CHAPTER 1  
(S.B. No. 1001)

AN ACT
RELATING TO PAYMENT OF EXPENSES OF NEGOTIATING A LOAN OR ISSUING TAX ANTICIPATION NOTES; AMENDING SECTION 63-3205, IDAHO CODE, TO PROVIDE THAT THE EXPENSES OF NEGOTIATING A LOAN AND THE ISSUANCE OF TAX ANTICIPATION NOTES ARE APPROPRIATED FROM AND ARE TO BE PAID FROM THE PROCEEDS OF THE NOTE SALE; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3205, Idaho Code, be, and the same is hereby amended to read as follows:

63-3205. EXPENSES OF NEGOTIATING LOAN AND ISSUING NOTES. Any and all expenses incident to the negotiation of any loan authorized and directed by this chapter, and the issuance of tax anticipation notes, shall be a just and legal charge against the state of Idaho and shall be presented and acted upon by the state board of examiners as other claims against the state. There is hereby appropriated out of the proceeds of the note sale so much as may be necessary to pay the expenses.

SECTION 2. An emergency existing 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 July 1, 1982.

Approved February 3, 1983.

CHAPTER 2  
(H.B. No. 8)

AN ACT
RELATING TO THE EFFECTIVE DATE OF THE IDAHO TRAFFIC INFRACTIONS ACT; AMENDING SECTION 41, CHAPTER 353, LAWS OF 1982, TO CHANGE THE EFFECTIVE DATE OF THE ACT FROM MARCH 1, 1983, TO JULY 1, 1983; AMENDING SECTION 42, CHAPTER 353, LAWS OF 1982, BY PROVIDING THAT ALL OTHER SECTIONS OF THE ACT NOT IMMEDIATELY IN FORCE SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER JULY 1, 1983.

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

SECTION 1. That Section 41, Chapter 353, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 41. That Section 22, Chapter 223, Laws of 1981, be, and
the same is hereby amended to read as follows:

SECTION 22. The provisions of this act shall be in full force and effect on and after July 1, 1983.

SECTION 2. That Section 42, Chapter 353, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 42. (1) An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 3, 4 and 41 of this act shall be in full force and effect on and after passage and approval.
(2) All other sections of this act shall be in full force and effect on and after July 1, 1983.

Approved February 9, 1983.

CHAPTER 3
(H.B. No. 20)

AN ACT
RELATING TO THE TRANSFER OF THE ADMINISTRATION OF CERTAIN CROSS-COUNTRY SKIING FUNCTIONS FROM THE DEPARTMENT OF LAW ENFORCEMENT TO THE DEPARTMENT OF PARKS AND RECREATION; AMENDING SECTIONS 49-3103, 49-3104, 49-3105 AND 49-3107, IDAHO CODE, TO STRIKE REFERENCE TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

SECTION 1. That Section 49-3103, Idaho Code, be, and the same is hereby amended to read as follows:

49-3103. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:
(1) "Winter recreational parking locations" mean designated parking areas established and maintained with funds acquired from the cross-country skiing account.
(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.
(3) "Department" means the department of parks and recreation of the state of Idaho.
(4) "Committees" mean the cross-country skiing advisory committees appointed in conformity with this act.
(5) "Authorized vendor" means a retail commercial enterprise, authorized by the department of law enforcement to sell the parking permits established by this chapter.
(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

SECTION 2. That Section 49-3104, Idaho Code, be, and the same is
49-3104. PARKING PERMIT -- FEE -- FINES -- PERMITS FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays a parking permit. The permit shall be permanently affixed on the side window of the vehicle nearest the driver's seat in such a manner that it is completely visible and shall be kept in a legible condition at all times.

(2) A fee of five dollars ($5.00) shall be charged for each permit.

(3) Any violation of the provisions of this section shall be a misdemeanor and be subject to a fine of ten dollars ($10.00).

(4) All snowmobile owners shall, concurrently with the receipt of a certificate of number as provided in section 49-2605, Idaho Code, receive from the department of law enforcement a parking permit as established by this chapter at no cost. Snowmobile owners holding unexpired certificates of number issued prior to the date on which permits become available may obtain a permit at no cost upon presentation of the certificate to the department of law enforcement; provided, however, that the department of law enforcement shall require the presentation of suitable identification to verify that the certificate was issued to the person requesting the permit.

(5) No parking permit shall be required under the provisions of this chapter for:
(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof; or
(b) A vehicle owned and operated by this state or by any county, city or political subdivision thereof.

(6) The fact that a motor vehicle which is illegally parked under this act is registered in the name of a person shall be considered prima facie evidence that such person was in control of the vehicle at the time of such parking.

SECTION 3. That Section 49-3105, Idaho Code, be, and the same is hereby amended to read as follows:

49-3105. PRINTING, DISTRIBUTION AND SALE OF PERMITS. (1) The department of law enforcement shall print the permits required by this chapter and shall supervise the sale of the permits throughout the state.

(2) The department of law enforcement shall distribute and sell the permits directly or may authorize vendors thereof under agreement with and according to rules and regulations of the department. The authorized vendors shall be bonded in accordance with such rules and regulations and will receive a stipulated commission for each permit sold. The department of law enforcement may, with the advice and assistance of the county cross-country skiing advisory committee, appointed as hereinafter set forth in section 49-3108, Idaho Code, solicit the participation of qualified retail commercial enterprises engaged in the sale or rental of cross-country skiing equipment to act as authorized vendors of the permits.
SECTION 4. That Section 49-3107, Idaho Code, be, and the same is hereby amended to read as follows:

49-3107. DISTRIBUTION OF FEES. The moneys collected by or for the board on the sale of each permit shall be allocated as follows:

(1) The authorized vendor shall be entitled to receive a commission of twenty-five cents ($0.25) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Seventy-five cents ($0.75) shall be allotted to the department of law enforcement for the production of the permits and necessary administration expenses incurred by that department in carrying out the provisions of subsection (4) of section 49-3104, Idaho Code, which moneys shall be placed in the motor vehicle park and recreation account.

(3) The balance shall be transmitted to the state treasurer for deposit to the credit of the cross-country skiing recreation account to be appropriated first for the reimbursement for costs incurred in the removal of snow from winter recreation parking locations. Any remaining moneys may be appropriated to provide grants to public or nonprofit entities for the acquisition, lease, development and maintenance of sanitation facilities, trail marking and other facilities designed to promote the health and safety of persons engaged in cross-country skiing.

