKE REFERENCES
TO THE TAXING LIMITATIONS IMPOSED UPON CHARTER SCHOOL DISTRICTS
FOR SCHOOL YEAR 1979-80, AND TO PROVIDE FOR ELECTIONS TO EXCEED
THE LIMITATIONS OF SECTION 63-923 (1), IDAHO CODE, AND BUDGET
REQUEST LIMITATIONS REQUIRED BY SECTION 63-2220, IDAHO CODE;
DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-923, Idaho Code, be, and the same is
hereby amended to read as follows:

63-923. LIMITATION ON AD VALOREM TAXES -- VALUE OF REAL AND PER-
SONAL PROPERTY -- SPECIAL TAX LEVIES. (1) (a) During Except as pro-
vided in section 63-2220, Idaho Code, during any one tax year, the
maximum amount of all ad valorem taxes from all sources on any prop-
erty 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, including the current market
values of all residential improvements, notwithstanding any exemption
of a portion of such values from ad valorem taxation. 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 as provided
in section 63-2220, Idaho Code.

(b) The limitation provided for in paragraph (a) of this subsec-
tion shall not apply to ad valorem taxes or special assessments to pay
the principal of and the interest and redemption charges on any
indebtedness incurred prior to the time this section becomes effec-
tive, nor shall the limitation provided for in paragraph (a) apply to
ad valorem taxes to pay the principal of and the interest and redemp-
tion charges on any indebtedness 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 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 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, 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) Except as provided in subsections (3) and (4), for its fiscal year commencing in 1980 and ending in 1981 each year thereafter, 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; 1979, which amount may be increased by a growth factor of not to exceed four percent (4%), except that for school districts, the budget request shall also include the dollar amount made available to that school district under the provisions of chapter 308, laws of 1979, including the amount of cash carry-over used in the computations in chapter 308, which combined sum may be
increased by a growth factor of not to exceed four percent (4%); 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.

(3) When the combined budget requests not exempted from the one percent (1%) limitation from all taxing districts levying taxes upon the same property would exceed one percent (1%) of market value for assessment purposes, each taxing district in such situation shall limit its budget request to the amount certified for that same purpose in 1979, and the board of county commissioners may levy for such amount.

(4) When the combined budget requests not exempted from the one percent (1%) limitation from all taxing districts levying taxes upon the same property would be less than one percent (1%), each taxing district in such situation shall limit its budget request to the amount allowed by subsection (2)(i), and the board of county commissioners may levy for such amount.

(5) The state tax commission shall, at the earliest possible date each year, provide each taxing district with summaries of market values for the purposes of this section; and the state tax commission is authorized to prescribe rules and regulations to assist the boards of county commissioners in complying with the requirements of this section.

(b) No board of county commissioners shall set a levy in 1989 or shall the state tax commission approve a levy for operating budget purposes in 1989 which exceeds the limitation imposed by paragraph (a) of subsection (2), 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 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 (20) mills applied to the 1978 adjusted assessed valuation of the district—such—valuation existed on December 31, 1978 for the previous year, or
   (b) twenty (20) mills applied to the 1978 actual assessed valuation of the district—such—valuation existed on December 31, 1978; for the previous year 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 the levy permitted by paragraph 2 shall be made for the purposes of paragraph 2 of this section by a non-charter school district 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, operation and transportation purposes by at least seven (7) mills from the levy made for the 1978-79 school year. No increase shall be made in excess of the 1978-79 levy minus seven (7) mills for maintenance, operation and transportation purposes for school year 1979-80 of charter school districts limit the fiscal year 1980-81 ad valorem portion of the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, unless a levy increase in a specified amount be levies pursuant to the respective charter of any such charter district are 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 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, 1980.

Approved April 10, 1980.

CHAPTER 391
(H.B. No. 639, As Amended in the Senate)

AN ACT
RELATING TO THE DISTRIBUTION OF REVENUES FROM THE TAX IMPOSED ON BEER AND WINE; AMENDING SECTION 23-1008, IDAHO CODE, TO PROVIDE THAT A PORTION OF THE TAX LEVY ON BEER SHALL BE CREDITED TO THE ALCOHOLISM TREATMENT ACCOUNT AND TO CORRECT ARCHAIC LANGUAGE; AND AMENDING SECTION 23-1319, IDAHO CODE, TO PROVIDE THAT A PORTION OF THE TAX LEVY ON WINE SHALL BE CREDITED TO THE ALCOHOLISM TREATMENT ACCOUNT.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 23-1008, Idaho Code, be, and the same is hereby amended to read as follows:

23-1008. TAX -- STAMPS -- REFUNDS -- RULES -- REPORTS. (1) A tax of three dollars and ten cents ($3.10) per barrel of 31 gallons, of which tax ninety-three cents (93¢) per barrel shall be deposited directly to the credit of the alcoholism treatment account created by section 23-217(e), Idaho Code, to which shall be added an additional tax of one dollar and fifty-five cents ($1.55) per barrel of 31 gallons, and a like rate for any other quantity or fraction thereof, is hereby levied and imposed upon each and every barrel of beer sold for use within the state of Idaho. The proceeds of the additional tax hereby imposed shall be deposited directly to the credit of the permanent building fund account.

(2) The payment of the tax hereby imposed shall be evidenced by the affixing of tax stamps to each barrel or keg of beer and to each case or carton containing bottles or cans of beer. Such stamps shall be canceled by the person affixing the same. Provided, however, that nothing in this act shall be construed to require, or to permit the commissioner--[state tax commission] to require, the affixing of tax stamps to bottles or cans of beer.

Brewers or other persons shipping or transporting beer into this state from without the state and brewers within this state may purchase stamps from the commissioner--[commission] and shall affix, in the manner prescribed, the proper tax stamps to each barrel or keg of beer and to each case or carton, containing bottles or cans, of beer to be consumed or sold in this state or to be shipped or transported in this state for consumption or sale herein.

Before beer may be transported or imported into this state for sale, delivery, use or storage herein, and before any brewer within this state shall sell or deliver any beer to any purchaser or consumer within this state, each barrel or keg of beer and each case or carton, containing bottles or cans of beer must bear the proper tax stamp tax, affixed and canceled in the manner required.

Upon receipt by the commissioner--[commission] of an application for tax stamps, accompanied by proper remittance in payment of the tax represented by such stamp, the commissioner--[commission] shall sell and deliver such tax stamps so ordered to brewers within this state and to brewers and other persons outside this state.

Any brewer who shall sell beer to a wholesaler or retailer licensed in this state, and any wholesaler who shall purchase, receive, possess or sell beer, upon which the tax herein imposed has not been paid or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed, shall be guilty of a misdemeanor, and any beer so purchased, received, transported, stored or possessed or sold shall be subject to seizure by the commissioner--[commission], any inspector or investigator of the commissioner--[commission], or by any sheriff, constable or other police officer,
and same may be removed and kept for evidence. Upon conviction of any person for violation of this section, the said beer, and all barrels, kegs, cases, cartons and cans containing the same shall be forfeited to the state of Idaho, and, in addition, the person so convicted shall be subject to the other penalties in this act prescribed.

Beer and all barrels, kegs, cases, cartons or cans so forfeited to the state of Idaho shall be sold by the commissioner at public auction to any brewer, wholesaler or retailer, licensed under the provision of this act, making the highest bid. Such sale shall be held at such place and time as may be designated by the commissioner after reasonable notice thereof given in such manner and for such time as the commissioner may by regulation prescribe. From the purchase price received upon such sale, the commissioner shall first deduct an amount sufficient to pay the tax due on such beer, and shall affix the proper amount of stamps to the barrels, cases or cartons as herein required, and to pay all costs incurred in connection with such sale. The commissioner shall deposit the balance remaining with the state treasurer, who shall place the same in the general fund account of the state of Idaho, and it shall become a part thereof.

Brewers, and/or others shall be entitled to monthly refunds on all breakages in transit and on all beer exported from the state of Idaho. The commissioner is hereby empowered, and it shall be his duty, to make reasonable regulations governing the form and denominations of said revenue stamps, the manner of affixation, the procedure for making refunds, and the manner and places of sale of said stamps. Such rules and regulations shall be promulgated by filing the same with the secretary of state.

(3) The commissioner is hereby empowered, and it shall be his duty to prescribe rules and regulations,

(a) For reports by carriers for hire and also all other carriers owned and/or employed, directly or indirectly, by out of state brewers, dealers or other persons, of all deliveries of beer in and into the state of Idaho, stating especially the origin and destination of the beer, the quantity thereof, and also the names and addresses, respectively of the consignors and consignees.

(b) For reports by out of state brewers and manufacturers of beer, of all shipments by them of beer into the state of Idaho, stating especially the matters mentioned in subsection (a) hereof.

SECTION 2. That Section 23-1319, Idaho Code, be, and the same is hereby amended to read as follows:

23-1319. EXCISE TAX -- SALES INCLUDED -- REFUND FOR EXPORT SALES -- REFUND FOR BREAKAGE OR SPOILAGE. There is hereby imposed an excise tax of forty-five cents (45¢) per gallon, of which tax five cents (5¢) per gallon shall be deposited directly to the credit of the alcoholism treatment account created by section 23-217(e), Idaho Code, upon all wine imported into this state for purposes of resale, and upon all wines sold, transported, stored, delivered, received, or produced for
use within the state of Idaho pursuant to this act.

(a) Every sale of wine by an importer to a distributor resulting in a shipment or transportation of such wine into this state, shall constitute a sale of wine for resale or consumption in this state, whether said sale is made within or without this state, and such importer shall be liable for the payment of taxes thereon.

(b) Every sale of wine manufactured in this state to a distributor or retailer or to a consumer in this state shall constitute a sale of wine for resale or consumption in this state and such manufacturer shall be liable for the payment of taxes thereon.

(c) Resale of wine by a distributor for the purpose of and resulting in export of such wine from this state for resale outside this state shall entitle such distributor to a refund of taxes therefofore paid on such wine.

(d) When wine shall be destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes after payment of taxes thereon, and prior to delivery to a retailer by a distributor, such distributor, upon satisfactory proof of destruction or spoilage, shall be entitled to a refund of taxes paid thereon.

Approved April 10, 1980.

CHAPTER 392
(H.B. No. 788)

AN ACT
RELATING TO THE LEGISLATIVE ACCOUNT; AMENDING SECTION 67-451, IDAHO CODE, TO PROVIDE FOR INCREASED TRANSFERS INTO THE LEGISLATIVE ACCOUNT; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

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

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

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

- January 1 $300,000
- February 1 $300,000
- March 1 $500,000
(3) During each fiscal year, the sum of fifty thousand dollars ($50,000) of interagency billing credits may be accumulated in the legislative account. At the end of each fiscal year, any unexpended and unencumbered balance in this interagency billing credit subaccount shall be transferred to and become a part of the legislative account.

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

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

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 February 1, 1980.

Approved April 10, 1980.
AN ACT
RELATING TO MAGISTRATES' DIVISIONS OF THE DISTRICT COURTS; AMENDING SECTION 1-2205, IDAHO CODE, TO PROVIDE THAT THE DISTRICT MAGISTRATES COMMISSION SHALL DETERMINE THE NUMBER AND LOCATION OF MAGISTRATES TO BE APPOINTED WITHIN THE JUDICIAL DISTRICT SUBJECT TO APPROPRIATIONS BY THE LEGISLATURE AND THAT THE COMMISSION SHALL RECOMMEND TO THE LEGISLATURE THE SALARIES TO BE PAID TO THE MAGISTRATES WITHIN THE DISTRICT; AND AMENDING SECTION 1-2215, IDAHO CODE, TO PROVIDE THAT THE APPROPRIATION FOR THE MAGISTRATES' DIVISIONS SHALL BE ALLOCATED BY THE SUPREME COURT AMONG THE JUDICIAL DISTRICTS.

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

SECTION 1. That Section 1-2205, Idaho Code, be, and the same is hereby amended to read as follows:

1-2205. DISTRICT MAGISTRATES COMMISSION -- POWERS AND DUTIES. The district magistrates commission shall have the following powers and duties:
(a) To determine the number and location of magistrates to be appointed within the judicial district, provided that there shall be at least one (i) resident magistrate appointed in each county subject to appropriations by the legislature, pursuant to section 1-2215, Idaho Code;
(b) To appoint the magistrates within the district on a nonpartisan merit basis, except as provided in section 1-2220, Idaho Code;
(c) To determine recommend to the legislature the salaries to be paid to the magistrates within the district; out-of-the-appropriation allocated for that purpose for the district. Salaries of -- magistrates within a county or within a judicial district need not be uniform;
(d) To conduct studies for the improvement of the administration of justice within the district and to make recommendations for improvements therein to the legislature, the Supreme Court, the district court and such other governmental agencies as may be interested in or affected by such recommendations.

The actions of the commission pursuant to subsections (a), (b) and (c) hereof shall be subject to disapproval by a majority of the district judges in the district within thirty (30) days after written notice to the district judges of the commission's actions, unless such time be extended for good cause by order of the Supreme Court.

SECTION 2. That Section 1-2215, Idaho Code, be, and the same is hereby amended to read as follows:

1-2215. ALLOCATION OF APPROPRIATION. The appropriation for the magistrates' divisions of the district courts shall be by separate appropriation to the Supreme Court for such magistrates' divisions.
and shall be allocated in the following manner: Ninety percent (90%) shall be allocated among the judicial districts in direct proportion to the population in the respective districts as shown by the preceding official federal census and ten percent (10%) shall be allocated by the Supreme Court among the judicial districts and for the payment of expenses of magistrates' institutes, from time to time, as may be deemed necessary. Such appropriation shall be used for the payment of salaries and travel and subsistence expenses for magistrates, for the payment of travel and subsistence expenses of district magistrates commissions and for the payment of necessary expenses as may be incurred in holding institutes including travel and subsistence expenses of magistrates and of institute instructors.

Approved April 10, 1980.

CHAPTER 394
(H.B. No. 789)

AN ACT

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office of Energy the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1980, through June 30, 1981:

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<th>PROGRAM</th>
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<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
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<td>Administration Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. FUEL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 83,700</td>
<td>$ 32,900</td>
<td></td>
<td>$116,600</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$438,600</td>
<td>$782,500</td>
<td>$8,400</td>
<td>$1,229,500</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the Office of the Governor for the Office of Energy for the Energy Conservation Program the following amount, to be expended for energy conservation measures and retrofits according to the designated expense classes for the period October 1, 1980, through June 30, 1981:

<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>$19,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$65,800</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that the General Account appropriation made for personnel costs in Section 1 of this act for the Fuel Services Program shall be used to fund three positions.

SECTION 4. It is legislative intent that in the event federal funds are received by the Office of Energy which may be used to defray administrative costs in the Fuel Services Program, the General Account moneys appropriated for the Fuel Services Program in Section 1 of this act, or any remaining unexpended portion thereof, shall not be expended and shall revert to the General Account.

SECTION 5. This act shall be in full force and effect on and after July 1, 1980, except for Section 2 hereof. Section 2 of this act shall be in full force and effect on and after October 1, 1980.

Approved April 10, 1980.

CHAPTER 395
(H.B. No. 672)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS, FOR THE PERIOD JULY 1, 1980 THROUGH JUNE 30, 1981:

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

SECTION 1. There is hereby appropriated to the Department of Agriculture the following amounts to be expended for the designated program according to expense classes designated therein from the listed accounts for the period July 1, 1980, through June 30, 1981.
C. 396 '80

PROGRAM

MEAT INSPECTION:

FROM:

General Account
Meat Inspection Account

TOTAL

$467,000 $87,700 $554,700

Approved April 10, 1980.