Approved February 18, 1983.
C. 4 '83 IDAHO SESSION LAWS 7

CIAL TRANSFER TO THE PUBLIC SCHOOL INCOME FUND TO RESTORE OR REDUCE A DEFICIENCY, AND TO PROVIDE FOR APPORTIONING SUCH SPECIAL TRANSFERS TO SCHOOL DISTRICTS; APPROPRIATING AN AMOUNT FROM THE GENERAL ACCOUNT FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR THE PURPOSE OF RESTORING OR REDUCING ANY DEFICIENCY; AMENDING SECTION 41-402, IDAHO CODE, TO PROVIDE FOR A SCHEDULE FOR PAYMENT OF INSURANCE PREMIUM TAXES; AMENDING SECTION 63-3035, IDAHO CODE, TO PROVIDE A SCHEDULE FOR PAYMENT OF STATE WITHHOLDING TAX BY EMPLOYERS; AMENDING SECTION 63-3623, IDAHO CODE, TO PROVIDE FOR A SCHEDULE FOR PAYMENT OF STATE SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3640, IDAHO CODE, TO IMPOSE AN ADDITIONAL ONE PER CENT SALES AND USE TAX AND TO PROVIDE FOR STATE TAX COMMISSION AUTHORITY; AMENDING SECTION 67-1212, IDAHO CODE, TO PROVIDE CONDITIONS FOR ISSUING TAX ANTICIPATION NOTES; DECLARING AN EMERGENCY FOR VARIOUS SECTIONS OF THE ACT AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. This act shall be known as "The 1983 Idaho Emergency Fiscal Responsibility and Recovery Act".

SECTION 2. The State Board of Examiners is hereby directed to reduce the General Account appropriations made for fiscal year 1983 by not to exceed twelve percent (12%) of the total General Account appropriation made by any single appropriation act or single section of an appropriation act except for appropriations adjusted by any other section of this act, and except for the appropriations made to or for the following:

(a) The Office of the Governor, Section 1, Chapter 118, Laws of 1982;
(b) The Lieutenant Governor, Section 1, Chapter 97, Laws of 1982;
(c) The Secretary of State, Section 1, Chapter 200, Laws of 1982;
(d) The Attorney General, Section 2, Chapter 117, Laws of 1982;
(e) The State Auditor, Section 1, Chapter 114, Laws of 1982;
(f) The State Treasurer, Section 1, Chapter 199, Laws of 1982;
(g) The State Department of Education for the State Superintendent of Public Instruction, Section 1, Chapter 163, Laws of 1982;
(h) Agricultural Research/Cooperative Extension, Section 2, Chapter 291, Laws of 1982;
(i) Department of Correction, Section 2, Chapter 162, and Section 2, Chapter 224, Laws of 1982;
(j) Department of Health and Welfare for Medical Assistance Payments Program and Adult and ADC Assistance Payments Program, Section 2, Chapter 160, Laws of 1982;
(k) The PSEP-Western Interstate Commission on Higher Education Program, Section 2, Chapter 238, Laws of 1982;
(l) The Creighton University Boyne School of Dentistry Program, Section 3, Chapter 238, Laws of 1982;
(m) The University of Utah Medical School Program, Section 4, Chapter 238, Laws of 1982;
(n) The WAMI Medical Education Program, Section 5, Chapter 291, Laws of 1982;
(c) The salaries of elected officials, Section 1, Chapter 202, Laws of 1982;
(p) The Community Developmental Disability Services Program, Section 2, Chapter 293, Laws of 1982.

SECTION 3. That Chapter 227, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the following amounts shall be expended from state sources for the designated programs for public schools for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL SUPPORT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' UNEMPLOYMENT INSURANCE</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$188,748,700</td>
<td>$25,589,000</td>
<td>$662,300</td>
<td></td>
<td>$215,000,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>182,748,700</td>
<td>27,620,300</td>
<td>1,200,900</td>
<td></td>
<td>208,569,900</td>
</tr>
<tr>
<td>Endowment Income</td>
<td>17,065,000</td>
<td></td>
<td></td>
<td></td>
<td>17,065,000</td>
</tr>
<tr>
<td>Car Company Tax</td>
<td>20,000,000</td>
<td></td>
<td></td>
<td></td>
<td>20,000,000</td>
</tr>
<tr>
<td>Car Company Tax and Misc. Receipts</td>
<td>3,145,500</td>
<td></td>
<td></td>
<td></td>
<td>3,145,500</td>
</tr>
<tr>
<td>Liquor Funds</td>
<td>1,229,700</td>
<td></td>
<td></td>
<td></td>
<td>1,229,700</td>
</tr>
<tr>
<td>Vocational Education</td>
<td>2,126,600</td>
<td></td>
<td></td>
<td></td>
<td>2,126,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$232,315,500</td>
<td>$25,589,000</td>
<td>$662,300</td>
<td>$18,143,600</td>
<td>$256,790,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$216,313,500</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated out of the accounts enumerated the following moneys, to be deposited in the public school income fund for the designated programs for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public School Foundation Program</td>
<td>$188,748,780</td>
</tr>
<tr>
<td>Public School Employees' Retirement Program</td>
<td>$24,620,300</td>
</tr>
<tr>
<td>Public School Employees' Unemployment</td>
<td>$1,200,900</td>
</tr>
</tbody>
</table>

**TOTAL** $245,000,000

SECTION 3. (1) There is hereby appropriated from the public school income fund to the State Board of Education to be expended pursuant to law and the provisions of this section not to exceed $250,010,100 of the moneys which may accrue to such fund for the period July 1, 1982, through June 30, 1983.

(2) If the full amount of the General Account appropriation made by Section 2 of this act is not transferred to the public school income fund by June 30, 1983, before the deficiency resulting therefrom can be certified by the state board of education for the purpose of computing school district levies for tax year 1983, whether or not such deficiency is actually certified to the several boards of county commissioners, the state board must:

(a) Utilize all balances in the public school income fund from sources other than the general account; and

(b) Deduct from the remaining deficiency, if any, the actual amount of the 1982-83 cash dividend paid to the school district by the state insurance fund.

SECTION 4. That Section 1, Chapter 235, Laws of 1982, be, and the same is hereby amended to read as follows:

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, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$4,937,0001,284,000</td>
</tr>
<tr>
<td>Law Library</td>
<td>246,800</td>
</tr>
<tr>
<td>District Court</td>
<td>2,906,500</td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>2,897,800</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>32,300</td>
</tr>
<tr>
<td>Court of Appeals</td>
<td>391,100</td>
</tr>
</tbody>
</table>

**TOTAL** $7,811,500

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$7,793,2007,730,200</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>28,300</td>
</tr>
</tbody>
</table>

**TOTAL** $7,811,500
SECTION 5. Notwithstanding the provisions of Section 42-1760, Idaho Code, there is hereby appropriated from the Water Management Account and transferred to the General Account the sum of $500,000.

SECTION 6. Notwithstanding the provisions of Section 49-346, Idaho Code, there is hereby appropriated from the Driver Training Account and transferred to the General Account the sum of $375,000.

SECTION 7. Notwithstanding the provisions of Section 57-1108, Idaho Code, there is hereby appropriated from the Permanent Building Account and transferred to the General Account the sum of $740,000.

SECTION 8. Notwithstanding the provisions of Section 67-451, Idaho Code, the March 1, and April 1, 1983 transfers of $300,000 and $200,000, respectively, from the General Account to the Legislative Account shall not be made on or as of March 1, 1983 or April 1, 1983, respectively, and such sums shall be available for appropriation from the General Account.

SECTION 9. Notwithstanding the provisions of Section 72-519, Idaho Code, there is hereby appropriated from the Industrial Administration Account and transferred to the General Account the sum of $1,000,000.

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 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. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4 of this section shall not be subject to this limitation.

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 average daily attendance for the first semester of the then current school year. The factor will be used in apportionments of state funds in February and May.

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. 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. apportionments made or due for the transportation support program and the exceptional education support program.

3. The state board of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund as of the fifteenth day of July, October, February and May, in each year, taking into account the advance made under subsection 1 of this section, in such amounts as will provide in full for each district its support program, and not more than therefor required, and no school district shall receive less than fifty dollars ($50.00).

4. If the full amount appropriated by the legislature is not transferred to the public school income fund by the end of the fiscal year, the deficiency resulting therefrom shall either be restored or reduced through a special transfer from the general account in the first sixty (60) days of the following fiscal year, or shall be calculated in computing district levies, and any 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. If the deficiency is restored or reduced by special transfer, the amount so transferred shall be in addition to the amount appropriated to be transferred in such following fiscal year, and shall be apportioned to each school district in the same amount as each would have received had the transfer been made in the year the deficiency occurred. The board shall distribute to the school district the full amount of the special transfer as soon as practical after such transfer is made.

5. 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 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.

6. 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. The 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. There is hereby appropriated out of the General Account an amount, which amount shall be transferred by not later than September 1, 1983, to be deposited in the Public School Income Fund, which amount shall not exceed the deficiency resulting from the provisions of section 33-1009 4., Idaho Code, during fiscal year 1983, whether or not such deficiency is actually certified to the several boards of county commissioners, and shall be for the purpose of restoring or reducing the deficiency, pursuant to the provisions of
RESULTS OF 1982 ELECTION

33-1009 4., Idaho Code.

SECTION 12. That Section 41-402, Idaho Code, be, and the same is hereby amended to read as follows:

41-402. PREMIUM TAX. (1) Each authorized insurer, and each formerly authorized insurer with respect to insurance transacted while an authorized insurer, shall file with the director on or before the dates in each year set forth in subsections (3) and (4) of this section, a statement (on forms as prescribed and furnished by the director) under oath for the period set forth in subsections (3) and (4) of this section, and pay the director a tax at the rate set forth in subsection (2) of this section, on the following amounts:

(a) As to life insurers, the amount of all gross premiums received by the insurer on direct risks resident in this state, and also, if a domestic insurer, on direct risks resident in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less returned coupons and dividends paid to or credited to policy holders.

(b) As to all insurers other than life insurers, the amount of gross direct premiums written on policies covering subjects of insurance resident, located or performed in this state, and also, if a domestic insurer, on such premiums in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less returned premiums, premiums on policies not taken and dividends paid or credited to policy holders. As to title insurance "gross premium" means the insurance risk portion of the amount charged for title insurance.

(2) Subject to section 41-403, Idaho Code, the rate of tax shall be as follows:

(a) As to title insurance the rate of tax shall be one per cent (1%).

(b) As to all other kinds of insurance, the rate of tax shall be three per cent (3%).

(3) (a) On or before September 1, 1982, each reporting insurer shall report and pay the tax required by subsections (1) and (2) of this section, for the preceding January 1 through June 30; 1982; commencing December 1, 1982; the reporting dates and periods for which gross premiums are reported and premium taxes paid shall be as follows:

<table>
<thead>
<tr>
<th>Reporting-Date</th>
<th>Period-Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1</td>
<td>Preceding-October 1 through-December 31</td>
</tr>
<tr>
<td></td>
<td>and-annual-reconciliation</td>
</tr>
<tr>
<td>June 1</td>
<td>Preceding-July 1 through-September 30</td>
</tr>
<tr>
<td>September 1</td>
<td>Preceding-April 1 through-June 30</td>
</tr>
<tr>
<td>December 1</td>
<td>Preceding-July 1 through-September 30</td>
</tr>
</tbody>
</table>

(b) An insurer whose premium tax payable during a quarterly period is less than five hundred dollars (§₅₀₀) may defer payment of the tax up to the payment date when the tax payable for the year to date would equal or exceed five hundred dollars (§₅₀₀) or up to the annual reconciliation date of March 1 of each year.
whichever first occurs; except that quarterly reports shall be filed as set forth in subsection (3) (a) of this section even though a tax is not payable for that quarterly period.

Every insurer with a tax obligation under this section shall make prepayment of the tax obligations for the current calendar year's business, if the sum of the tax obligations for the preceding calendar year's business is four hundred dollars ($400) or more.

(b) The director shall credit the prepayments toward the appropriate tax obligations of the insurer for the current calendar year.