CHAPTER 396
(S.B. No. 1247, As Amended)

AN ACT
AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION TO BE KNOWN AND DESIGNATED AS SECTION 63-3025, IDAHO CODE,
PROVIDING FOR CERTAIN PROPERTY USED FOR THE PURPOSE OF MANUFAC-
TURING ETHANOL ALCOHOL FOR USE AS GASOHOL TO BE ALLOWED AS A
CREDIT AGAINST INCOME TAXES AND PROVIDING A SCHEDULE FOR SUCH
CREDITS; AND AMENDING SECTION 63-2402, IDAHO CODE, PROVIDING FOR
THE ADDITION OF A DEFINITION OF GASOHOL.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 63-3025, Idaho Code, and to read as
follows:

63-3025. CREDIT FOR VALUE OF PROPERTY FOR THE PURPOSE OF MANUFAC-
TURING ETHANOL ALCOHOL FOR USE IN GASOHOL. (1) Any personal property
or improvements used or constructed for the purpose of manufacturing
ethanol alcohol for use as a blend for motor fuels commonly referred
to as "gasohol," as defined in section 63-2402, Idaho Code, shall be
allowed as a credit against individual or corporate income taxes
according to the following schedule:

(a) During the first year of use, eight-tenths of one per cent
(0.8%) of the value of such property shall be allowed as credit,
but not exceeding eight-tenths of one per cent (0.8%) of the gross
value of ethanol produced in that year;
(b) During the second year of use, six-tenths of one per cent
(0.6%) of the value of such property shall be allowed as credit,
but not exceeding six-tenths of one per cent (0.6%) of the gross
value of ethanol produced in that year;
(c) During the third year of use, four-tenths of one per cent
(0.4%) of the value of such property shall be allowed as credit,
but not exceeding four-tenths of one per cent (0.4%) of the gross
value of ethanol produced in that year;
(d) During the fourth year of use, two-tenths of one per cent
(0.2%) of the value of such property shall be allowed as credit,
but not exceeding two-tenths of one per cent (0.2%) of the gross value of ethanol produced in that year;
(e) During the fifth and succeeding years of use, none of the value of such property shall be allowed as a credit.
(2) The credit granted under this section shall not be extended to the land upon which the property or improvements are located.
(3) In no case shall credit allowed under this section exceed the income tax liability of the claimant.

SECTION 2. That Section 63-2402, Idaho Code, be, and the same is hereby amended to read as follows:

63-2402. DEFINITIONS. As used in this act, the following definitions shall apply:
(a) "Motor vehicle" means every self-propelled vehicle designed for operation or required to be licensed for operation upon a public highway.
(b) "Motor fuel" means any substance, the chief use of which is as fuel for the propulsion of motor vehicles or motor boats. Motor fuel also means aircraft engine fuel when such aircraft engine fuel is used for propulsion of motor vehicles or motor boats, including motor fuel containing a mixture of at least ten percent (10%) blend anhydrous ethanol commonly known as gasohol. Motor fuel does not include fuels as defined in subsection (e) of section 49-1230, Idaho Code.
(c) "Gasohol" means a motor fuel containing a mixture of at least ten percent (10%) blend anhydrous ethanol manufactured in the state of Idaho from agricultural or forest products grown in the state of Idaho or wastes of such products.
(d) "Aircraft engine fuel" means any substance, the chief use of which is as fuel for the propulsion of aircraft.
(de) "Person" means any individual, firm, copartnership, association, corporation (both private and municipal) or other group or combination acting as a unit, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.
(ef) "Licensed distributor" shall mean any person who receives motor fuel and/or aircraft engine fuel in this state, provided he has qualified with the state tax commission of the state of Idaho.
(fg) "Public highway" means every way or place, including a toll road, generally open to the use of the public as a matter of right, for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for construction, reconstruction, repair or maintenance.
(gh) "Retail dealer" means any person engaged in the retail sale of motor fuel and/or aircraft engine fuel to the public or for use in this state.
(hi) "Commission" means the state tax commission of the state of Idaho.

Approved April 10, 1980.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, only thirty-six percent of the land in Idaho is owned by non-federal entities and this very high percentage of federal ownership of land is deleterious to the well-being of Idaho because it seriously restricts the state's tax base and severely limits the use of the land; and
WHEREAS, Article I, Section II, of the Constitution of the United States provides that the federal government shall acquire lands within the states only through purchase and with the consent of the state legislature; and
WHEREAS, the people of the Territory of Idaho were compelled, as a condition of statehood, to disclaim public lands in favor of the federal government; and
WHEREAS, the State of Idaho has a rightful claim to these public lands within its borders which are retained by the federal government because in Alabama a renunciation of claim to the unappropriated lands similar to that contained in the Constitution of the State of Idaho, was held by the United States Supreme Court to be "void and inoperative" because it denied Alabama an equal footing with the original states; and
WHEREAS, the people of the State of Idaho are denied equal privileges and immunities with those states which came into the Union without the federal government owning or withholding public lands; and
WHEREAS, the State of Nevada has, by an act of the Legislature, attempted to secure title ownership of all unreserved and unappropriated public lands managed by the federal government within Nevada;
and

WHEREAS, the State of Nevada may be involved in litigation relating to the question of title ownership of all unreserved and unappropriated public lands within Nevada and as a result of such litigation, legal questions concerning title ownership of unreserved and unappropriated public lands in all states might be solved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that the Attorney General of the State of Idaho is hereby directed to explore the feasibility of supporting the State of Nevada in its efforts to resolve the question of title ownership to all unreserved and unappropriated public lands by the potential affiliation of the State of Idaho with the State of Nevada as a "friend of the court" in any litigation resultant from the State of Nevada's efforts to secure title ownership of all unreserved and unappropriated public lands within that state.

BE IT FURTHER RESOLVED, that the Attorney General shall submit a report to the First Regular Session of the Forty-sixth Idaho Legislature detailing what legal action, if any, should be undertaken on behalf of the State of Idaho in order to secure greater title ownership of all unreserved and unappropriated public lands within this state.

Adopted by the Senate January 30, 1980.
Adopted by the House March 11, 1980.

(S.C.R. No. 130)

A CONCURRENT RESOLUTION
CONFIRMING THE APPOINTMENT OF MR. BRUCE BALDERSTON TO THE POSITION OF LEGISLATIVE AUDITOR FOR THE STATE OF IDAHO.

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

WHEREAS, Section 67-441, Idaho Code, provides that a Legislative Auditor for the State of Idaho shall be appointed by the Joint Senate Finance-House Appropriations Committee, subject to confirmation by the Senate and House of Representatives at the next session of the Legislature; and

WHEREAS, pursuant to Section 67-441, Idaho Code, the Joint Senate Finance-House Appropriations Committee has appointed Mr. Bruce Balderston to the position of Legislative Auditor, and the appointment is now before the Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we do confirm the appointment of Mr. Bruce Balderston to the position of Legislative Auditor for the State of Idaho, effective August 1, 1979.

Adopted by the Senate January 18, 1980.
Adopted by the House January 23, 1980.
A CONCURRENT RESOLUTION
MAKING APPLICATION AND REQUESTING THAT A CONSTITUTIONAL CONVENTION FOR THE SPECIFIC AND EXCLUSIVE PURPOSE OF DRAFTING A RIGHT TO LIFE AMENDMENT TO THE UNITED STATES CONSTITUTION BE CALLED, AND THIS RESOLUTION BE SENT TO PERSONS SPECIFIED.

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

WHEREAS, the Legislature finds it would be in the interest of the citizens of Idaho to have an amendment to the Constitution of the United States guaranteeing the right to life to all human beings from the moment of conception.

WHEREAS, under Article V of the Constitution of the United States, upon 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.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the members of the Senate and the House of Representatives concurring, that we hereby make application and request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution to consider the following:

(a) From the moment of conception a person shall be guaranteed all personal rights extended to all individuals under the constitution and laws of the United States of America and the state or states of residence and only under extreme circumstances shall it be otherwise; namely, to save the life of the mother, or other extenuating circumstances where at least two consulting physicians, one not having previously been involved in the case, and after due and thorough consultation with all persons having the legal right to be involved, find it is necessary and just that the life of the unborn shall be terminated.

(b) Provide that the several states shall have the power to enforce such an amendment, and establish priority of life by appropriate legislation.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho proposes that the Legislature of each of the several states comprising the United States apply to the Congress requiring the Congress to call a constitutional convention for proposing such an amendment to the United States Constitution.

BE IT FURTHER RESOLVED that the constitutional convention applied for herein shall be held for the sole purpose of considering a constitutional amendment as proposed herein. This application and request shall 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.

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 pur-
suant 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 the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Resolution to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the presiding officers of both Houses of the Legislature of each of our sister states in the Union, and the members of the delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 11, 1980.
Adopted by the House March 3, 1980.

(S.C.R. No. 134)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE CONCERNING PROVISION OF CARE FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN.

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

WHEREAS, the State of Idaho does not presently have a program for the care and treatment of its severely emotionally disturbed children; and

WHEREAS, state agencies are spending approximately $600,000 annually to send these children out of state for services necessary for their care and treatment; and

WHEREAS, the Legislature of the State of Idaho finds it to be in the best interest of the severely emotionally disturbed children of this state that their care and treatment be provided within the State of Idaho; and

WHEREAS, by providing care for the children of Idaho within the State of Idaho, not only would the financial support for these services be retained in Idaho, but, more importantly, the children would be served in closer proximity to their families.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that the Legislature supports the efforts of the Department of Health and Welfare in contracting with a facility or facilities within the State of Idaho to provide the services necessary for the care and treatment of severely emotionally disturbed children.

Adopted by the Senate March 4, 1980.
Adopted by the House March 13, 1980.
A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare, January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements," specifically Rule 1-2110.01(s) be amended by deleting the designation of the South Fork of the Coeur d'Alene River from source to Mullan as a Special Resource Water. Rule 1-2110.01(s) shall read as follows:

<table>
<thead>
<tr>
<th>Legend</th>
<th>DESIGNATED USES</th>
</tr>
</thead>
<tbody>
<tr>
<td># Protected for General Use</td>
<td>Domestic</td>
</tr>
<tr>
<td>* Protected for Future Use</td>
<td>Agricultural</td>
</tr>
<tr>
<td>X Use Protected Above</td>
<td>Cold Water</td>
</tr>
<tr>
<td>Mining Impact Area</td>
<td>Warm Water</td>
</tr>
<tr>
<td></td>
<td>Spawning</td>
</tr>
<tr>
<td></td>
<td>Contact</td>
</tr>
<tr>
<td></td>
<td>Secondary</td>
</tr>
<tr>
<td></td>
<td>Resource</td>
</tr>
<tr>
<td></td>
<td>Supply</td>
</tr>
<tr>
<td></td>
<td>Contact</td>
</tr>
<tr>
<td></td>
<td>Recreation</td>
</tr>
<tr>
<td></td>
<td>Water</td>
</tr>
<tr>
<td></td>
<td>River</td>
</tr>
<tr>
<td>PB-1305 S.F. COEUR D'ALENE - source to Mullan</td>
<td>#</td>
</tr>
</tbody>
</table>

Adopted by the Senate March 10, 1980.
Adopted by the House March 20, 1980.

(S.C.R. No. 137)

A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements," specifically that Rule 1-2110.01 shall be amended by the addition thereto of new parts (x.1) and (x.2) to read as follows:

<table>
<thead>
<tr>
<th>Map Code</th>
<th>Legend</th>
<th>Waters</th>
<th>Domestic Water Supply</th>
<th>Agrcultural Water Supply</th>
<th>Cold Water Biota</th>
<th>Warm Water Biota</th>
<th>Salmonid Spawning</th>
<th>Primary Contact Recreation</th>
<th>Secondary Contact Recreation</th>
<th>Special Resource Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>(x.1) PB-147S</td>
<td>X Protecttred for General Use</td>
<td>LAKE CREEK-source to mouth</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(x.2) PB-148S</td>
<td>X Protecttred for Future Use</td>
<td>SHEILDS GULCH source to mouth</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Adopted by the Senate March 10, 1980.
Adopted by the House March 20, 1980.

(S.C.R. No. 140)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS RELATIVE TO THE CRITICAL NEED OF NEW ENERGY SOURCES AND DEVELOPMENT IN THE STATE OF IDAHO AND URGING ALL CONCERNED CITIZENS, BUSINESS, INDUSTRY, UTILITIES AND AGRICULTURE TO FORMULATE AN ENERGY COALITION TO BRING TO REALITY THE CONSTRUCTION OF A COAL-FIRED ELECTRIC GENERATING FACILITY IN IDAHO.

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

WHEREAS, the citizens of every walk of life in the State of Idaho are acutely aware of the seriousness of present energy supply and needs; and

WHEREAS, adequate energy supplies are critical to the survival of a healthy economy in Idaho; and

WHEREAS, conservation is an essential part of a solution of today's energy problem, but should not be considered a substitute for realistic planning and development of new energy sources; and

WHEREAS, the quality of life in Idaho is clearly related to adequate energy sources; and
WHEREAS, achieving the goal of adequate energy in Idaho will require the involvement, awareness and dedication of all of Idaho; its industry, its agriculture, its business entities, its local government, and its people; and

WHEREAS, Idaho can take pride in its presently favorable economy and quality of life, dependent in large measure, upon the availability of energy and upon the capability of Idaho's energy suppliers to function effectively in concert with the people of Idaho and regulatory entities; and

WHEREAS, orderly and considered development of new energy sources will meet today's challenge for a simple and equitable solution, utilizing the maximum potential and recognizing the limitations of each new source of energy; and

WHEREAS, new energy source concepts must encompass not only the traditional hydropower, but coal-fired and nuclear electric generating facilities within the borders of Idaho; and

WHEREAS, the reality of nuclear generating facilities may well be too long range to meet the present day need for new energy sources; and

WHEREAS, each of the six states surrounding Idaho now contain coal-fired electric generating plants and there exists immediate need and economic pressure to investigate the feasibility of selecting sites for the construction of a coal-fired electric generating facility within the borders of Idaho; and

WHEREAS, Idaho cannot continue to depend upon our sister states to provide coal-fired generating sites and power subject to control and regulation by sister state regulatory entities; and

WHEREAS, available modern technology in the construction and utilization of a coal-fired electric generating facility can meet the challenge of sustaining the environmental quality of life in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that all concerned citizens, business, industry, utilities and agriculture are urged to formulate a cooperative coalition dedicated to bringing to a reality, the construction of a coal-fired electric generating facility in Idaho.

BE IT FURTHER RESOLVED, that the broad based coalition encompass concerned citizens and entities, from all walks of Idaho life, to compile needed data, openly solicit public opinion, investigate and select plant sites, to the end of bringing to fruition an Idaho coal-fired electric plant facility, compatible with our present economically and environmentally sound Idaho.

Adopted by the Senate March 6, 1980.
Adopted by the House March 17, 1980.

(S.C.R. No. 141)

A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO JOINT RULE 5 OF THE TEMPORARY JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend the temporary joint rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 5 of the temporary joint rules of the Senate and the House of Representatives be amended to read as follows:

JOINT RULE 5

Procedure After Enrollment. After being enrolled each bill shall be examined by the committee on enrolling of the house in which it originated, and after being reported, shall be signed first by the presiding officer of the house in which it originated, then by the presiding officer of the other house, and lastly be submitted to the governor for his consideration. All bills shall be so signed and delivered to the governor for his consideration within 72 hours after enrollment. The date and hour of submission of a bill to the governor shall be entered on the journal of the house in which it originated. There shall be endorsed on each bill, memorial, or resolution the certificate of the secretary or chief clerk, as the case may be, as to the house of its origin. The date and hour of passage in the respective houses shall also be shown.

Adopted by the Senate March 6, 1980.
Adopted by the House March 18, 1980.

(S.C.R. No. 142)

A CONCURRINT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A COMPREHENSIVE RECODIFICATION OF THE STATUTES GOVERNING MENTAL HEALTH COMMITMENT.

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

WHEREAS, the statutes governing mental health commitment procedures are ambiguous in clearly specifying the respective roles and responsibilities of state and local government in the commitment procedure;

WHEREAS, the existing mental health commitment provisions appear to infringe on the individual civil rights of the mentally ill as well as on the rights of the state to protect its citizens;

WHEREAS, the Second Regular Session of the Forty-fifth Idaho Legislature has had before it a draft of an act amending the existing Mental Health Commitment Code.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative
Council is directed to appoint a committee of not more than ten legislative members; five from the Senate Judiciary and Rules and Health, Education, and Welfare Committees and five from the House of Representatives Judiciary and Rules and Health and Welfare Committees. The committee shall designate advisors representing agencies of Idaho government, other officials, and persons with knowledge and interest in the problems of mental health commitment recodification. The committee shall undertake a review of statutes governing mental health commitment procedures and recommend such revision as deemed necessary by the committee to remove current ambiguities, eliminate infringement upon the rights of individuals, and provide a just and workable code governing commitment procedures.