(c) The minimum amounts of the prepayments shall be percentages of the insurer's tax obligation based on the preceding calendar year's business and shall be paid to the director's office by the due dates and in the following amounts:

(i) On or before June 15, forty-five percent (45%);
(ii) On or before September 15, twenty-five percent (25%); and
(iii) On or before December 15, twenty-five percent (25%).

(4) On or before March 1, any balance of tax due for the preceding calendar year shall be paid to the director.

(5) The effect of transferring policies of insurance from one insurer to another insurer is to transfer the tax prepayment obligation with respect to the policies.

(6) This section shall not apply as to any domestic reciprocal insurer doing exclusively a workmen's compensation business and complying with the provisions of the workmen's compensation law of this state and writing workmen's compensation only for members under that law, if its representatives or agents or the attorney in fact executing such contracts are not compensated on a commission basis.

(7) This section shall not apply as to life insurance policies issued under pension plans or profit-sharing plans exempt or qualified under sections 401(a), 403, 404, 408, or 501(a) of the United States internal revenue code, as hereafter amended or renumbered from time to time, nor to annuity contracts in general.

(8) This section shall not apply as to any domestic reciprocal insurer which exclusively insures members who are governmental entities, as defined by section 6-902(1), (2) and (3), Idaho Code.

SECTION 13. That Section 63-3035, Idaho Code, be, and the same is hereby amended to read as follows:

63-3035. STATE WITHHOLDING TAX ON PERCENTAGE BASIS -- WITHHOLDING, COLLECTION AND PAYMENT OF TAX. (a) Every employer who is required under the provisions of the Internal Revenue Code to withhold, collect and pay income tax on wages or salaries paid by such employer to any employee shall, at the time of such payment of wages, salary, bonus or other emolument to such employee, deduct and retain therefrom an amount substantially equivalent to the tax reasonably calculated by the state tax commission to be due from the employee under this act. The state tax commission shall prepare tables showing amounts to be withheld, and shall supply same to each employer subject to this section. In the event that an employer can demonstrate administrative inconvenience in complying with the exact requirements set forth in
these tables, he may, with the consent of the state tax commission and upon application to it, use a different method which will produce substantially the same amount of taxes withheld. Every employer making payments of wages or salaries earned in Idaho, regardless of the place where such payment is made:

(1) shall be liable to the state of Idaho for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from his wages and paid over in compliance or intended compliance with this section; and

(2) must make return of and pay to the state tax commission monthly on or before the 25th 20th day of the succeeding month, or at such other times as the state tax commission may allow, an amount of tax which, under the provisions of this act, he is required to deduct and withhold; and

(3) must, notwithstanding the provisions of paragraphs (1) and (2), if the amount of withholding of such employer for the preceding twelve (12) month period equals or exceeds thirty-six thousand dollars ($36,000) per annum or an average of three thousand dollars ($3,000) per month per annum, make return of and pay to the state tax commission monthly on the following basis:

(A) For the withholding period May 1, 1983, through May 15, 1983, inclusive, payment and return must be made on or before May 20, 1983.

(B) Withholding periods for employers defined in this subsection 63-3035(a)(3), Idaho Code, shall, on and after May 16, 1983, begin on the 16th day of the month and end on the 15th day of the following month, and return and payment shall be made not later than five (5) days after the end of the withholding period.

(b) Every employer shall, at the time of each payment made by him to the state tax commission, deliver to the state tax commission a return upon such form as shall be prescribed by said state tax commission showing the total amount of wages, salary, bonus or other emoluments paid to his employees, the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code, the amount deducted therefrom in accordance with the provisions of this section, and such pertinent and necessary information as the state tax commission may require.

Every employer making a declaration of withholding as provided herein shall furnish to the employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the amount of tax withheld from such employee on forms to be prescribed, prepared and furnished by the state tax commission and at the same time every employer shall file a copy thereof with the state tax commission.

(c) All moneys deducted and withheld by every employer shall immediately upon such deduction be state money and every employer who deducts and retains any amount of money under the provisions of this act shall hold the same in trust for the state of Idaho and for the payment thereof to the state tax commission in the manner and at the times in this act provided. Any employer who does not possess real property situated within the state of Idaho, which, in the opinion of
the state tax commission, is of sufficient value to cover his probable tax liability, may be required to post a surety bond in such sum as the state tax commission shall deem adequate to protect the state.

(d) The provisions of this act relating to additions to tax in case of delinquency, and penalties, shall apply to employers subject to the provisions of this section and for these purposes any amount deducted, or required to be deducted and remitted to the state tax commission under this section, shall be considered to be the tax of the employer and with respect to such amount he shall be considered the taxpayer.

(e) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for his tax year which begins within such calendar year and the return made by the employer under this subsection (e) shall be accepted by the state tax commission as evidence in favor of the employee of the amount so deducted from his wages. Where the total amount so deducted exceeds the amount of tax on the employee, based on his taxable income as computed under the provisions of this act, as the same has been or may hereafter be amended, or where his income is not taxable under this act, the state tax commission shall, after examining the annual return filed by the employee in accordance with this act, but not later than one hundred and twenty (120) days after the filing of each return, refund the amount of the excess deducted. No refund shall be made to an employee who fails to file his return, as required under this act, within two (2) years from the due date of the return in respect of which the tax withheld might have been credited. In the event that the excess tax deducted is less than one dollar ($1.00), no refund shall be made unless specifically requested by the taxpayer at the time such return is filed.

(f) This section shall in no way relieve any taxpayer from his obligation of filing a return at the time required under this act, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 63-3034, Idaho Code.

(g) An employee receiving wages shall on any day be entitled to the same number of withholding exemptions to which he is entitled under the Internal Revenue Code for federal income tax withholding purposes.

(h) An employer shall use the exemption certificate filed by the employee with the employer under the withholding exemption provisions of the Internal Revenue Code in determining the amount of tax to be withheld from the employee's wages or salary under this act. The tax commission may redetermine the number of withholding exemptions to which an employee is entitled under subsection (g), and the state tax commission may require such exemption certificate to be filed on a form prescribed by the commission in any circumstance where the commission finds that the exemption certificate filed for Internal Revenue Code purposes does not properly reflect the number of withholding exemptions to which the employee is entitled under this act. In no event shall any employee give an exemption certificate which claims a higher number of withholding exemptions than the number to which the employee is entitled by subsection (g) of this section.
SECTION 14. That Section 63-3623, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Notwithstanding other provisions of this section, the taxes imposed by this act, payable by any person whose average taxes paid to the tax commission for the preceding twelve (12) month period equals or exceeds one hundred twenty thousand dollars ($120,000) per annum or ten thousand dollars ($10,000) per month per annum, shall be returned and paid to the state tax commission monthly as follows:

(1) for amount collected as taxes under this act for the period May 1, 1983, through May 15, 1983, return and payment must be made on or before May 20, 1983.