BE IT FURTHER RESOLVED that members of the advisory committee shall be reimbursed actual and necessary expenses from legislative funds as provided for members of the Legislative Council.

BE IT FURTHER RESOLVED that the Committee shall report its findings and recommendations to the First Regular Session of the Forty-sixth Idaho Legislature.

Adopted by the Senate March 6, 1980.
Adopted by the House March 25, 1980.

(S.C.R. No. 144)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF MATTERS RELATING TO THE MANAGEMENT AND CONTROL OF THE UNAPPROPRIATED PUBLIC LANDS IN THE STATE OF IDAHO AND REPORT FINDINGS.

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

WHEREAS, the Legislature of the State of Idaho is seriously concerned with the lack of accurate information relating to the management and control of the unappropriated public lands in the State of Idaho; and

WHEREAS, accurate information is needed before the Idaho Legislature can properly address the issue of the management and control of the unappropriated public lands in the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is directed to establish a committee to undertake and complete a study of all matters relating to the management and control of the unappropriated public lands in the State of Idaho. The Legislative Council is hereby authorized to create a fifteen member Public Lands Committee to be composed of four members of the Legislature appointed by the Legislative Council, one of whom shall be designated as chairman, one member of the public at large appointed by the Legislative Council, and one member each from groups representing the following interests, selected by the respective group, but appointed by the Legislative Council:
motorized recreation;
public education;
the Idaho Farm Bureau;
environmental interests;
county government;
mining;
cattlemen;
Carey Act settlers;
wildlife; and
woolgrowers.
BE IT FURTHER RESOLVED that the non-legislative members of the Committee shall be paid their actual and necessary expenses.
BE IT FURTHER RESOLVED that the Legislative Council shall make a report of its findings and recommendations to the First Regular Session of the Forty-sixth Idaho Legislature.

Adopted by the Senate March 18, 1980.
Adopted by the House March 25, 1980.

(S.C.R. No. 145)

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A THOROUGH REVIEW AND ANALYSIS OF THE STATE'S DATA PROCESSING REQUIREMENTS, AND THE ORGANIZATIONAL STRUCTURE NECESSARY TO DELIVER DATA PROCESSING SERVICES.

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

WHEREAS, the use of data processing technology is an accepted method for processing large amounts of data in reasonable amounts of time; and
WHEREAS, the State of Idaho has made large investments in data processing hardware, software items, and manpower development; and
WHEREAS, it is desirable that a review be made from time to time of the data processing requirements of the State, and of the organizational structure necessary to deliver data processing services to the various agencies.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized and directed to undertake and complete a thorough review and analysis of the State's data processing requirements, and the organizational structure necessary to deliver data processing services to the various agencies.
BE IT FURTHER RESOLVED that the Legislative Council shall report its findings and recommendations, if any, to the First Regular Session of the Forty-sixth Idaho Legislature.

Adopted by the Senate March 20, 1980.
Adopted by the House March 26, 1980.
HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 32)

A CONCURRENT RESOLUTION

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

WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Forty-fifth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 7, 1980.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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 7, 1980, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 7, 1980.
Adopted by the Senate January 7, 1980.

(H.C.R. No. 33)

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 1981 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-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 1980-1981 fiscal year.

Revenue Projections for 1980-1981 fiscal year:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Revenue (in $)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court/Magistrates</td>
<td>1,650,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>1,350,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>9,000,000</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>100,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>650,000</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>17,500,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>250,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>700,000</td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>204,200,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>41,000,000</td>
</tr>
<tr>
<td>Kilowatt Hour Tax</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>800,000</td>
</tr>
<tr>
<td>Cigarette Tax</td>
<td>6,500,000</td>
</tr>
<tr>
<td>Miscellaneous Agencies and Transfers</td>
<td>600,000</td>
</tr>
<tr>
<td>Transfers:</td>
<td></td>
</tr>
<tr>
<td>Liquor</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>110,000,000</td>
</tr>
<tr>
<td>(10.2% increase over FY 80)</td>
<td>TOTAL $403,000,000</td>
</tr>
<tr>
<td>HOUSE BILL 321, Conforming with</td>
<td>DEDUCT 13,000,000</td>
</tr>
<tr>
<td>Internal Revenue Code</td>
<td>TOTAL $390,000,000</td>
</tr>
<tr>
<td>(6.6% increase over FY 80)</td>
<td></td>
</tr>
</tbody>
</table>

*This total of projected revenue is developed on a basis comparable to prior years, estimating 10.17% growth. After allowing $13,000,000 for the effect of HB 321, actual projected revenues will be $390,000,000 for fiscal year 1981 or net growth of 6.62% above projected revenue for fiscal year 1980.

Adopted by the House January 17, 1980.
Adopted by the Senate January 23, 1980.

(H.C.R. No. 34)

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
WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-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, 1980.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance FY 1980</td>
<td>$10,137,400</td>
</tr>
<tr>
<td>Add Anticipated Revenue FY 1980</td>
<td>365,800,000</td>
</tr>
<tr>
<td>Total Available</td>
<td>$375,937,400</td>
</tr>
<tr>
<td>Deduct Amount Appropriated</td>
<td>357,608,400</td>
</tr>
<tr>
<td>General Fund Surplus, June 30, 1980</td>
<td>$18,329,000</td>
</tr>
</tbody>
</table>

Adopted by the House January 17, 1980.
Adopted by the Senate January 23, 1980.

(H.C.R. No. 36, As Amended)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum stream flow; and,

WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 95-7874, it being an application for a permit to appropriate 30 cubic feet per second from Wolf Lodge Creek, a tributary of Coeur d'Alene Lake, located on the NW 1/4 of NE 1/4 of Section 5, Township 49N, Range 2W, in Kootenai County, Idaho, be, and the same is hereby approved.

Adopted by the House March 4, 1980.
Adopted by the Senate March 14, 1980.

(H.C.R. No. 37)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum stream flow; and,

WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 96-7772, it being an application for a permit to appropriate 45 cubic feet per second from Sullivan Springs, a tributary of Granite Creek, Pend Oreille Lake, located on the NE 1/4 of SE 1/4 of Section 26, Township 55N, Range 1W, in Bonner County, Idaho, be, and the same is hereby approved.

Adopted by the House February 21, 1980.
Adopted by the Senate March 6, 1980.

(H.C.R. No. 38)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

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

WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum stream flow; and,

WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 36-2215, it being an application for a permit to appropriate 17 cubic feet per second from Vinyard Creek, a tributary of the Snake River, located on Government Lot 1 (SENE), of Section 4, Township 10S, Range 18E, in Jerome County, Idaho, be, and the same is hereby approved.

Adopted by the House February 21, 1980.
Adopted by the Senate March 13, 1980.
A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

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

WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum stream flow; and,

WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 96-7771, it being an application for a permit to appropriate 45 cubic feet per second from Granite Creek, a tributary of Pend Oreille Lake, located on Lot 3, NW 1/4 of SE 1/4 of Section 26, Township 55N, Range 1W, in Bonner County, Idaho, be, and the same is hereby approved.

Adopted by the House February 21, 1980.
Adopted by the Senate March 6, 1980.

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 Second 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 10:45 a.m., February 12, 1980, 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 Representatives appointed for this purpose meet with the similar committee of the Senate and arrange for a suitable program.

Adopted by the House February 7, 1980.
Adopted by the Senate February 11, 1980.

(H.C.R. No. 42, As Amended)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAM FLOW.

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

WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum stream flow; and,

WHEREAS, under the provisions of Section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the application of the Water Resource Board to appropriate the unappropriated waters for minimum stream flow, described in Department of Water Resources application for permit number 37-7727, it being an application for a permit to appropriate 99 cubic feet per second from Silver Creek, a tributary of the Little Wood River, located on the NE 1/4 of NW 1/4 of Section 27, Township 1S, Range 20E, in Blaine County, Idaho, and application for permit number 37-7728, it being an application for permit to appropriate 74 cubic feet per second from Silver Creek, a tributary of the Little Wood River, located on the NE 1/4 of SE 1/4 of Section 20, Township 2S, Range 21E, in Blaine County, Idaho, be, and the same are hereby approved.

Adopted by the House March 4, 1980.
Adopted by the Senate March 18, 1980.

(H.C.R. No. 43, As Amended)

A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare, January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements," specifically that part providing WATER QUALITY STANDARDS FOR SPECIFIC WATERS, be amended by the addition thereto of a new Section 1-2280, to read as follows:

1-2280. ROCK CREEK, CEDAR DRAW, DEEP CREEK AND BIG WOOD RIVER - CANAL SYSTEM.

.01 Rock Creek, Cedar Draw, and Deep Creek. Rock Creek from the intersection with the High Line Canal of the Twin Falls Canal System to the mouth; Cedar Draw from the intersection with the High Line Canal of the Twin Falls Canal System to the mouth, Deep Creek from the intersection with the High Line Canal of the Twin Falls Canal system to the mouth, all in Twin Falls County -- For the purposes of water quality protection, these waterways are recognized as used by the Twin Falls Canal Company as spillways, collection and conveyance facilities and such waterways shall also be protected for those uses.

.02 Big Wood River - Canal System. Big Wood River from the point of union with the North Side Canal System, located in section 31, T. 5 S., R. 15 E., Boise Meridian, downstream to the last irrigation diversion of the North Side Canal Company from the Malad River located in section 25, T. 6 S., R. 13 E., Boise Meridian -- For the purposes of water quality protection, this waterway is also recognized as used by the North Side Canal Company for the purposes of conveying canal water and shall also be protected for that use.

Adopted by the House March 24, 1980.
Adopted by the Senate March 26, 1980.
A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND
WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements", specifically that part providing WATER QUALITY STANDARDS FOR SPECIFIC WATERS, be amended by the addition thereto of a new section 1-2276, to read as follows:

1-2276. DISSOLVED OXYGEN STANDARD FOR WATERS DISCHARGED FROM DAMS, RESERVOIRS, AND HYDROELECTRIC FACILITIES.

.01 Waiver for Specific Time Period. During the period beginning on May 15 and ending on October 15, annually, waters discharged from dams, reservoirs, and hydroelectric facilities shall not be subject to the provisions of Manual Sections 1-2250.03(a), 1-2250.04(a), or 1-2250.05(a).

.02 Minimum Requirements. During the time period specified in Manual Section 1-2276.01, waters discharged from dams, reservoirs, and hydroelectric facilities 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. For compliance purposes, waters containing less than 5.0 mg/l dissolved oxygen, (hourly average as defined herein) for four (4) or more consecutive hours, shall be considered in violation of the provisions of this section.

.03 Point of Measurement. For the purpose of determining compliance with Manual Section 1-2276.02, the dissolved oxygen shall be measured at a single location in the river downstream from the hydroelectric facilities. Such location shall be as close to the facilities as practical to obtain a representative measurement, but in
all cases shall be sufficient distance downstream to allow thorough mixing of reaerated waters, spilled by-pass waters, and other waters that have passed through the facility.

Adopted by the House February 21, 1980.
Adopted by the Senate March 5, 1980.

(H.C.R. No. 45)

A CONCURRENT RESOLUTION

AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare, January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements," specifically that part providing WATER QUALITY STANDARDS FOR SPECIFIC WATERS, be amended by the addition thereto of a new Section 1-2279, to read as follows:

1-2279. INDIAN CREEK - BELOW SUGAR AVENUE, NAMPA -- SWB 282 - UN-IONIZED AMMONIA. Un-ionized ammonia shall not exceed 1.0 mg/l in that segment of Indian Creek from below Sugar Avenue to the Boise River.

Adopted by the House March 5, 1980.
Adopted by the Senate March 14, 1980.

(H.C.R. No. 46)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE POLICIES ON STATE EMPLOYEES' SALARIES; ACCEPTING CERTAIN RECOMMENDATIONS OF THE PERSONNEL COMMISSION WITH RESPECT TO REVISED AND REFACCTORED CLASSES OF STATE EMPLOYEES, MODIFYING AND ACCEPTING CERTAIN RECOMMENDATIONS OF THE PERSONNEL COMMISSION RELATING TO PAYLINE ADJUSTMENTS, REJECTING CERTAIN RECOMMENDATIONS OF THE PERSONNEL COMMISSION WITH RESPECT TO SHIFT DIFFERENTIAL PAY AND PERSONAL LEAVE, MODIFYING THE RECOMMENDATIONS OF THE PERSONNEL
COMMISSION TO INCLUDE CERTAIN RECOMMENDATIONS OF THE GOVERNOR WITH RESPECT TO ALLOWANCES FOR A BASIC HEALTH PLAN AND MENTAL HEALTH OUT-PATIENT PAYMENTS, STATING LEGISLATIVE INTENT WITH RESPECT TO NONCLASSIFIED EMPLOYEES, STATING LEGISLATIVE INTENT WITH RESPECT TO AGGREGATE PERSONNEL COSTS FOR FISCAL YEAR 1981 FROM THE GENERAL ACCOUNT, AND STATING LEGISLATIVE INTENT WITH RESPECT TO MERITORIOUS INCREASES.

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 9, 1980; and

WHEREAS, the Legislature recognizes the need to maintain spending patterns of state government with established guidelines.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

1. Recommendation #1 of the Personnel Commission, relating to revised and refactored classes as specified in Attachment C of the Personnel Commission report, is hereby approved and adopted.

2. Recommendation #2 of the Personnel Commission, relating to the payline, is hereby modified as follows:
   A. For positions assigned 320 or fewer points — $38.68 per point plus $5,233,
   B. For positions assigned more than 320 points — $25.93 per point plus $9,708,
   and as modified is adopted.

3. Recommendation #3 of the Personnel Commission, relating to shift differential pay, is disapproved and rejected.

4. Recommendation #4 of the Personnel Commission, relating to a personal leave day, is disapproved and rejected.

BE IT FURTHER RESOLVED that the recommendations of the Personnel Commission are further amended to include an increase in the hospital room and board allowance under the Indemnity Insurance Program's basic health plan and an increase in the mental health out-patient benefit payments as shown in the 1981 Executive Budget.

BE IT FURTHER RESOLVED that nonclassified state employees be treated as nearly as possible as classified employees.

BE IT FURTHER RESOLVED that personnel cost increases for fiscal year 1981 in the aggregate shall not exceed $10,000,000 from the general account for the adjustments authorized above in this resolution and for fixed benefit cost increases on fiscal year 1980 salaries and wages; new positions authorized by the Legislature are specifically excluded from this limitation.

BE IT FURTHER RESOLVED that it is legislative intent that ten percent of the aggregate personnel cost increases authorized in this resolution may be used for meritorious increases.

Adopted by the House February 14, 1980.
Adopted by the Senate February 22, 1980.
A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF SAID SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;
NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho,
BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the Second 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 29th day of January, 1980, by and between the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding 1200 copies of the Session Laws of the Second Regular Session of the Forty-fifth Legislature and the Session Laws of any Extraordinary Session of the Forty-fifth Legislature: $16.65 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished by the party of the second part, plus $4.60 per volume for binding. The party of the second part shall provide an additional quantity to be made available to the general public at $22.50 per single volume, and $27.30 per set of two volumes, if a second volume is required. The Session Laws of any
Extraordinary Session adjourned prior to June 1, 1980, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the State of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution has caused these presents to be executed by its proper officials.