(2) on and after May 16, 1983, the monthly period for which taxes are due and payable under this subsection 63-3623(a), Idaho Code, shall begin on the 16th day of the month and shall end on the 15th day of the following month.

(3) for persons defined in this subsection 63-3623(a), Idaho Code, return and payment shall be made not later than five (5) days after the end of the month defined by paragraph (2) of this subsection.

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

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

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

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

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

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

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

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

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

(jk) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate provided in section 63-3045, Idaho Code, from the date on which the tax would have been due without the extension until the day of payment.

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

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

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

SECTION 15. That Chapter 36, 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 63-3640, Idaho Code, and to read as follows:

63-3640. IMPOSITION AND RATE OF TAX. Commencing March 1, 1983, and ending June 30, 1984, in addition to the tax imposed by section 63-3619, Idaho Code, and section 63-3621, Idaho Code, there is hereby imposed a tax of one percent (1%) upon the same sales and same uses as
are taxed by the provisions of sections 63-3619 and 63-3621, Idaho Code. The additional tax shall be collected at the same time and in the same manner as the taxes imposed by sections 63-3619 and 63-3621, Idaho Code, and shall be subject to all of the collection, enforcement and administrative requirements of chapter 36, title 63, Idaho Code.

The state tax commission is authorized and directed to prepare proper forms, schedules and instructions for the administration of the provisions of this section and collection of taxes hereby imposed. The provisions of section 63-3619, Idaho Code, notwithstanding, the state tax commission is hereby authorized and directed to provide schedules for collection of the tax on sales which involve a fraction of a dollar.

The moneys collected under this section shall be deposited into the general account.

SECTION 16. That Section 67-1212, Idaho Code, be, and the same is hereby amended to read as follows:

67-1212. UNPAID WARRANTS -- INTEREST -- RECORD. (1) All warrants upon funds the balance in which is insufficient to pay them must be turned over to the state treasurer by the state auditor. All of such warrants shall be registered by the state treasurer as follows: he shall date and sign such warrants on the back thereof underneath the words "Presented for payment and not paid for want of moneys" and return the same to the state auditor for delivery to the respective payees. It is the duty of the state treasurer to keep a register of all warrants not paid for want of moneys, in which register such warrants shall be listed in numerical order, and when paid the treasurer shall note on such register the amount of interest paid and the date of payment. Any such warrants, registered by the state treasurer, shall from date of registration until paid bear interest at the rate of six per cent (6%) per annum, unless the state board of examiners shall have theretofore, by resolution, fixed a lesser rate of interest, in which event said warrant shall draw such lesser rate.

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

(a) Pay such warrants out of any moneys available if it appears that money sufficient to pay such warrants will, within thirty (30) days be available in the fund, or account in the case of accounts in the agency asset fund, rotary fund, or any other fund maintained on the account level, upon which such warrants are drawn; the state treasurer shall charge the fund or account for which such moneys are advanced a service fee and an amount of interest substantially equal to what could have been earned had the advanced moneys been invested, and the amount of the service fee and interest shall constitute an appropriation from the fund or account for which the advancement was made; or

(b) After such thirty-(30)-day-period, --Issue tax anticipation notes as provided by chapter 32, title 63, or section 57-1112, Idaho Code.

SECTION 17. (1) An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 4 of this act shall be in
full force and effect on and after passage and approval, and retroactively to July 1, 1982.

(2) An emergency existing therefor, which emergency is hereby declared to exist, Section 12 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 1983.

(3) An emergency existing therefor, which emergency is hereby declared to exist, Sections 2, 5, 6, 7, 8, 9, 10 and 16 of this act shall be in full force and effect on and after passage and approval.

(4) An emergency existing therefor, which emergency is hereby declared to exist, Sections 13, 14 and 15 of this act shall be in full force and effect on and after March 1, 1983.

(5) Section 11 of this act shall be in full force and effect on and after July 1, 1983.

Approved 2-18-83.

*Line item veto of Sections 2 and 3.

CHAPTER 5
(S.B. No. 1031)

AN ACT
RELATING TO EMPLOYEES OF THE MILITARY DIVISION; AMENDING SECTION 67-5303, IDAHO CODE, TO DESCRIBE THE EMPLOYEES OF THE MILITARY DIVISION WHO ARE EXEMPT FROM THE PROVISIONS OF THE PERSONNEL SYSTEM; AND AMENDING SECTION 59-1603, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PERSONNEL POLICIES OF THE NATIONAL GUARD.

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

SECTION 1. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES -- EXEMPTIONS. All departments of the state of Idaho and all employees in such departments, except those employees specifically exempt, shall be subject to this act and to the system of personnel administration which it prescribes. Exempt employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant-governor, secretary of state, attorney general, state treasurer, state auditor, and state superintendent of public
instruction who are appointed on and after the effective date of this act.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department in addition to those declared to be exempt by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho Supreme Court and district courts.

(h) Assistant attorneys general attached to the office of the attorney general.

(i) Officers and members of the teaching staffs of state institutions and the professional staff of the Idaho department of education administered by the board of regents and the board of education, and the professional staffs of the Idaho department of vocational education and vocational rehabilitation administered by the state board for vocational education. The word "officer" as used in this subsection means presidents, vice presidents, deans, or directors, or employees in any positions meeting all of the following criteria:

1. Answers directly to or is responsible to a person occupying an administrative position no lower than the dean or director level; and,
2. Is involved in or substantially participates in the development of policy; and,
3. Receives an annual salary of not less than the equivalent of step one (1) of pay grade twenty-four (24) of the state salary schedule; and,
4. Requires not less than an earned bachelor's degree from an accredited college or university, or equivalent as prescribed by the personnel commission.