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE

By (s) George G. Danielson
George G. Danielson, Chairman

SENATE JUDICIARY AND RULES COMMITTEE

By (s) Richard S. High
Richard S. High, Chairman

Party of the First Part
A CONCURRENT RESOLUTION
AMENDING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE, ADOPTED BY THE BOARD 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, adopted by the Board of Health and Welfare, January 9, 1980, and submitted for review to the Second Regular Session of the Forty-fifth Idaho Legislature, providing "Water Quality Standards and Wastewater Treatment Requirements" should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Title 1, Chapter 2, "Water Quality Standards and Wastewater Treatment Requirements," specifically Rule 1-2300.03, be amended to read as follows:

.03 Limitations to Point Source Restrictions. So long as a point source discharge or wastewater treatment facility is in compliance with regulated by the terms and conditions of an authorization pursuant to Manual Section 1-2301, a Board order, decree or compliance schedule, a valid discharge permit issued by the U.S. Environmental Protection Agency, or is subject to the provisions of Manual Section 1-2400.02, the discharge or facility will not be subject to additional restrictions or conditions based on Manual Sections 1-2200, 1-2300.01 or 1-2300.02(a).

Adopted by the House March 11, 1980.
Adopted by the Senate March 21, 1980.
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING STRICT ADHERENCE TO A POLICY REQUIRING DOCUMENTATION THROUGH RECEIPTS FOR ALL CHARGES AGAINST PUBLIC FUNDS.

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

WHEREAS, agency audits reviewed by the Joint Senate Finance-House Appropriations Committee reveal frequent failure to document all charges on travel vouchers; and

WHEREAS, failure to document charges can result in mileage in excess of the actual distance to the supposed destination; meals which were not eaten or to which the traveler was not entitled because of the time of travel; telephone charges for personal calls; and overnight charges which were not actually incurred because of lodging obtained at no cost; and

WHEREAS, some instances of purchases by state agencies and institutions are not properly documented, resulting in poor inventory control and potential loss of state property; and

WHEREAS, even where no actual violations of law exist, the failure to properly document charges can lead to an appearance of wrong doing; and

WHEREAS, each individual should take personal responsibility for scrupulous accuracy in providing documentation for all claims made, and further, each agency supervisor and department head must assume responsibility for the validity of claims made by state employees under their supervision and for payments made on behalf of the State for the purchase of goods.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fortieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge strict adherence to a policy which requires documentation through receipts of all charges on travel claims. Every purchase by any state agency or institution should be fully documented by receipts to assure accurate inventory control. Agency administrators should act to adopt policies necessary to implement state law and review all claims made against public funds for full compliance with the law. Receipt policies should be sufficiently precise to present a record which will withstand scrutiny by an Internal Revenue Service audit.

BE IT FURTHER RESOLVED that each individual legislator, in submitting travel vouchers, set an exemplary standard by adhering to the requirement of documentation through receipts of each charge claimed.

BE IT FURTHER RESOLVED that a copy of this resolution be directed to the Governor of the State of Idaho and to the director of each department of Idaho state government.

Adopted by the House March 20, 1980.
Adopted by the Senate March 22, 1980.
(H.C.R. No. 53)

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY OF TIMBER TAXATION POLICIES AND PRACTICES AND OTHER TAXATION MATTERS, AND TO REPORT FINDINGS.

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

WHEREAS, the policies and practices in use in the State of Idaho relating to the taxation of timber is a concern to the Legislature, to the counties and taxing districts, and to the owners of timber lands; and

WHEREAS, the Legislature recognizes that timber taxation policies and practices are complex, and are of critical importance to the economic welfare of the state and its citizens; and

WHEREAS, there is a demonstrated need for a thorough review and analysis of the timber taxation policies and practices in use in the state, for possible improvements, refinements and correction; and

WHEREAS, other areas of taxation policy may need the attention of careful consideration.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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 twelve members, consisting of seven members of the House Revenue and Taxation Committee, five of whom shall be from the majority party, including the chairman who shall be the chairman of the study committee, and two of whom shall be from the minority party, and five members of the Senate Local Government and Taxation Committee, three of whom shall be from the majority party, and two of whom shall be from the minority party, to undertake and complete a thorough review and analysis of the timber taxation policies and practices in use in the State, and such other areas of taxation policy as may need attention in the judgment of the committee, and report its findings and recommendations to the First Regular Session of the Forty-sixth Idaho Legislature.

Adopted by the House March 22, 1980.
Adopted by the Senate March 26, 1980.
SENATE JOINT RESOLUTIONS

(S.J.R. No. 112)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO BY STRIKING THE REQUIREMENT THAT AN INITIATIVE BE APPROVED BY A MAJORITY EQUAL TO A MAJORITY OF THE VOTES CAST FOR GOVERNOR AND TO ALLOW AN INITIATIVE MEASURE TO BE PLACED ON THE BALLOT AT ANY GENERAL ELECTION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 1, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 1. LEGISLATIVE POWER -- ENACTING CLAUSE -- REFERENDUM -- INITIATIVE. The legislative power of the state shall be vested in a senate and house of representatives. The enacting clause of every bill shall be as follows: "Be it enacted by the Legislature of the State of Idaho."

The people reserve to themselves the power to approve or reject at the polls any act or measure passed by the legislature. This power is known as the referendum, and legal voters may, under such conditions and in such manner as may be provided by acts of the legislature, demand a referendum vote on any act or measure passed by the legislature and cause the same to be submitted to a vote of the people for their approval or rejection.

The people reserve to themselves the power to propose laws, and enact the same at the polls independent of the legislature. This power is known as the initiative, and legal voters may, under such conditions and in such manner as may be provided by acts of the legislature, initiate any desired legislation and cause the same to be submitted to the vote of the people at a general election for their approval or rejection provided that legislation thus submitted shall require the approval of a number of voters equal to a majority of the aggregate vote cast for the office of governor at such general election to be adopted.
SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 1 of Article III, of the Constitution of the State of Idaho be amended to strike the requirement that an initiative be approved by a majority equal to a majority of the votes cast for governor and to allow an initiative measure to be placed on the ballot at any general election?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the Senate February 19, 1980.
Adopted by the House March 3, 1980.
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO PROHIBITIONS ON SECTARIAN APPROPRIATIONS, BY AUTHORIZING THE LEGISLATURE TO EMPOWER A HEALTH FACILITIES AUTHORITY TO FINANCE OR REFINANCE PRIVATE NONPROFIT HEALTH FACILITIES OWNED OR OPERATED BY A CHURCH OR RELIGIOUS SOCIETY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 5, Article IX, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 5. SECTARIAN APPROPRIATIONS PROHIBITED. Neither the legislature nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state, or any such public corporation, to any church or for any sectarian or religious purpose; provided, however, that a health facilities authority, as specifically authorized and empowered by law, may finance or refinance any private, not for profit, health facilities owned or operated by any church or sectarian religious society, through loans, leases, or other transactions.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 5, Article IX, of the Constitution of the State of Idaho be amended to empower a health facilities authority, as specifically authorized by the Legislature, to finance or refinance private nonprofit health facilities owned or operated by a church or religious society?"
SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House March 22, 1980.
Adopted by the Senate March 26, 1980.
(S.J.M. No. 107)

A JOINT MEMORIAL
URGING THE CONGRESS OF THE UNITED STATES TO ENACT AMENDMENTS TO THE SOCIAL SECURITY ACT TO DENY PAYMENTS UNDER THE MEDICAID PROGRAM UNDER SPECIFIED CONDITIONS.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Congress has enacted rigorous and inflexible provisions upon states concerning eligibility requirements for recipients of programs administered under the Social Security Act, and particularly for recipients of Medicaid benefits; and

WHEREAS, these inflexible provisions have failed to provide eligibility sanctions upon aged, blind or disabled persons who dispose of real or personal property without receiving or making good faith effort to receive adequate monetary compensation for such property which could be used to meet medical needs thereby forestalling and reducing public expenditures to meet those needs; and

WHEREAS, it is not in the best interests of the national government, the several states, all taxpayers, legitimately eligible recipients, or ineligible applicants for this practice to continue.

NOW, THEREFORE, your Memorialists do petition the Congress of the United States to amend the Social Security Act to deny payment to persons who dispose of real property and other assets in order to qualify such persons for Medicaid payments or other benefits.

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, to the Chairman of the Senate Finance Committee, to the Chairman of the House of Representatives Ways and Means Committee, and to the Senators and Representatives representing the State of Idaho in the Congress.

Adopted by the Senate February 29, 1980.
Adopted by the House March 5, 1980.
We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the series of federal laws of the 1960's and 1970's and the regulations promulgated thereunder, concerning public lands, wilderness, environmental protection, grazing, water and other issues of particular concern to the western states have had tremendous impact on the sovereign states and our citizens; and

WHEREAS, the critical national needs for energy have focused national attention, as never before, on the vast resources of the West; and

WHEREAS, the conflicting demands of energy development and environmental constraints have been recognized but never systematically analyzed; and

WHEREAS, public policy decisions by local, state and federal governments concerning public lands cannot be intelligently or responsibly made without a fuller understanding of the economic and environmental aspects and their interactions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress to authorize and fund a study of the economic impact of federal laws and regulations on public lands. In particular, such a study should address the conflicts between environmental restraints and the economic needs of the nation and the impacts on state and local governments in the public lands states, and recommend guidelines for determining when one value should be placed above the other.

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, to the Secretary of Interior, Cecil Andrus, 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, 1980.
Adopted by the House March 7, 1980.
(S.J.M. No. 110)

A JOINT MEMORIAL


We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Carey Act, the Desert Land Act, and the 1902 Reclamation Act, provide means for the development and reclamation of western lands, but at the same time impose acreage limitations which are unrealistic; and

WHEREAS, the size of a viable family farm has changed through recent modernization of farming techniques, and is highly dependent upon local soil and climatic conditions; and

WHEREAS, because enforcement of the current acreage standards would clearly jeopardize the family farm concept, considerable attention has focused on reasonable revisions of the limitations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we strongly support amendment to the necessary acts to redefine the size of economically viable, family units in reclamation projects and consistent with maintaining family farm sized units. In consideration of such amendments, Congress should seek to establish flexible criteria to allow adjustments for differences in local or regional soil and climatic conditions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Secretary of the Interior, Cecil Andrus, the Secretary of Agriculture, Robert Bergland, 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 12, 1980.
Adopted by the House March 7, 1980.

(S.J.M. No. 111)

A JOINT MEMORIAL

NUCLEAR REGULATORY COMMISSION, JOHN AHEARNE, 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 Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States is facing a severe crisis in energy production; and
WHEREAS, the technology now exists in this country to substantially solve this energy lack; and
WHEREAS, it has been demonstrated that a practical and economical method to achieve a higher degree of self-sufficiency in electrical energy production is through the use of fast breeder reactors to form a symbiotic system with light water reactors; and
WHEREAS, the Idaho National Engineering Laboratory is an ideally located facility for a demonstration project.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the federal government proceed with all deliberate speed to plan, authorize, develop, construct, and operate a commercial sized fast breeder nuclear reactor, to produce electrical energy in commercial quantities for wholesale to utilities in the Intermountain West and the Pacific Northwest, at the Idaho National Engineering Laboratory.

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, to the Secretary of the Department of Energy, Charles Duncan, to the Chairman of the Nuclear Regulatory Commission, John Ahearne, 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 12, 1980.
Adopted by the House March 3, 1980.

(S.J.M. No. 112)

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER; THE HONORABLE SECRETARY OF THE INTERIOR, CECIL D. ANDRUS; THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, DOUGLAS M. COSTLE; AND THE SENATORS AND REPRESENTATIVES REPRESENTING THIS STATE IN CONGRESS.

We, your Memorialists, the Senate and the House of Representatives
of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, water is an extremely important and vital resource to the State of Idaho; and

WHEREAS, all of the water in Idaho has been allocated for use within the Columbia River Basin and none is available for transfer to any other river basin; and

WHEREAS, the United States Environmental Protection Agency has submitted a draft plan to divert water from the Snake River in Idaho to the Colorado River; and

WHEREAS, the United States Environmental Protection Agency appears to be exceeding the authority granted to it by law in devising the water diversion plan;

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that we unequivocally oppose the devious and underhanded attempt by the United States Environmental Protection Agency to divert water from the Snake River in Idaho to the Colorado River.

BE IT FURTHER RESOLVED that we oppose any attempt by the federal government to usurp the role of the states in allocating, distributing and adjudicating water rights. We urge the federal government to pursue its responsibility to clarify and improve coordination of federal water resources policy among federal agencies, but this action should recognize and strengthen the states' role in water administration and not weaken it.

BE IT FURTHER RESOLVED that the draft plan of the United States Environmental Protection Agency is unrealistic and unworkable in addition to being patently illegal.

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 Honorable Secretary of the Interior, Cecil D. Andrus, the Administrator of the Environmental Protection Agency, Douglas M. Costle and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 12, 1980.
Adopted by the House March 13, 1980.

(S.J.M. No. 113)

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER; THE SECRETARY OF TRANSPORTATION, NEIL GOLDSCHMIDT; THE INTERSTATE COMMERCE COMMISSION; THE FEDERAL RAILROAD ADMINISTRATION; AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.
We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, we recognize that rail transportation is essential to the needs of Idaho and the entire United States, and is an important part of the national transportation system; and

WHEREAS, the Chicago, Milwaukee, St. Paul and Pacific Railroad, known as the Milwaukee Railroad, has filed for bankruptcy, and under its restructuring, rail services west of Miles City, Montana, would cease; and

WHEREAS, the bankruptcy trustee has ordered an embargo on all lines west of Missoula, Montana, effective February 29, 1980, resulting in loss of service to shippers in Idaho and Washington; and

WHEREAS, the employees and shippers have joined together forming a corporation known as the New Milwaukee Lines, and have presented to the Interstate Commerce Commission a plan which would restructure the Milwaukee Railroad and would assume operation of the railroad under the name of the New Milwaukee Lines; and

WHEREAS, the New Milwaukee Lines would provide the needed and essential services to those industries and businesses which depend upon rail service to transport their goods to market.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge President Jimmy Carter; Secretary of Transportation, Neil Goldschmidt; the Interstate Commerce Commission; the Federal Railroad Administration; and the Senators and Representatives representing Idaho in the Congress to give strong support to the plan which has been offered by the New Milwaukee Lines.

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 Transportation, Neil Goldschmidt; the Interstate Commerce Commission; the Federal Railroad Administration; and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 10, 1980.
Adopted by the House March 19, 1980.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Snake River Birds of Prey Natural Area was created in 1971, consisting of 26,000 acres; and

WHEREAS, the Bureau of Land Management has now submitted a proposed Snake River Birds of Prey National Conservation Area to encompass approximately 720,000 acres of public and private land within and adjacent to the Snake River in Idaho; and

WHEREAS, major portions of the proposed conservation area are known to be potential agricultural lands, and as much as 100,000 acres are currently under application for private development; and

WHEREAS, reserves of natural resources including gold and silver, as well as oil and gas, may be located within the proposed area, but have not yet been extensively investigated nor explored; and

WHEREAS, withdrawal of such a substantial quantity of land with the consequent reduction in potential development and uses by the citizens of the State of Idaho must inevitably have an impact upon the economy of the State; and

WHEREAS, comprehensive evaluation of the economic impact of expansion of the Birds of Prey area should precede any recommendation or action to accomplish the proposed expansion.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to delay any action toward the expansion of the Birds of Prey National Conservation Area until a comprehensive study of the economic impact upon the State of Idaho has been completed. Such a study should be undertaken at once in order to provide
complete information prior to any set aside which could impose unnecessary hardship upon the citizens of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Secretary of the Interior, Cecil 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 January 17, 1980.
Adopted by the Senate February 13, 1980.

(H.J.M. No. 12)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE HONORABLE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in 1945 the McCarran-Ferguson Act (Title 15, United States Code, Section 1011-1015) was enacted into law; and

WHEREAS, in that Act it was stated that "Congress declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest"; and

WHEREAS, in the course of such regulation, the several States have encouraged and required continued improvements in insurance coverages and the provision of insurance at reasonable rates; and

WHEREAS, the several States have continually reviewed, experimented with, and altered various approaches to regulation in an effort to assure the public of the availability of insurance at the lowest practicable cost; and

WHEREAS, the business of insurance has developed a competitive structure; and

WHEREAS, the public has benefited from the competitive structure of the insurance industry including, at the retail level, a wide variety of organizations; often small businesses, intensely competing, and from regulation of the industry by the several States; and

WHEREAS, federal regulation has repeatedly been shown not to be a panacea; and

WHEREAS, it is becoming increasingly clear that federal regulation increases the cost of government, often increases the cost of products and services to the consumer, and often without providing offsetting benefits to the public; and

WHEREAS, federal regulation often adds confusion and delay; and
WHEREAS, there has been no showing that federal regulation of the insurance industry by limiting state regulation and permitting the application of the federal anti-trust laws will have a salutary effect upon the industry or otherwise benefit the public; and

WHEREAS, it is often necessary, subject to state regulations, to pool the resources of several insurance companies in order to provide for coordinated actions to provide effective insurance coverage of certain risks and to provide the public with reasonable prices, efficiency in which the services are rendered at reasonable cost, and innovation in which new products and services are made available; and

WHEREAS, officials of the federal government have publicly, although unofficially, recommended amending the McCarran-Ferguson Act so as to limit state regulation of the business of insurance.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, respectfully memorializes the Congress of the United States to reject any legislation amending the McCarran-Ferguson Act (15 U.S.C. Sections 1011-1015, 59 Stat. 33 (1945)).

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives 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 House February 1, 1980.
Adopted by the Senate March 13, 1980.

(H.J.M. No. 14)

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Soviet Union has invaded the territory of a sovereign state and continues to wage war against the nation of Afghanistan; and

WHEREAS, the justifiable indignation of citizens of the world community has been expressed in every forum of world opinion; and

WHEREAS, the 1980 Summer Olympics are now scheduled to be held in Moscow, Union of Soviet Socialist Republics, providing a focus of world attention on that nation when it is widely held that ostracism would be more appropriate; and

WHEREAS, there are alternative sites available in nations not guilty of the gross violations of human rights.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of
Representatives and the Senate concurring therein, that we urge the President of the United States, on behalf of the people of the United States, to take steps necessary to see that American athletes do not participate in the Summer Olympics if they are held in the Soviet Union.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States.

Adopted by the House February 1, 1980.
Adopted by the Senate February 15, 1980.

(H.J.M. No. 15)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE HONORABLE 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 Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, fifty American citizens, on various diplomatic and private business assignments in Iran, were taken hostage in an unconscionable and illegal act of aggression against the United States; and

WHEREAS, the Iranian terrorists now holding hostages at the American Embassy and who are instigators of this infamous act are apparently operating at the direction and with the support of the government of Iran; and

WHEREAS, this act of terrorism has been uniformly condemned by responsible governments of the world in every forum where it has been discussed and debated; and

WHEREAS, the President of the United States has acted to affirm the commitment of this Nation to the citizens held hostage, and to take every responsible action in the interests of obtaining their release without compromising the integrity or vital interests of this great Nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that being the duly elected representatives of the citizens of the State of Idaho, we support the President in his commitment to the Americans held hostage in the Embassy in Teheran, Iran. As American citizens, we pledge ourselves to stand united against this and similar acts of terrorism whenever they may occur. We urge the President to continue with firm resolve his efforts to obtain the safe return of our fellow Americans to their homes and families.
BE IT RESOLVED that the nuclear industry is of vital importance in an energy short nation; and
WHEREAS, the nuclear industry is vital to our state and national economy; and
WHEREAS, a properly managed disposal site is necessary for the continuation of our nuclear programs; and
WHEREAS, it is of the utmost importance that a permanent disposal site be found for nuclear wastes; and
WHEREAS, Idaho has played a vital part in our national defense; and
WHEREAS, it is necessary to reduce the amount of nuclear wastes.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and Senate concurring therein, that:
(1) The Department of Energy properly and safely manage nuclear wastes at the Idaho National Engineering Laboratory until a permanent repository is completed;
(2) The Department of Energy proceed with the construction of the Waste Isolation Pilot Program near Carlsbad, New Mexico; and
(3) The Slagging Pyrolysis Incinerator be constructed at the Idaho National Engineering Laboratory.
BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives 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 Honorable Charles Duncan, Secretary of the
Department of Energy, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 7, 1980.
Adopted by the Senate February 19, 1980.

(H.J.M. No. 17)

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 Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of Idaho desire to defend their women and families; and

WHEREAS, the protection of women and family has been the highest goal of patriots since the founding of this great nation; and

WHEREAS, the people of Idaho recognize the important role of women in the bearing and caring of children; and

WHEREAS, not one woman has ever been drafted for compulsory military service in the entire two-hundred year history of our country.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully oppose the proposed draft registration for women, and do not favor the repeal of any federal law exempting women from the draft.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she 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 delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 21, 1980.
Adopted by the Senate March 11, 1980.
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States is the greatest nation on the face of the earth; and

WHEREAS, the greatness of this Nation can at least be partially attributed to the presence of the family unit and the stability that it fosters; and

WHEREAS, an option should remain open to married women who desire to be homemakers and help bolster the family unit; and

WHEREAS, there are a variety of external pressures which seem heavily weighted toward fostering the breakup of the American family unit; and

WHEREAS, the Social Security System has always recognized and provided for the contribution of homemakers in the traditional single income producing family; and

WHEREAS, the expansion of the wage base and programs of the Social Security System during times of high inflation are producing hardships on working families.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request that the Social Security Administration not adopt changes in Social Security laws which would alter the present method of providing for benefits to nonincome producing spouses.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Director of the Social Security Administration, Baltimore, Maryland, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 21, 1980.
Adopted by the Senate March 6, 1980.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Water and Power Resources Service has under consideration an irrigation and wildlife enhancement project in southeastern Idaho, known as the Salmon Falls Division Upper Snake River Project; and

WHEREAS, the cost benefit analysis demonstrates marginal, if any, benefit to the affected community; and

WHEREAS, the project would constitute a substantial increase in power demands in a time when power costs and availability are subject to uncertainty; and

WHEREAS, the project would further compromise existing water users, particularly in dry years when the project would draw heavily upon aquifer waters and as a result have a negative impact upon present residents and farmers in the project area.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Water and Power Resources Service to reject the proposed Salmon Falls Division Upper Snake River Project. We find that the project is not feasible and will not enhance either the economic or environmental future of southwest Idaho. We urge further, that the Congress reassess the project authorization in view of the actual viability of the project, and reject further steps toward its completion.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Secretary of the Interior, Cecil D. Andrus, the Commissioner of the Water and Power Resources Service, R. Keith Higginson, the Senate and the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 12, 1980.
Adopted by the Senate March 20, 1980.
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 Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act . . . up to, but not to exceed, 80 million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems"; and

WHEREAS, the same 1971 Act required Congress to act upon the Secretary's recommendations within seven years; and

WHEREAS, both the United States House of Representatives and the United States Senate have had under consideration legislation responding to the recommendations of the Secretary entered in accordance with the mandate of the 1971 Act, but Congress has failed to agree on a single version of Alaska national interest lands legislation; and

WHEREAS, the President, Secretary of the Interior, and Secretary of Agriculture, acting in accordance with authority purportedly granted by the Antiquities Act (16 U.S.C. 431), the Federal Land Policy and Management Act (43 U.S.C. 1701), and other statutory bases for land withdrawals and reclassifications, have reserved or reclassified more than 110 million acres of Alaska land, compromising Statehood Act selection rights and threatening or severely restricting, if not altogether precluding, both traditional land and resource use activities and opportunities for resource development throughout much of Alaska; and

WHEREAS, the Legislature of the State of Idaho desires to support the earnest petition of the Legislature of the State of Alaska that the matters remaining unresolved be given the necessary Congressional review and speedy disposition.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho supports and concurs with the Legislature of the State of Alaska in the following seven points:

(1) Congress should revoke each and all of the 1978 executive or administrative orders withdrawing lands in Alaska;

(2) By legislation, Congress should convey to Alaska its full
entitlement of federal lands authorized by the Alaska Statehood Act, and to Alaska Natives the full entitlement of public lands authorized to Alaska Natives by the Alaska Native Allotment Act, 48 U.S.C. 357 (Act of May 17, 1906), as amended, and by the Alaska Native Claims Settlement Act, as amended;

(3) Congress should provide for a rational means of providing access to state and private lands across any federal enclaves created;

(4) State management of fish and game on all lands in Alaska should be continued;

(5) Congress should exempt highly valuable mineral deposits and other commodity resources from inclusion in federal systems which obviate development;

(6) Traditional land uses on all lands in Alaska should continue; and

(7) The President and the Secretary of the Interior should be precluded from establishing or adding to any conservation system unit within Alaska by means of any executive or administrative authority.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives 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 House February 22, 1980.
Adopted by the Senate March 6, 1980.

(H.J.M. No. 23)

A JOINT MEMORIAL

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND TO THE HONORABLE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho is blessed with many wildland areas which are of sufficient quality to warrant inclusion into the National Wilderness Preservation System, and which are being considered for such inclusion by Congress; and

WHEREAS, passage of any such wilderness legislation will have a direct and marked impact upon the people and economy of the State of Idaho which is, to a large extent, dependent upon those lands and their resources for jobs and other economic and recreational benefits; and

WHEREAS, Idaho has experienced job loss and depletion of resource
bases due in part to continuing wilderness studies, which, if not resolved immediately and totally will result in continued employment losses as well as a diminished quality of life and changes in traditional lifestyles for Idaho citizens whose welfare and employment opportunities are dependent upon these lands and their resources; and

WHEREAS, excessive regulatory restraints have resulted in uncertainties about the continued availability of adequate surface and mineral resources on wilderness study lands and nonwilderness lands; and

WHEREAS, the United States imports ninety-seven percent of its current cobalt needs; and

WHEREAS, cobalt is essential in the production of aircraft engines, gas turbines, steel for high speed tools, cement carbides and magnets; and

WHEREAS, the United States strategic mineral defense stockpile is currently 40.8 million pounds, far short of the federal government's stockpile goal of 85 million pounds; and

WHEREAS, the area known as West Panther Creek, which is recommended for wilderness designation currently before Congress, contains the only known significant deposit of cobalt in the United States; and

WHEREAS, all national forest lands of the United States Forest Service which are not designated as wilderness should be placed in a statutory multiple-use status to assure the economy of Idaho of the availability of future resources and access to those resources and to guarantee that no further jobs will be lost in Idaho because of unexpected wilderness designations by Congress; and

WHEREAS, the legislation dealing with the West Panther Creek area which was recently passed by the United States Senate does not represent a balanced approach which is consistent with the aforementioned goals and needs of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the adoption of more responsible federal legislation which would provide a more balanced approach to wilderness. Specifically, we endorse and support federal legislation which excludes the West Panther Creek area from the wilderness area, and includes the West Panther Creek area in multiple-use status. Furthermore, we endorse federal legislation which includes multiple use of the United States Forest Service lands, which will guarantee timber supplies to the timber-dependent Idaho communities of Elk City, Salmon, Riggins, Emmett, Horseshoe Bend, Cascade, Council and to our neighbors in Darby and Connor, Montana. Finally, grazing rights and mineral claims for exploration should be reaffirmed by the passage of responsible federal legislation.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the Honorable Members of the House of Representatives Committee on Interior and Insular Affairs and to the Honorable Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the House March 3, 1980.
Adopted by the Senate March 11, 1980.
A JOINT MEMORIAL
TO THE HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER; TO THE UNITED STATES OLYMPIC COMMITTEE; TO MR. ERIC HEIDEN; TO MR. HERB BROOKS; AND TO THE HONORABLE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the XIII Winter Olympics were held in 1980 in Lake Placid, New York; and
WHEREAS, the Winter Olympics bring together the finest athletes in the world in their respective sports; and
WHEREAS, the Winter Olympics bring out, to the fullest extent, the drama of human athletic competition with the thrill of victory and the agony of defeat with the resultant display of good sportsmanship by the victors and nonvictors alike; and
WHEREAS, all the athletes representing the United States in the XIII Winter Olympics are amateur athletes in the purest sense of the word and receive no direct subsidy from the United States Government for competing; and
WHEREAS, all members of the United States Winter Olympic team are to be commended for their athletic achievements; and
WHEREAS, all persons winning gold medals in the recent Winter Olympic Games are to be especially commended as being the best athletes in the world in a particular sport.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the members of the Legislature take this opportunity to recognize and honor the athletes on the United States Winter Olympic Team and to further recognize and honor Mr. Eric Heiden for his memorable achievement of being the first American to win five gold medals in a Winter Olympics and to further recognize and honor the accomplishment of the United States ice hockey team for winning a gold medal over the team from the Soviet Union which was thought to be, by far and away, the best ice hockey team in the world.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, to the United States Olympic Committee, to Mr. Eric Heiden, to Mr. Herb Brooks, who is coach of the United States ice hockey team, and the honorable congressional delegation representing Idaho in the Congress of the United States.

Adopted by the House March 6, 1980.
Adopted by the Senate March 12, 1980.
A JOINT MEMORIAL
TO THE HONORABLE MEMBERS OF THE 1980 SPECIAL PROCUREMENT MISSION FROM
THE REPUBLIC OF CHINA, AND THEIR LEADER DR. H.K. SHAO, DIRECTOR
GENERAL, BOARD OF FOREIGN TRADE.

We, your Memorialists, the House of Representatives and Senate of
the State of Idaho assembled in the Second Regular Session of the
Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a Republic of China Special Procurement Mission will be
in Boise on March 20, 1980, to purchase 155,000 metric tons of wheat
and 26,000 metric tons of barley worth more than $30 million; and
WHEREAS, this same "Buy America" mission will purchase more than
$1.9 billion worth of agricultural and industrial products while in
the United States; and
WHEREAS, the Republic of China purchased from the United States a
record amount of wheat totaling 28.4 million bushels in calendar year
1979, a 30% increase over 1978 purchases; and
WHEREAS, the Team is led by Director General H. K. Shao of the
Board of Foreign Trade and Deputy Leaders Yu-Shui Miao, Chairman,
Taiwan Flour Mills Industry Association; Benjamin C.C. Lu, Deputy
Director General, Board of Foreign Trade; Shih-Yu Yang, Deputy Direc-
tor General, Taiwan Provincial Food Bureau; Chi-Tao Shan, Vice Presi-
dent, China Airlines; and Yung-Hua Yang, Chairman, Taiwan Barley
Industry Association.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second
Regular Session of the Forty-fifth Idaho Legislature, the House of
Representatives and the Senate concurring therein, that we welcome the
Republic of China delegation to the great State of Idaho, and express
appreciation for the fine business relationship that the Republic of
China has had with the State of Idaho and the United States of America
for many years.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Repre-
sentatives be, and she is hereby authorized and directed to forward
copies of this Memorial to the Honorable Dr. H.K. Shao and the members
of the Special Procurement Mission during their visit to our State.

Adopted by the House March 20, 1980.
Adopted by the Senate March 20, 1980.

A JOINT MEMORIAL
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED
STATES IN CONGRESS ASSEMBLED, AND TO THE HONORABLE CONGRESSIONAL
DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE
UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives
of the State of Idaho assembled in the Second Regular Session of the
Forty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, legislation is now pending before the United States Congress to amend the National School Lunch Act and allow all states to operate school lunch on a cash basis; and

WHEREAS, the Boise School District operated a pilot project which demonstrated an $87,000 savings for one year of operation as a cash basis school lunch program, resulting in 4.6 cents per lunch savings; and

WHEREAS, under the pilot project, the Boise School District found that they had better planning capability, lower labor costs, decreased plate waste, and greater student satisfaction with the school lunch program; and

WHEREAS, the present commodity portion of the school lunch program results in significant costs to the taxpayer as a result of waste in duplication in the purchase, storage, and transportation of commodities, which costs would be greatly reduced if the free enterprise system resumed food distribution in response to a cash school lunch program; and

WHEREAS, the Boise District pilot project was one of eight conducted nationally and all demonstrated a cost savings under the cash program; and

WHEREAS, estimated savings, nationwide, would exceed $160,000,000 with adoption of the cash alternative to the present commodity portion of the school lunch program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and House of Representatives concurring therein, that we urge the Congress of the United States to act favorably upon adoption of amendments to the National School Lunch Act which would enact the cash alternative to commodity distribution.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives 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 House March 24, 1980.
Adopted by the Senate March 31, 1980.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA

STATE OF IDAHO

I, PETE T. CENARRUSA, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Forty-fifth Legislature of the State of Idaho, Second Regular Session thereof, which convened January 7, 1980, and adjourned March 31, 1980, 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 29th day of April, 1980.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
EXECUTIVE ORDERS
EXECUTIVE ORDER NO. 79-2

ORGANIZATION OF STUDENT LOAN FUND OF IDAHO, MARKETING ASSOCIATION, A NON-PROFIT IDAHO CORPORATION, TO ACQUIRE STUDENT LOAN NOTES INCURRED UNDER THE HIGHER EDUCATION ACT OF 1965.