(j) Employees of the Idaho military department under federal control or in a position for which membership in the Idaho National Guard or Idaho Air National Guard is a condition of employment division not assigned to the bureau of disaster services.

(k) Patients, inmates or students employed in a state institution.

(l) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(m) Temporary employees.

(n) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in
chapter 12, title 22, Idaho Code; the Idaho honey advertising commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho prune commission, as provided in chapter 30, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's commission, as provided in chapter 38, title 22, Idaho Code; the state board of sheep commissioners, as provided in chapter 1, title 25, Idaho Code; the state brand board, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture.

(p) All employees of the division of correctional industries within the department of correction.

SECTION 2. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications. Officers and employees who are not paid from the salary schedule established in section 67-5309C(a), Idaho Code, are not eligible for the longevity factors provided by section 67-5309C(b), Idaho Code.

(2) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications. Officers and employees who are not paid from the salary schedule established in section 67-5309C(a), Idaho Code, are not eligible for the longevity factors provided by section 67-5309C(b), Idaho Code.

(3) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department which are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules which are compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(4) The state board of education shall determine the schedules of salary and compensation, longevity, and prescribe policies for overtime and compensatory time off from duty, for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not otherwise fixed by law. To the extent possible, the state board of education shall adopt schedules and policies which are compatible
with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state auditor.

(5) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(6) Any schedule of salary and compensation, if not the schedule prescribed by section 67-5309C(a), Idaho Code, must be approved by the appointing authority and be communicated to the state auditor in writing at least thirty (30) days in advance of the effective date of the schedule.

(7) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

(8) The adjutant general, with the approval of the governor, shall prescribe personnel policies for all officers and employees of the national guard which are not otherwise fixed by law. Such policies will include an employee grievance procedure with appeal to the adjutant general. The adjutant general shall determine schedules of salary and compensation which are, to the extent possible, comparable to the schedules used for federal civil service employees of the national guard and those employees serving in military status. Schedules adopted shall be compatible with the state's accounting system to the extent possible.

Approved February 23, 1983.

CHAPTER 6
(H.B. No. 63)

AN ACT
RELATING TO TECHNICAL CORRECTIONS TO THE REPEAL OF THE FRANCHISE TAX; AMENDING SECTION 11, CHAPTER 203, LAWS OF 1982, TO ALLOW A PROPORTIONAL CREDIT FOR FRANCHISE TAXES PAID BY CORPORATIONS WITH TAXABLE YEARS ENDING ON DECEMBER 31, 1983.

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

SECTION 1. That Section 11, Chapter 203, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 11. LEGISLATIVE INTENT AND TRANSITION. (a) It is the intent of the legislature that no corporation subject to the tax imposed by section 30-1-130, Idaho Code, prior to amendment of that section by this act, and subject to taxation by section 63-3025 or 63-3025A, Idaho Code, as amended by this act, shall be taxed at a greater rate than would have applied if this act had not been passed. To prevent such taxation, corporations required to file returns with
the state tax commission and to pay the tax imposed by section 63-3025 or 63-3025A, Idaho Code, with taxable years ending between January 1, 1984, and June 30, 1984, shall be entitled to a credit against the taxes reported on the return relating to such taxable years in accordance with the provisions of this section.

(b) In the case of corporations with taxable years ending on December 31, 1983, the taxpayer shall be entitled to a credit equal to six-twelths of the franchise tax paid on the prior year's return.

(c) In the case of corporations with taxable years ending on January 31, 1984, the taxpayer shall be entitled to a credit equal to five-twelths of the franchise tax paid on the prior year's return.

(d) In the case of corporations with a fiscal year ending on February 29, 1984, the taxpayer shall be entitled to a credit equal to four-twelths of the franchise tax paid on the prior year's return.

(e) In the case of corporations whose taxable year ends on March 31, 1984, the taxpayer shall be entitled to a credit equal to three-twelths of the franchise tax paid on its prior year's return.

(f) In the case of corporations whose taxable year ends on April 30, 1984, the taxpayer shall be entitled to a credit equal to two-twelths of the franchise tax paid on its prior year's return.

(g) In the case of corporations whose taxable year ends on May 31, 1984, the taxpayer shall be entitled to a credit equal to one-twelth of the franchise tax paid on the prior year's return.

(h) In the event the credit provided by this section exceeds the amount of the tax imposed by section 63-3025 or 63-3025A, Idaho Code, the taxpayer shall be entitled to a refund of the amount of unused credit. The refund shall be paid from the state refund fund established by section 63-3067, Idaho Code.

(i) The credit and refund provided by this section must be claimed by the corporation on the return required by section 63-3030, Idaho Code, when it is filed.

Approved February 24, 1983.

CHAPTER 7
(H.B. No. 46)

AN ACT
RELATING TO VITAL STATISTICS; AMENDING SECTION 39-272, IDAHO CODE, TO RENUMBER, AND TO STRIKE REFERENCE TO 1949; AMENDING SECTION 39-241, IDAHO CODE, TO REDEFINE "LIVE BIRTH," "FETAL DEATH" AND "STILLBIRTH", AND TO DEFINE "CERTIFIED COPY"; AMENDING SECTION 39-242, IDAHO CODE, TO PROVIDE RULE-MAKING AUTHORITY FOR THE STATE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 39-243, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF EMPLOYEES; AMENDING SECTION 39-244, IDAHO CODE, TO ALLOW DELEGATION OF AUTHORITY TO LOCAL REGISTRARS; AMENDING SECTION 39-245, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-247, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF LOCAL REGISTRARS; AMENDING SECTION 39-248, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-249,
IDAHO CODE, TO STRIKE REFERENCE TO DEPARTMENT FORMS; AMENDING SECTION 39-250, IDAHO CODE, TO PROVIDE FOR THE COMPLETION OF FORMS AND AMENDMENT OF FORMS; AMENDING SECTION 39-252, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR FEES FOR LOCAL REGISTRARS; AMENDING SECTION 39-253, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR ESTABLISHMENT OF FEES FOR SERVICES; AMENDING SECTION 39-254, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR ACCOUNTING FOR FEES; AMENDING SECTION 39-255, IDAHO CODE, TO RENUMBER, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-256, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR REGISTRATION OF BIRTHS; AMENDING SECTION 39-257, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR REGISTRATION OF FOUNDLINGS; AMENDING SECTION 39-259, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR BIRTH CERTIFICATES; AMENDING SECTION 39-218, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR A BIRTH CERTIFICATE UPON ADOPTION; AMENDING SECTION 39-259A, IDAHO CODE, TO RENUMBER AND TO AUTHORIZE THE DIRECTOR TO ESTABLISH THE FORM AND CONTENT OF THE CERTIFICATE OF FOREIGN BIRTH; AMENDING SECTION 39-258, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR REGISTRATION OF DEATHS AND STILLBIRTHS; REPEALING SECTION 39-260A, IDAHO CODE, RELATING TO TRANSPORTATION OF DEAD HUMAN BODIES; AMENDING SECTION 39-273, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR THE REPORTING OF INDUCED ABORTIONS; REPEALING SECTION 39-262, IDAHO CODE, RELATING TO REPLACEMENT OR ALTERATION OF CERTIFICATES; AMENDING SECTION 39-267, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR THE REGISTRATION OF MARRIAGES; AMENDING SECTION 39-268, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR A MARRIAGE LICENSE RECORDING FEE; AMENDING SECTION 39-270, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR REGISTRATION OF PERSONS AUTHORIZED TO PERFORM MARRIAGES; AMENDING SECTION 39-269, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR REGISTRATION OF DIVORCES; AMENDING SECTION 39-251, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FEES FOR COURT CLERKS FOR PREPARING CERTIFICATES; AMENDING SECTION 39-261, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR ISSUANCE OF A DELAYED CERTIFICATE OF BIRTH OR A DELAYED CERTIFICATE OF DEATH; AMENDING SECTION 39-260, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR FINAL DISPOSITION OF DEAD HUMAN BODIES AND STILLBORN FETUSES; AMENDING SECTION 39-211, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR DISINTERNMENT OF DEAD BODIES AND STILLBORN FETUSES; AMENDING SECTION 39-264, IDAHO CODE, TO RENUMBER, AND TO PROVIDE FOR RELEASE OF RECORDS AFTER ELAPSED TIME; AMENDING SECTION 39-265, IDAHO CODE, TO RENUMBER, AND TO PROVIDE DUTIES FOR PERSONS IN CHARGE OF INSTITUTIONS; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-272, IDAHO CODE, TO PROVIDE DUTIES TO PROVIDE INFORMATION; AMENDING SECTION 39-266, IDAHO CODE, TO RENUMBER, AND TO PROVIDE PENALTIES; AMENDING SECTION 39-263, IDAHO CODE, TO RENUMBER, AND TO PROVIDE NOMENCLATURE; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-275, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE ACT; AMENDING SECTION 39-271, IDAHO CODE, TO RENUMBER, AND TO PROVIDE NOMENCLATURE; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 39-272, Idaho Code, be, and the same is
hereby amended to read as follows:

39-272240. SHORT TITLE. This act may be cited as the "Idaho Vital Statistics Act of 1949."

SECTION 2. That Section 39-241, Idaho Code, be, and the same is hereby amended to read as follows:

39-241. DEFINITIONS. As used in this act For the purposes of this chapter and this chapter only, the following terms shall be construed to have the meanings hereinafter set forth:

(a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, induced terminations of pregnancy, marital status and data incidental thereto.

(b) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(c) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(1) "Induced termination of pregnancy (induced abortion)" means the purposeful interruption of pregnancy with an intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

(2) "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

(3) "Stillbirth" means a birth after 28 weeks gestation which is not a live birth spontaneous fetal death of twenty (20) completed weeks gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of three hundred and fifty (350) grams (twelve and thirty-five hundredths (12.35) ounces) or more.

(4) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn child fetus or dead body or the ashes of the same, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

(6) "Physician" means a person legally authorized to practice medicine and surgery in this state.
(gh) "Board" means the Idaho state board of health and welfare.
(hi) "Record" means the original certificate of an event and any replacement thereof filed for record by virtue of authority contained in this act chapter, as well as instruments of any nature provided by this act chapter as a means of effecting replacement of certificates.
(tj) "Director" means the director of the department of health and welfare.
(k) "Certified copy" means the reproduction of an original vital record by typewritten, photographic, or electronic means. Such reproductions, when certified by the state registrar, shall be used as the original.

SECTION 3. That Section 39-242, Idaho Code, be, and the same is hereby amended to read as follows:

39-242. DUTIES OF DIRECTOR. The director shall:
(a) Establish a bureau-of vital statistics unit with suitable offices properly equipped for the preservation of its official records;
(b) Install statewide system of vital statistics;
(c) Supervise and require the enforcement of this act chapter and the regulations of the board made pursuant thereto. The board is authorized to adopt, amend and repeal regulations for the purpose of carrying out the provisions of this chapter, in accordance with chapter 52, title 67, Idaho Code.

SECTION 4. That Section 39-243, Idaho Code, be, and the same is hereby amended to read as follows:

39-243. STATE REGISTRAR OF VITAL STATISTICS. The director shall designate and appoint a state registrar of vital statistics who shall be qualified in accordance with the standards prescribed by law or regulations of the board. His compensation shall be fixed in the same manner as the salary of other employees of the department.

SECTION 5. That Section 39-244, Idaho Code, be, and the same is hereby amended to read as follows:

39-244. DUTIES OF STATE REGISTRAR. The state registrar, under the direction of the director, shall:
(a) Have charge of the bureau-of vital statistics unit;
(b) Be official custodian of all its files and records;
(c) Perform the duties prescribed by law and the regulations of the board;
(d) Have supervisory power over local vital statistics registration and local registration officers; and
(e) Enforce this act chapter and regulations of the board; and
(f) Have the authority to delegate portions of the vital records responsibility to the duly appointed local registrar(s).

SECTION 6. That Section 39-245, Idaho Code, be, and the same is hereby amended to read as follows:
39-245. CERTIFICATE FORMS. The form of certificates used under the provisions of this act chapter shall be prescribed by the director and shall include as a minimum the items required by the respective standard certificates as recommended by the national agency in charge of vital statistics; provided, however, that the provisions of section 39-1005, Idaho Code, shall be given effect on a certificate to which that section is applicable.