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 the Higher Education Act of 1965, for the guarantee of certain student loans; and
WHEREAS, Idaho lending institutions must have access to secondary markets for such loans in order to meet the students needs; and
WHEREAS, it is my desire that the State of Idaho should obtain the full benefit of the program for the benefit of Idaho students;

THEREFORE, I do hereby request that the Student Loan Fund of Idaho Marketing Association, a non-profit Idaho corporation, exercise the intent of its charter to acquire student loan notes incurred under the Higher Education Act of 1965 in sufficient volume to provide adequate loan availability for Idaho students.

Student Loan Fund of Idaho Marketing Association is authorized to establish the necessary relationships with the federal government, financial institutions, and institutions of education to fulfill the intent of the Higher Education Act of 1965 in the best interest of the students of Idaho.

This request is made with the understanding that Student Loan Fund of Idaho Marketing Association must meet the requirements of federal law and regulations as well as state statutes. It may be revoked upon a 30-day written notice except that such revocation must be made in good faith, and adequate financial arrangements must be made to insure the proper continuation of coverage for outstanding loans.

The State of Idaho will assume no liability as a result of this request. All debts and liabilities resulting from this program shall be the sole responsibility of the Student Loan Fund of Idaho Marketing Association. All reserve funds of the Student Loan Fund of Idaho Marketing Association will be maintained in Idaho financial institutions subject to audit and inspection according to federal standards. All funds of the Student Loan Fund of Idaho Marketing Association 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 twenty-seventh day of June, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred third, and of the Statehood of Idaho the eighty-ninth.
EXECUTIVE ORDER NO. 79-3

ESTABLISHMENT OF A STATE DATA PROCESSING MANAGEMENT BOARD
REPEALING AND REPLACING EXECUTIVE ORDER NO. 77-11

WHEREAS, the State of Idaho seeks to provide the best possible service at a reasonable cost to the taxpayers regarding data processing without jeopardizing future coordinated statewide planning as recommended by the Governor's Management Task Force Committee and seeks to prevent continued erosion of the present data processing environment and to check arbitrary decisions by state agencies relating to state data processing resources; and

WHEREAS, Section 67-1910, Idaho Code, authorizes and directs the Division of Budget, Policy Planning and Coordination of the Office of the Governor to approve the lease, purchase or installation of any electric data processing equipment and facilities for any office, board, department, agency or institution of state government; and

WHEREAS, the discharge of this responsibility requires coordination of the Office of the Governor to approve the lease, purchase or installation of any electric data processing equipment and facilities for any officer, board, department, agency or institution of state government; and

WHEREAS, the discharge of this responsibility requires coordination among state agencies in the development of plans and policies for the development of automated data processing systems and for the procurement of data processing equipment that can be used to best support the goals, objectives, functions and activities of the State of Idaho; and

WHEREAS, intermediate and long-term plans and policies must be developed to provide a coordinated statewide approach to automated data processing within the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802, Idaho Code, do hereby establish the Governor's Data Processing Management Board to act in an advisory capacity to the Division of Budget, Policy Planning and Coordination as set forth below.

FURTHERMORE, the Board shall consist of the following:
Director, Idaho Transportation Department
Director, Idaho Department of Employment
C. Clinton Joyce, Senior Vice-President, Albertson's, Inc.

FURTHERMORE, I direct that the Board shall have a professional staff consisting of a State Technical Advisor and a Recording Secretary to be appointed by the Governor.

1. GENERAL
a. All state agencies shall prepare plans documenting antici-
pated data processing resource requirements through December 31, 1980. Plans are to be prepared in accord with standards set forth by the Board and are to be submitted to the Administrator of the Division of Budget, Policy Planning and Coordination by September 20, 1979.

b. All proposals for the purchase, rental or other acquisition or disposal of data processing equipment, acquisition of data processing software or services, or initiation of systems development projects affecting more than one agency, shall be forwarded to the Administrator of the Division of Budget, Policy Planning and Coordination accompanied by a Data Processing Benefit Validation to document and support the proposal. The Data Processing Benefit Validation Statement shall be prepared according to standards set out by the Board.

c. The Division of Budget, Policy Planning and Coordination shall schedule monthly meetings for the Board, prepare Board agendas and provide meeting facilities. Prior to a meeting, the Technical Advisor shall review all material to be submitted to the Board and provide assistance and background to the Board during Board meetings. The Recording Secretary shall prepare minutes and serve as a liaison between the Division of Budget, Policy Planning and Coordination and the Board.

d. Within two working days after a Board meeting, complete minutes together with the Board's recommendations shall be forwarded to the Administrator of the Division of Budget, Policy Planning and Coordination. Within five working days after a Board meeting, the Division of Budget, Policy Planning and Coordination shall notify the concerned agencies of its decision.

The Governor's Data Processing Management Board shall cease to exist and this Executive Order shall cease to be effective after December 31, 1980, or at such earlier date as it is determined that the need for the Board no longer exists.

Executive Order No. 77-11 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 thirtieth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
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 pose 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, Section 67-802, Idaho Code, Executive Order No. 78-3, paragraph (4), do hereby abolish the Idaho Electrical Consumers Office and transfer its functions to the Idaho Office of Energy. In order to effectively administer consumer service functions, the Office of Energy 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. 78-7 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 thirteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.
EXECUTIVE ORDER NO. 79-5

ASSIGNMENT OF DISASTER/EMERGENCY PREPAREDNESS AND RESPONSE FUNCTIONS TO STATE AGENCIES FOR NATURAL, MAN-MADE, AND NUCLEAR DISASTERS.

WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosion, riot, hostile military actions, or other catastrophe is an ever present possibility in this State; and

WHEREAS, Chapter 10, Title 46 of the Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster, enemy attack, sabotage or other emergency that might conceivably confront the State; and

WHEREAS, it is the duty of all State officials to assume active leadership in disaster preparedness, response, and recovery operations; and

WHEREAS, the Legislature has directed the development of such State emergency preparedness, response, and recovery plans; and

WHEREAS, effective State preparedness, response, and recovery planning requires the identification of functions that would have to be performed during such emergencies, the assignment of responsibility for performance of these functions, the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Section 46-601 of the Idaho Code, do hereby assign emergency preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in the Order or not, shall:

I. GENERAL ASSIGNMENTS
   A. Develop and maintain disaster/emergency operations plans to carry out effectively the agency's disaster/emergency functions, including assignment of disaster/emergency duties to all subdivisions and personnel. Plans shall be kept current and a copy placed on file in the office of the Bureau of Disaster Services.
   B. Appoint a disaster coordinator and furnish that name to the bureau of Disaster Services.
   C. When a major disaster or an emergency requires the activation of the State Emergency Operations Center, the agency head or representative will be directed to report to that facility to serve as a member of the Governor's staff. The representative will provide continuing liaison with the Governor and other agencies and establish immediate contact with the Bureau of Disaster Services.
D. Make resources and facilities available for essential emergency use.

E. Provide coordination and support during disaster or emergency operations as required by the State of Idaho Emergency Plan.

F. Grant and/or use waivers in accordance with the applicable Idaho Code for necessary response to and recovery operations from a disaster/emergency.

G. Provide for training of personnel in appropriate disaster preparedness, response, and recovery functions.

II. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide legal advice and assistance to all executive officers of State government and to all offices or agencies of the State upon any question of law relating to their respective functions.

2. Provide consumer protection assistance.

B. MILITARY DIVISION (Office of the Adjutant General)

1. Provide executive supervision and policy guidance to the Bureau of Disaster Services.

2. Coordinate the activities of all State agencies on behalf of the Governor. (Section 46-1006, Idaho Code).

3. Provide military support and advise and make recommendations to civil authorities on the employment of military forces during a disaster/emergency in accordance with Federal and State laws and regulations.

4. Provide specific guidance as required for emergency preparedness planning and programming for State military forces.

5. Order into the active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of extreme emergency has been declared. (Section 46-601, Idaho Code).

6. Establish a statewide military emergency communications system. During emergencies, maintain communications between the State Emergency Operations Center and State military headquarters. Develop a capability for utilization of radio communications between the State military forces, State highway districts, and civil law enforcement agencies. Provide a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.

7. Through the Coordinator, Bureau of Disaster Services:

   a. Coordinate operations of all State agencies during a natural, man-made, or enemy-caused disaster.

   b. Establish and maintain an Emergency Operations Center for controlling and directing emergency operations.

   c. Coordinate plans with local officials for the search, rescue, care and treatment of injured persons who are lost, entrapped, victimized or threatened by a disaster. When ground search assistance is requested by a county sheriff, the Bureau of Disaster Services will designate a State Coordinator.

   d. Develop and coordinate the preparation and implementation of plans and programs for emergency preparedness, response, and recovery which are consistent with national plans and programs.

   e. Ensure the effective coordination and control
of State resources in support of radiological emergency response activities concerning fixed nuclear facilities and other nuclear and hazardous materials incidents during transport.

f. Provide for mutual support between the State's civil government and Federal agencies.

g. Assist local governments in the development of their emergency disaster preparedness planning.

h. Coordinate all requests from local governments for disaster assistance.

i. Administer Federal programs of disaster planning and assistance pertinent to State and local government.

j. Coordinate use of communications and warning systems in the State Emergency Communications Center.

k. Provide for annual testing of the State Emergency Plan and training of State agency personnel for damage assessment, damage survey and radiological monitoring.

C. DEPARTMENT OF ADMINISTRATION

1. Through the Administrator, Division of General Services:

a. Maintain liaison with the communications media, i.e., radio and television and State agencies for improving and maintaining warning and emergency communications systems.

b. Assist in the development of plans for use of all nonmilitary communications and warning systems within the State during an emergency.

c. Assist other State and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities.

d. Prepare communications and warning studies to improve emergency communications.

2. Through the Administrator, Division of Public Works:

a. Provide personnel for damage assessment and damage survey teams.

b. Provide assistance to State and local health authorities with emergency sanitation problems.

c. Assist in planning for emergency use of public lands, hospitals, institutions and other buildings.

d. Supervise and coordinate the securing of construction equipment and personnel as pertains to essential facilities and housing.

3. Provide administrative and logistical support services.

4. Provide contractual assistance and guidance to local governments.

D. DEPARTMENT OF AGRICULTURE

1. Act as responsible agency for securing information concerning crop losses during disasters/emergencies.

2. Coordinate with local officials for the evacuation of domestic livestock, animals, and pets, and the establishment of evacuation reception areas for appropriate animal care.

3. Coordinate feeding requirements for livestock and other animals.


5. Provide personnel for radiological monitoring.
7. Provide technical assistance concerning livestock health, disease control, and preventive medicine.
8. Coordinate with appropriate agencies in the distribution of medical supplies for livestock, other animals, and pets.
9. Provide for emergency management and operation of the food resource control group.

E. STATE BOARD OF EDUCATION
1. State Department of Education
   a. Provide guidance and coordinate plans for ensuring the safety of the school population in time of emergency.
   b. Develop and coordinate plans with local school districts for use of buses for emergency transport.
   c. Develop and coordinate plans for the utilization of school facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters.
   d. Provide personnel to assist in the damage assessment of public school facilities.
2. The Office of the State Board of Education
   a. Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.
   b. Assist in coordinating the utilization of higher educational facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters, if required.

F. DEPARTMENT OF EMPLOYMENT
1. Survey manpower resources and requirements.
2. Provide recruitment and utilization of the labor force.
3. Identify areas and occupations of labor shortages and supply.
4. Provide unemployment insurance claims service for the disaster victims in the Disaster Assistance Centers.
5. Provide reemployment assistance to individuals unemployed as a result of a natural or man-made disaster.

G. DEPARTMENT OF FINANCE
1. Provide for operation of the economic stabilization control group, which includes money, credit and banking, price and rent controls, and consumer rationing.

H. DEPARTMENT OF FISH AND GAME
1. Provide personnel to be used as auxiliary police during emergencies.
2. Assist in search and rescue operations.
3. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.
4. Provide personnel for damage assessment and damage survey teams and radiological monitoring.
5. Provide emergency communications assistance.

I. DEPARTMENT OF HEALTH AND WELFARE
1. Coordinate emergency welfare, medical, and health
services throughout the State. Such responsibility includes the developing of general plans for public health and sanitation, emergency medical assistance, identification and mortuary services, mass care and feeding, food stamp distribution, crisis counseling, emergency social services, evacuation of sick and injured, use of hospitals and other medical facilities, protection from radiological, chemical, biological, and other hazardous materials, and environmental health and sanitation.

2. Responsible for assuring adequate supplies of portable water and coordinating with other appropriate State agencies for assistance.

3. Maintain and control the use of packaged disaster hospitals.

4. Responsible for general emergency planning, implementation, and direction of radiological emergency response operations activities in support of fixed nuclear facilities, nuclear waste incidents during transport, and other nuclear incidents.

5. Provide personnel for damage assessment and damage survey teams.

6. Responsible for the environmental impact analysis of proposed emergency operations and for the suggesting of alternative methods or actions to keep resulting environmental damage to a minimum.

7. Provide emergency communications assistance.

8. Provide food stamp and disaster welfare services and personnel for receptionists, registrars, and exit interviewers in the Disaster Assistance Centers.

9. Develop an emergency organization for the coordination of disaster operations at the Regional level under the supervision of the Regional Director.

J. DEPARTMENT OF INSURANCE

1. Provide insurance counseling services for the disaster victims in the Disaster Assistance Centers.

2. Prepare the insurance certifications that are required prior to receiving Federal disaster assistance.

K. DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES

1. Provide inspectors for determining compliance with State Building Codes and Standards.

2. Provide personnel for damage assessment and damage survey teams.

L. DEPARTMENT OF LANDS

1. Cooperate with Federal and local governments in developing plans for and directing activities relating to the prevention and control of fires in the rural areas of the State.

2. Designate a State Fire Coordinator for rural fire suppression.

3. Develop plans and direct activities for the emergency protection, management and utilization of land resources, and facilities under the State's jurisdiction. Also, develop plans for the emergency protection and processing of forest products in cooperation with other Federal, State and private agencies.

4. Provide emergency communications assistance.

5. Assist in search and rescue operations.

M. DEPARTMENT OF LAW ENFORCEMENT
1. Coordinate all requests for additional law enforcement personnel.

2. Operate a statewide emergency communications system which will be designated as the primary system during an emergency.

3. Operate the National Warning System (NAWAS) insofar as it relates to the State, until relieved by activation of the State Emergency Operations Center.

4. Develop, operate, and maintain a warning system for alerting State and local governments, with the assistance of the Bureau of Communications and the Bureau of Disaster Services.

5. Develop and implement plans for statewide emergency traffic control measures, to include evacuation.

6. Provide damage assessment and information on disaster incidents to the State Emergency Operations Center when activated.

7. Assist with hazardous materials incidents.

8. Provide brand inspection personnel to determine ownership of animals.

9. Provide public information assistance.

10. Assist in search and rescue operations.

11. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Lieutenant.

12. Provide for mobile radiological monitoring.

N. DEPARTMENT OF PARKS AND RECREATION

1. Assist the Department of Lands in preventing and combating fires in rural areas.

2. Cooperate with the Department of Health and Welfare in providing appropriate departmental lands and facilities as mass care and feeding centers during emergencies.

3. Provide personnel for damage assessment and damage survey teams and radiological monitoring.

4. Assist in search and rescue operations.

O. DEPARTMENT OF REVENUE AND TAXATION

1. Provide tax counseling services for the disaster victims in the Disaster Assistance Centers.

P. DIVISION OF TOURISM AND INDUSTRIAL DEVELOPMENT

1. Prepare and maintain a complete inventory of Idaho industries.

2. Provide public information assistance.

Q. DEPARTMENT OF TRANSPORTATION

1. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Engineer.

2. Provide personnel for damage assessment and damage survey teams and radiological monitoring.

3. Provide engineering services, repair and maintenance of state highways, bridges, airfields, and debris clearance.

4. Assist with hazardous materials incidents.

5. Provide for emergency highway traffic regulations.

6. Provide emergency management of resources pertaining to construction and transportation.

7. Coordinate aviation activities within the State, to include the requirement for restricted air space within the disaster area.
8. Provide aviation resources for evacuation, search and rescue operations, and aerial radiological monitoring.
9. Operate a statewide communications system which will be designated as an alternate during an emergency.
10. Provide public information assistance.
11. Coordinate the activation of "Plan Bulldozer."
12. Provide for emergency management of the construction and transportation resource control group.

R. DEPARTMENT OF WATER RESOURCES
1. Conduct dam safety inspections and supervise dam safety during times of flooding or imminent failure by coordinating regulation of releases or emergency maintenance and repair to protect life and property. Advise Emergency Operations Center of impending emergency conditions, either as a result of imminent failure or of other conditions.
2. Coordinate operations of water control structures to minimize flood damage during impending or actual occurrence of a disaster.
3. Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations or when channel work is necessary on an emergency basis to protect life and property.
4. Assist agencies and individuals in obtaining emergency authorization from the Corps of Engineers, U.S. Army, under Public Law 92-500, to conduct flood control activities in waterways.
5. Provide trained personnel to recommend emergency actions before, during, and after flood emergencies.
6. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.
7. Provide personnel for damage assessment and damage survey teams.
8. Act as responsible agency to coordinate State efforts in drought disasters.
9. Provide assistance in finding and obtaining alternative water supplies during drought emergencies.
10. Assist the Department of Health and Welfare in assuring adequate supplies of portable water.
11. Act as the State Coordinating Agency for the Flood Insurance Program.
12. Provide emergency communications assistance.
13. Provide for emergency management and operation of the water resource control group, when directed.

III. EMERGENCY ACTIONS
Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. Any new emergency preparedness function may be assigned to the head of a governmental agency by the Chief, Bureau of Disaster Services, by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him by this Order.
This Order does not confer authority to put into effect any emergency plan, procedure or policy until my proclamation of a state of extreme emergency under the provisions of and as defined in Section 46-601, subparagraph (a), Idaho Code, and/or my proclamation of a disaster emergency under the provisions of Section 46-1008 of the Idaho Code is issued.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 31st day of October, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR:
/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-6

ENERGY CONSERVATION CONSIDERATIONS INCLUDED IN STATE BUILDINGS

WHEREAS, the efficient use of energy is of prime importance to the economic and energy well-being of the State of Idaho; and
WHEREAS, the State of Idaho uses, in its owned and leased buildings, a considerable portion of the State's energy demand; and
WHEREAS, the State government's ability to control energy use in leased facilities has been minimal, particularly after signing a lease; and
WHEREAS, it is imperative that the State government of Idaho set an example of energy efficiency for owners and operators of public and private buildings;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby order all State building designs and lease agreements to include energy conservation considerations including:

-- insulation levels no less stringent than the Code for Energy Conservation in New Building Construction (Uniform Building Code, 1979);
-- insulated or storm windows and doors;
-- adequate caulking and weatherstripping;
-- use of solar hot water where feasible and solar heating where cost effective;
-- in the Capitol Mall, use of natural hot water where feasible;
-- roof design providing summer shade for sun-facing windows and entry ways in the summer and direct sunlight on those walls in the winter.

I further order that all lease agreements be reviewed in draft
form for compliance with these objectives. All parties are to be notified in any such negotiations that failure to comply with these objectives may be sufficient grounds for voiding the lease agreement. I further order that the signing of such agreements include a statement of accountability to the intent of this order so that compliance will be a part of the lease drafting procedure rather than a source of conflict after a contract has been signed. I further direct the attention of all persons and agencies in all branches of state and local government to the spirit of this order. Consideration of long-term energy costs, including seasonal and peaking demands upon the suppliers of energy, should become a major consideration in and State buildings and lease agreements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirtieth day of October, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-7

PROHIBITING THE USE OF STATE FUNDS TO PAY FOR PROFESSIONAL DUES, FEES AND MEMBERSHIPS IN PROFESSIONAL ASSOCIATIONS

Recognizing that there is no uniform state policy in regard to the payment of professional dues, fees, and memberships for state employees, I find it essential to make a policy for all state employees in the Executive Department.

Therefore, as Governor of the State of Idaho, I proclaim the following policy:

No state money shall be used to pay for any kind of professional, occupational or trade license, certificate, permit or occupational registration for any state employee or officer; nor shall any state monies be used to pay for any kind of dues to any professional, occupational or trade association in which membership is restricted to persons who are licensed, certified or registered under Idaho law.

This policy does not preclude the state or state departments from paying dues to organizations relating to their responsibilities in state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal
WHEREAS, the Congress of the United States has enacted the National Health Planning and Resources Development Act of 1974 (P.L. 93-641) and the Health Planning and Resources Development Amendments of 1979 (P.L. 96-79) for which the stated purpose is to "facilitate the development of recommendations for National Health Planning Policy, to augment areawide and state planning for health service, 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 the P.L. 93-641 and 96-79.

FURTHERMORE, within the compositional restrictions of P.L. 93-641 and P.L. 96-79, the Council shall consist of twenty (20) members appointed by the Governor. At least twelve (12) of the members will represent Idaho Health Systems Agency, Inc., established pursuant to the provision of P.L. 93-641 and 96-79. The remaining eight (8) members shall be selected and appointed by the Governor. The Council shall also include a representative from the State Veterans' Administration Facility as an ex-officio member. (The V.A. representative is in addition to the appointed members.) The Statewide Health Coordinating Council membership will represent the health professions; various units and levels of government, public, private and voluntary health associations; rural and urban medically underserved population; ethnic, racial and other minority groups. In the aggregate, the Council shall include persons from all social-economic stations in life and representing various geographic areas in the State; majority of the members shall be persons classified as consumers of health services as defined by P.L. 93-641 and 96-79. The Statewide Coordinating
Council Chairman may be appointed by the Governor in consultation with the Senate.

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 and 96-79.

This Executive Order hereby repeals and replaces Executive Order No. 78-5.

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 8th day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-9

ESTABLISHMENT OF THE IDAHO MAPPING ADVISORY COMMITTEE

WHEREAS, it is in the interest of the State of Idaho, federal resource management agencies, local government, and private organizations to professionally respond to the growing resources management problems in the State; and

WHEREAS, various mapping activities are basic to sound resource management, it is necessary to minimize duplication in mapping programs of state agencies, maximize utilization of state and federal funds expended on mapping and allied projects, and improve mapping products; and

WHEREAS, it is important to officially, efficiently and accurately communicate to the federal government Idaho's mapping priorities; and

WHEREAS, the State's cartographic community has an increasing need to keep abreast of the rapidly changing technology in mapping and related disciplines;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby officially charter the Idaho Mapping Advisory Committee to carry out the following duties and responsibilities:

1. Assist in the preparation of requests to pertinent federal agencies as a part of the diversified national mapping program.

2. Make recommendations to state and federal agencies regarding
cartographic information, production distribution, and mapping and remote sensing specifications.

3. Meet on at least an annual basis to review map programs carried on by federal and state agencies and private industry, develop a list of priorities with regard thereto and make recommendations with regard to possibilities for cooperation and resource sharing.

4. Review new mapping and remote sensing technology applications which can be directed to the State's interest.

5. Submit an annual report to the Governor of the Committee's activities within two weeks subsequent to the annual meeting.

Membership of the Idaho Mapping Advisory Committee will be made up of Department Directors or their designees. Voting representatives will be from Idaho's natural resource and planning agencies having mapping interests. Ex-officio members will include the pertinent federal agencies operating in Idaho, Idaho industry and professional organizations, and key academic institutions in the State with mapping expertise.

Voting membership in the Idaho Mapping Advisory Committee will consist of the Department of Lands; the Department of Transportation; the Department of Water Resources; the Division of Budget, Policy Planning and Coordination; the Department of Fish and Game; and the Department of Parks and Recreation. The Idaho Mapping Advisory Committee may vote to add to the state voting membership if other state agencies have a need and interest in participating in the Committee. Such additions shall be approved by the Governor.

The Governor shall appoint the Chairman of the Idaho Mapping Advisory Committee on an annual basis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-10
REPEALING AND REPLACING EXECUTIVE ORDER NO. 77-8, RISK MANAGEMENT ADVISORY COMMITTEE

WHEREAS, the State of Idaho has found it necessary to purchase
casualty and property insurance to properly protect State-owned property and to cover exposures of the State where potential risk of loss exists; and

WHEREAS, the cost of said insurance has increased substantially during the past several years; and

WHEREAS, Chapter 57, Title 67 of the Idaho Code has designated the Bureau of Risk Management, Department of Administration, as the State agency responsible for the administration of State insurance programs of all kinds, other than life and disability insurance; and

WHEREAS, it is desirable that the State receive professional advice on the management of risks and the administration and procurement of insurance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby establish the "Risk Management Advisory Committee" to act in an advisory capacity to the Department of Administration in the areas of risk and insurance management for the State of Idaho.

SECTION 1. COMPOSITION OF THE COMMITTEE.

The Risk Management Advisory Committee shall consist of four (4) members appointed by the Governor. Members shall serve for a term of 2 years. Committee members shall serve without remuneration but shall receive their actual expenses of travel and lodging to meetings and be reimbursed for meals as allowed by Idaho laws and regulations.

Committee members will be selected from private industry or the general public and must have insurance experience that will be valuable to the Committee. To maintain the integrity of the Committee, Committee members may not be associated with or employed by any insurance company, insurance agency, or consulting firms providing insurance or risk management consulting services to the State of Idaho.

The Director of the Department of Administration, or his designee, shall serve as chairman of the Risk Management Advisory Committee. The Department of Administration shall provide a secretary to record all actions taken by the Committee. The chairman will not have a vote in the decisions of the Committee except in the event of a tie vote.

The Committee may not meet and transact business without a quorum present. A quorum shall be two members and the chairman.

SECTION 2. COMMITTEE SUBJECT TO STATE RULES

The Risk Management Advisory Committee shall be subject to all laws, rules and regulations of the State of Idaho. All meetings shall be open to the public and reasonable notice shall be given to the public of such meetings. Minutes shall be kept of all Committee meetings and will be available for public inspection after approval by the Committee.

SECTION 3. COMMITTEE RESPONSIBILITIES.

The Risk Management Advisory Committee shall be responsible for advising the State on risk management and insurance matters. Duties of the Committee shall include, but are not limited to:

A. Review and advise on safety and loss prevention programs.
B. Review and advise on risk exposures.
C. Review and advise on risk handling programs.
D. Review and advise on insurance specifications, insurance proposals from companies and/or agents, and the procurement of insurance.
E. Review and advise of self-insurance programs.
F. Review and advise on dealings with insurance companies and insurance agents.

The Risk Management Advisory Committee shall be advisory in nature only, and the advice of the Committee shall be given all due accord. The ultimate responsibility for risk management shall remain with the State Risk Manager and with the Department of Administration as provided by law.

The Risk Management Advisory Committee shall cease to exist and this Executive Order shall cease to be effective after November 21, 1981, or at such earlier date as it is determined that the need for the Risk Management Advisory Committee no longer exists.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-first day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR: /s/ John V. Evans
SECRETARY OF STATE

/s/ Pete T. Cenarrusa
GOVERNOR OF THE STATE OF IDAHO

EXECUTIVE ORDER NO. 79-11

CREATING THE CORRECTIONAL INDUSTRIES ADVISORY BOARD

WHEREAS, there exists for the benefit of all correctional industries in the prison facilities under the jurisdiction of the Board of Correction a Correctional Industries Commission consisting of the Director of Correction and members of the Board of Correction; and

WHEREAS, the Correctional Industries Commission as described above is required by Idaho Code 20-408 to exercise the duties enumerated therein; and

WHEREAS, the exercise of such duties often requires technical expertise in such areas as marketing, equipment acquisition, production methods, profit margins and the like; and

WHEREAS, the members of the Board of Correction are not necessarily familiar with the operation of industrial enterprises nor do they necessarily have the required technical expertise in such areas as marketing, equipment acquisition, production methods, profit margins
and the like; and

WHEREAS, the creation of an advisory board composed of volunteers from the private sector of our economy could help provide the required technical expertise and help improve the profitability of the State's prison industries program;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by law, do hereby create the Correctional Industries Advisory Board for the purpose of providing technical expertise to the Industries Commission or any successor organization charged with the responsibilities contained in Idaho Code 20-408 in such areas as marketing, business operation, finance, production and livestock operation or in other such areas as might be helpful in the area of correctional industries.

The Board shall consist of five members appointed by the Governor from the private sector of the Idaho economy. The term shall be two years. The Governor shall further designate the Chairman of the Advisory Board.

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 December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-12

DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO

WHEREAS, there has existed for several years an interest on the part of employees of the State of Idaho in the establishment of a plan whereby employees could defer the receipt of portions of their earnings until retirement; and

WHEREAS, the Idaho Legislature by and through the implementation of Idaho Code 59-513 has provided for the establishment of a Deferred Compensation Plan; and

WHEREAS, in response to this interest, the Board of Examiners of the State of Idaho has appointed a Deferred Compensation Committee to study implementation of such a plan; and

WHEREAS, a Deferred Compensation Plan has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and
WHEREAS, administrative entities on the state level are necessary for proper implementation of the plan;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority invested in me by law, do hereby order the following;

Under the present plan for implementation of a Deferred Compensation Program for employees of the State of Idaho, the following entities will carry out the responsibilities enumerated below:

1. The Deferred Compensation Committee comprised of a representative from the Department of Administration, Office of the Attorney General, Office of the Secretary of State and the Office of the State Auditor is hereby named as the policy-making board for the Deferred Compensation Program subject to the authority vested in the Board of Examiners of the State of Idaho by law.

2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners.
   a. Selection of a third-party administrator.
   b. Selection of product companies which sell or offer securities or other assets to the State of Idaho in accordance with the Deferred Compensation Plan.
   c. Approval and monitoring of the marketing program to introduce the Deferred Compensation Program to state employees.
   d. Review all summary reports produced by the Office of the State Auditor and the Administrator to insure all funds are properly accounted for.
   e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program and to determine if rebidding is necessary.
   f. Review all financial hardship cases and other unusual circumstances developing with employees enrolled in the Deferred Compensation Program.
   g. Review and approval all plan documents, contracts, by-laws, and rules and regulations.
   h. Review the performance of the third-party administrator.
   i. Review all audits of the Deferred Compensation Program.
   j. Make all other necessary policy decisions.

3. A representative of the Department of Administration in accordance with the request of the Board of Examiners of the State of Idaho shall be responsible for all daily paperwork and contact with the third-party administrator and employees concerning routine matters. The Department of Administration is hereby required to provide the following routine administrative services:
   a. Insure remittance to the administrator of deferred moneys is made on a monthly basis.
   b. Review and sign all enrollments, change and claim requests.
   c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program.
d. Communicate with State employees and the third-party administrator concerning routine matters.

e. Provide or arrange to provide completion of any other routine matters as requested by the Deferred Compensation Committee.

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 21st day of December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR:  
/s/ John V. Evans  
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa  
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-13

CONTINUING HEALTH SERVICE AREAS FOR THE STATE OF IDAHO,  
REPEALING AND REPLACING EXECUTIVE ORDER NO. 77-6.

WHEREAS, the Second Session of the 93rd Congress of the United States of America did enact the National Health Planning and Resources Development Act of 1974, such Act being subsequently amended by the 96th Congress; and

WHEREAS, the President of the United States of America did concur with the Second Session of the 93rd Congress by signing into law the National Health Planning and Resources Development Act of 1974, and the subsequent amendments; and

WHEREAS, it is the stated purpose of the Act to "facilitate the development of recommendations for a national health planning policy; to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy"; and

WHEREAS, the President and Congress of the United States of America did, through the enactment of the National Health Planning and Resources Development Act of 1974, amended in 1979, direct the governors of the several states to submit their designations to the Secretary of Health, Education and Welfare; and

WHEREAS, in pursuance of his obligation to designate the boundaries of health service areas in the State of Idaho, the Governor of the State of Idaho did cause an Ad Hoc Task Force to define the alternatives available to the Governor in the designation of health service areas in the State of Idaho; and

WHEREAS, in the discharge of its responsibilities, the Governor of
the State of Idaho directed the Ad Hoc Task Force to conduct public hearings throughout the State to solicit and receive statements and opinions of the public at large; and

WHEREAS, members of the Ad Hoc Task Force and the public at large expressed the need for efficiency, effectiveness, productivity, and a lack of duplication in health planning in the State of Idaho; and

WHEREAS, a significant majority of the public at large have clearly stated the desire to preserve, strengthen, and guarantee effective and decisive local input in health planning in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by authority vested in me by law, do hereby establish six (6) health service subareas within the State of Idaho, the boundaries of which shall be as follows:

Region I-----Boundary, Bonner, Kootenai, Benewah and Shoshone Counties (Panhandle Region)
Region II----Latah, Clearwater, Nez Perce, Lewis and Idaho Counties (Clearwater Region)
Region III---Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore and Owyhee Counties (Southwest Region)
Region IV----Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia Counties (Magic Valley Region)
Region V-----Bingham, Power, Bannock, Oneida, Franklin, Caribou and Bear Lake Counties (Southeast Region)
Region VI----Lemhi, Custer, Butte, Clark, Jefferson, Fremont Madison, Teton and Bonneville Counties (Eastern Region)

FURTHER, for the purposes of the National Health Planning and Resources Development Act of 1974, As Amended, the six (6) health service subareas established by this Executive Order shall collectively constitute the health service area for the State of Idaho.

It is the explicit intent of this Executive Order to promote efficiency and to prevent duplication in health planning in the State of Idaho, but only in such a manner as to guarantee and actively promote decisive local input in the health planning process.

For that reason, I do further direct the establishment of six (6) subareas health councils, one in each of the six (6) health service subareas within the State. The membership of these councils shall conform with the requirements of the National Health Planning Development Act of 1974, As Amended, and shall be appointed only after consultation with the chief elected official of each local political subdivision within the boundaries of the respective health service subareas.

In order to protect and promote effective local input in health service planning within the State of Idaho, I do further direct that the Health Systems Agency established within the State of Idaho for the purposes of the National Health Planning and Resources Development Act of 1974, As Amended, shall be composed of eighteen (18) members comprised of three members each from the six (6) subarea councils, plus appropriate representation from the Standard Metropolitan Statistical Area and appropriate state and federal officials.

In order to assist in the prompt and orderly implementation of the
provisions of this Executive Order, I do hereby designate the State Department of Health and Welfare as the State Health Planning and Development Agency pursuant to the National Health Planning and Resources Development Act of 1974, as Amended.

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 26th day of December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 79-14

ESTABLISHMENT OF A STATE OFFICE OF VOLUNTARY CITIZEN PARTICIPATION

WHEREAS, there is no statewide structure or communication network to coordinate volunteer activities that can assist public and private agencies; and

WHEREAS, the State faces a reduction in financial resources available to fund services and programs traditionally provided by state and local government; and

WHEREAS, volunteerism can be an effective means of meeting many human needs and replacing essential services traditionally offered by state and local government; and

WHEREAS, public and private agencies depend on volunteer services to support essential programs; and thousands of senior citizens, businessmen and women, homemakers and others are involved in voluntary activities; and

WHEREAS, I have a special interest in programs for senior citizens and want to enhance their opportunities and capabilities for volunteerism statewide;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, being aware of the rapid growth in the State of Idaho and the overwhelming need to continue essential services, recognize the tremendous financial and human resources available through volunteerism and do hereby establish within the Executive Office of the Governor a State Office of Voluntary Citizen Participation (SOVCP) to be headed by an Administrator appointed by the Governor.

The position of Administrator of the State Office of Voluntary Citizen Participation will be exempt from the provisions of Chapter 53, Title 67, Idaho Code, and responsible for hiring and supervising
of the supportive staff who shall be classified as "limited service employees."

The Administrator of the Office of Voluntary Citizen Participation will work with the Director of the Office of Aging on all matters related to policy and assist and coordinate volunteer initiatives with the Office on Aging for further development and support of Senior Citizens' programs.

The Administrator of the State Office of Voluntary Citizen Participation will be the representative of the State to federal agencies and regional organizations within Idaho on issues dealing with volunteerism. In addition, this person will be responsible for planning and training and will serve as the intergovernmental liaison and community resource liaison as related to volunteer services. The SOVCP Administrator will also be responsible for meeting the requirements and conditions of the federal grants to the State Office of Voluntary Citizen Participation including monitoring, evaluation and program reports necessary to insure effective implementation of volunteer services supported by the State.

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 thirty-first day of December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

EXECUTIVE ORDER NO. 80-1

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR, DARRELL V. MANNING, AS THE RECIPIENT OF FEDERAL GRANTS FOR RAIL SERVICE ASSISTANCE

WHEREAS, the Federal Government, under sections 5(f) through 5(p) of the Department of Transportation Act (49 U.S.C. 1654), as amended by the Local Rail Service Assistance Act of 1978, Pub. L. 95-607, 92 Stat. 3059, November 8, 1978, is authorized to provide rail service assistance funds to states in order to develop, promote, supervise and support safe, adequate and efficient rail transportation services; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, section 5(j) (2) of the Act [49 U.S.C. 1654 (j) (2)] requires that an agency of the State of Idaho be designated the authority and administrative jurisdiction to receive and expend such
financial assistance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by section 5, Article 4, of the Idaho Constitution and section 67-802 of the Idaho Code, do hereby designate the Idaho Transportation Department and Darrell V. Manning, its director, to receive and expend monies from the Federal Government for local rail service assistance for planning and projects, as provided under the applicable Federal Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the fourth day of March, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 80-2

ESTABLISHING THE GOVERNOR'S ANADROMOUS FISH ADVISORY COMMITTEE

WHEREAS, the Treaty and non-Treaty citizens of the State of Idaho desire proper management, conservation and preservation of the Anadromous Fish runs; and

WHEREAS, the Treaty and non-Treaty citizens of Idaho, the Department of Interior and the State Department of Fish and Game desire to develop a state fishery plan; and

WHEREAS, it is incumbent upon the Governor to draw on the talents of the Treaty Citizens, the non-Treaty Citizens and the Government Officials to achieve these purposes;

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 Anadromous Fish Advisory Committee to provide a forum for evaluating the status of the Idaho's Anadromous Fish Runs and Treaty and non-Treaty fisheries.

2. The Governor's Anadromous Fish Advisory Committee will promote the development of an effective working relationship between the Department of Fish and Game, the respective Tribes and the Department of Interior concerning the development and maintenance of the viable and anadromous fish runs within the state.

3. The Governor's Anadromous Fish Advisory Committee will pro-
vide assistance in the ultimate development of a cooperative fish management program between the State of Idaho and Treaty Tribes.

4. The Governor's Anadromous Fish Advisory Committee will make recommendations to the Governor regarding the development of a state fishery plan which will enhance and protect Idaho's Anadromous Fishery resources while providing for reasonable treaty and non-treaty fisheries.

5. The Governor's Anadromous Fish Advisory Committee will meet at least annually during the spring of the year for the purpose of reviewing the status of Idaho's Anadromous Fishing runs, including Salmon and Steelhead, and review the previous year's run sizes, fisheries spawning escapements and the progress of enhancement programs.

6. The Governor's Anadromous Fish Advisory Committee shall consist of the following members: A member of the Nez Perce Tribe to be selected by the Tribe, a member of the Shoshone-Bannock Tribe to be selected by the Tribe, a representative of the Department of Interior, a member from the Idaho Intertribal Policy Board, Director of the Idaho Department of Fish and Game, Chairman of the Idaho Fish and Game Commission and a member of the Governor's staff, and a citizen-at-large. In addition to the above membership, the Advisory Council may utilize the services of such persons from other agencies, tribes or private non-treaty citizens as it deems necessary to carry out its functions.

7. The Governor's Anadromous Fish Advisory Committee will submit to the Governor a full report of its findings on an annual basis.

8. 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 tenth day of March, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred fourth, and of the Statehood of Idaho the ninetieth.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
33 — ONEIDA & BANNOCK COUNTIES

Lester A. Hartvigsen, Senate (D) 7th Term
255 E. 155 S., Malad 83252 766-4106
Farmer Wife — Edris
COMMITIEES: Jud, St Alf

Myron Jones, House (R) 2nd Term
165 W. 300 N., Malad 83252 766-4935
Farmer/Rancher Wife — Nola
COMMITIEES: Educ, Transp, Res/Con

Bert W. Marley, House (D) 1st Term
Box 32, McCammon 83250
Home 254-3291 Bus. 236-2575
Teacher/Farmer Wife — Betty Jane
COMMITIEES: Agric Aff, Educ, Jud

34 — BANNOCK COUNTY

James A. Leese, Senate (D) 2nd Term
1075 East Elm, Pocatello 83201 232-7583
Retired Wife — Louise
COMMITIEES: Jud, Loc Gov

Gary Gould, House (D) 2nd Term
541 S. 7th, Pocatello 83201
Home 232-6859 Bus. 232-5310
Insurance-Real Estate Wife — Marcy
COMMITIEES: Loc Gov, Rev/Tax

Patricia L. McDermott, House (D) 6th Term
P.O. Box 3, Pocatello 83201
Home 232-6978 Bus. 232-3162
Attorney
COMMITIEES: Jud, St Alf, W/M

35 — POWER, BINGHAM & BANNOCK COUNTIES

C. E. "Chick" Bilyeu, Senate (D) 5th Term
Route 1N, Box 48, Pocatello 83201 237-3158
Educator Wife — Diane
COMMITIEES: Fin, Transp

W. Rusty Barlow, House (R) 2nd Term
Rt. 1 Laughan, Tyhee 83201
Home 237-6531 Bus. 233-0962
Elec./Plbg./Htg. Contractor Wife — Andrea
COMMITIEES: Transp, Print, Rev/Tax

Dwight W. Horsch, House (D) 1st Term
Rt. 1, Aberdeen 83210 397-4925
Farmer Wife — Kathy M.
COMMITIEES: Agric Aff, Print, St Alf
25 — TWIN FALLS

Richard S. High, Senate (R) . . . . . . . . . . . . . 7th Term
802 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 733-3047 Bus. 733-6799
Farmer Wife — Jackie
Speaker of the House

T. W. Silvers, House (R) . . . . . . . . . . . . . . . . 3rd Term
144 N. Juniper, Twin Falls 83301
Home 733-7127 Bus. 733-3821
Title Insurance Wife — Winifred
COMMITTEES: Chm-Jud, Educ, Loc Gov

26 — CASSIA & MINIDOKA COUNTIES

Dean Van Engelen, Senate (R) . . . . . . . . . . . . . 2nd Term
P.O. Box 98, Burley 83318
Home 678-8187 Bus. 678-5602
Retail Merchant Wife — Eyronne (Sally)
COMMITTEES: Fin, Res/Env

J. Varl Chaltburn, House (R) . . . . . . . . . . . . . . 12th Term
Box 97, Albion 83311 673-6661
Rancher Wife — Eva
COMMITTEES: St Aff, Chm-Res/Con

Ernest A. Hale, House (R) . . . . . . . . . . . . . . . . 5th Term
725 E. 16th Burley 83318 676-7394
Quarry Opr. Wife — Elizabeth
COMMITTEES: Educ, Print, Transp

27 — BINGHAM COUNTY

Israel (Is) Merrill, Senate (D) . . . . . . . . . . . . . 5th Term
581 N. Stout St., Blackfoot 83221 785-3375
Retail Grocer Wife — Lois
COMMITTEES: Comm/Lab, HEW, St Aff

Raymond G. Parks, House (R) . . . . . . . . . . . . . 1st Term
Route 4, Box 238, Blackfoot 83221 664-4816
Farmer Wife — Paula
COMMITTEES: Print, Res/Env, Transp

Darwin L. Young, House (R) . . . . . . . . . . . . . . 2nd Term
Route 5, Box 115, Blackfoot 83221 664-4554
Farmer Wife — Pearl
COMMITTEE: Bus, Health/Wei, Rev/Tax

28 — FREMONT & MADISON COUNTIES

Mark G. Ricks, Senate (R) . . . . . . . . . . . . . . . 1st Term
Route 4, Box 173, Rexburg 83440 356-6676
Farmer Wife — Evelyn T.
COMMITTEES: Comm/Lab, Fin

F. Melvin Hammond, House (D) . . . . . . . . . . . . . 6th Term
149 Elm Ave., Rexburg 83440 356-3725
Educator Wife — Bonnie
COMMITTEES: Bus, St Aff

Doyle C. Miner, House (R) . . . . . . . . . . . . . . . . 4th Term
310 N. 7 E., St. Anthony 83345 624-7388
Pharmacist Wife — Doris
COMMITTEE: Chm-Approp

29 — BUTTE, BINGHAM & BONNEVILLE COUNTIES

J. Marsden Williams, Senate (R) . . . . . . . . . . . . . 7th Term
1950 Carmel Dr., Idaho Falls 83401 524-1922
Rancher/Realtor/Svg—Loan Off. Wife — Phyllis
COMMITTEES: Chm-Res/Env, St Aff

Kurt L. Johnson, House (R) . . . . . . . . . . . . . . . 7th Term
Route 6, Box 407, Idaho Falls 83401 522-7959
Farmer Wife — Lucille
COMMITTEES: Agric Aff, Chm-Educ, Res/Con

C. Wendell Miller, House (D) . . . . . . . . . . . . . . 4th Term
791 N. Skyline Dr., Idaho Falls 83401
Home 523-1192 Bus. 526-3637
Instrument Supervisor Wife — Alene
COMMITTEES: Transp, St Aff

30 — BINGHAM & BONNEVILLE COUNTIES

Dane Watkins, Senate (R) . . . . . . . . . . . . . . . . 5th Term
2975 Fieldstream Lane, Idaho Falls 83401
Home 522-4855 Bus. 523-0800
Farm Equipment Dealer Wife — Sherry
COMMITTEES: Chm-Agric Aff, Fin, Loc Gov

Elaine Kearns, House (R) . . . . . . . . . . . . . . . . 5th Term
3040 Gustafson Circle, Idaho Falls 83401
Home 522-2256 Bus. 522-5975
Accountant
COMMITTEES: Chm-Health/Wei, St Aff

Gary L. Paxman, House (R) . . . . . . . . . . . . . . . . 1st Term
719 E. 16th, Idaho Falls 83401
Home 523-2913 Bus. 523-5572
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 456-5831
Rancher/Businessman Wife — Alta
COMMITTEES: Fin, Transp

Linden B. Bateman, House (R) . . . . . . . . . . . . . 2nd Term
Route 1, Box 442, Idaho Falls 83401
Home 524-0027 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. Budge, Senate (R) . . . . . . . . . . . . . . . . 7th Term
231 S. 1st E., Soda Springs 83276 547-3096
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/Wei, Rev/Tax

Eugene B. Studki, House (R) . . . . . . . . . . . . . . . . 1st Term
31 West 2nd South, Paris 83261 Home 945-2245
Dairy Farmer Wife — Leonora
COMMITTEES: Educ, Health/Wei, Res/Con