SECTION 7. That Section 39-247, Idaho Code, be, and the same is hereby amended to read as follows:

39-247. LOCAL REGISTRATION OFFICERS. The state registrar, with the approval of the board, shall appoint local registration officers for such registration districts as are established by the board director. Such local registration officers shall meet the qualifications fixed by the board, and shall perform such duties as are required by the act chapter and the regulations of the board.

SECTION 8. That Section 39-248, Idaho Code, be, and the same is hereby amended to read as follows:

39-248. OTHER EMPLOYEES. The director shall provide such assistants as the bureau of vital statistics unit may require and determine the compensation and duties of persons thus employed.

SECTION 9. That Section 39-249, Idaho Code, be, and the same is hereby amended to read as follows:

39-249. TRANSMITTAL OF CERTIFICATES AND LOCAL RECORDS. Local registration officers shall transmit all certificates filed with them to the state registrar in accordance with the regulations of the board. Complete and accurate copies of all certificates shall be made by the local registrar on a form prescribed by the department for local records purposes.

SECTION 10. That Section 39-250, Idaho Code, be, and the same is hereby amended to read as follows:

39-250. COMPLETION AND CORRECTION OF CERTIFICATES BY--PLEACEMENT THEREOF -- PROEDURE -- OTHER ALTERATIONS PROHIBITED. No certificate of any event shall be completed, corrected, amended or otherwise altered after being filed with the bureau of vital statistics unit, except--as--in only in accordance with this act-provided chapter and regulations promulgated by the board.

in-cases-where-certificates-are-filed-with--the--state--registrar; which--certificates--are-incomplete; in-that-one-or-more-of-the-blanks have-not-been-filled-in; or-which-contain--incorrect--statements--con­cerning-the-event-involved; the-state-registrar-shall-prepare-and-file a--replacement-of-said-certificates-under-the-conditions-hereinafter set-forth:

after-the-date-of-the-event--concerned;--provided--that--such-written
application--is-accompanied-by-affidavits-of-any-two-persons-who-know;
indicating-that-the-outstanding-certificate-is-incomplete-or--contains
incorrect-statements-concerning-the-event-involved;

For-similar-reasons,-the-state-registrar-shall-prepare-and-file-a
new-certificate-of-any-event-recorded-in-his-office,-on-written-applica-
tion-of-any-interested-person-filed--with--the--state-registrar--at
least--seven-full-years-after-the-date-of-the-event-involved,-provided
that-said-written-application-is-accompanied-by-at-least-one-affidavit
of-a-person-who-knows;--giving-similar;--necessary-information;--and--two
documents--(each-of--which--must-be-at-least-five-years-old);--such-as
Bible-entries-or-school-records;--factually--indicating-the--original
certificate-to-be-incomplete-or-erroneous-in-the-respects-contended-by
the-applicant;

Any--new--certificate--issued-under-the-provisions-of-this-section
shall-supplant-and-constitute-a-replacement-of--the--original--certifi-
cate-of--that--event--Such--new-certificate-shall-be-filed-with-the
certificate-to-be-replaced,-as--shall--the--affidavit--supporting-the
application--and--the-statement-hereinafter-mentioned-concerning-docu-
ments:--As-for-the-documents-hereinbefore-mentioned;--the--state-regis-
trar--shall--prepare-and-likewise-file-a-concise-statement-of-the-con-
tepts-of-the-same;--The-Original--documents,-however,-shall--then-be
returned-to-the-applicant:

(a) A certificate that is amended under the provisions of this
section shall be marked "amended," except as otherwise provided in
this section. The date of amendment and a summary description of the
evidence submitted in support of the amendment shall be filed with or
made a part of the record. The department shall prescribe by regula-
tion the conditions under which additions or minor corrections may be
made to certificates or records within one (1) year after the date of
the event without the certificate being marked "amended."

(b) Upon written notarized request of both parents and receipt of
a notarized acknowledgment of paternity signed by both parents of a
child born out of wedlock, the state registrar shall amend the certif-
cicate of birth to show such paternity if paternity is not already
shown on the certificate of birth, and change the child's surname to
that of the father, if both parents so request. Such certificate shall
not be marked "amended."

(c) Upon receipt of a certified copy of an order of a court of
competent jurisdiction changing the name of a person born in this
state and upon request of such person or the parent(s), guardian, or
legal representative, the state registrar shall amend the certificate
of birth to show the new name.

(d) When an applicant does not submit the minimum documentation
required in the regulations for amending a vital record or when the
state registrar has reasonable cause to question the validity or ade-
quacy of the applicant's sworn statements or the documentary evidence,
and if the deficiencies are not corrected, the state registrar shall
not amend the vital record and shall advise the applicant of the
reason for this action and shall further advise the applicant of the
right to appeal to a court of competent jurisdiction.

SECTION 11. That Section 39-252, Idaho Code, be, and the same is
hereby amended to read as follows:

39-25251. COMPENSATION OF LOCAL REGISTRARS. Each local registrar shall be paid a fee, not to exceed fifty cents, to be established by regulations adopted by the board, for:

(a) each certificate returned by him the local registrar to the state registrar in accordance with the provisions of this act chapter and the regulations of the board; and

(b) each report of no certificate filed during any calendar month. The board may establish a graduated scale for the payment of fees to local registrars, either by limiting the aggregate amount of fees to be paid or by graduating the fees according to the number of registrations.

SECTION 12. That Section 39-253, Idaho Code, be, and the same is hereby amended to read as follows:

39-253252. FEE FOR COPIES, AND SEARCHES AND OTHER SERVICES. The state registrar shall be entitled to receive a fee of four dollars ($4.00) for the making of certified copies of records or for a search of the files when no copies are made, provided that: the national agency in charge of vital statistics may obtain copies or certifications of data from records without payment of fees, provided that the state incurs no expense in connection therewith. The fee shall be reviewed by the board of health and welfare, and future changes in the fee and enactment of fees for other services shall be established by regulations adopted by the board.

SECTION 13. That Section 39-254, Idaho Code, be, and the same is hereby amended to read as follows:

39-254253. ACCOUNTING FOR FEES. Fees received from the certifications of such records, or from a search of the files, or for other services shall be accounted for as prescribed by the state auditor.

SECTION 14. That Section 39-255, Idaho Code, be, and the same is hereby amended to read as follows:

39-255254. PAYMENT OF FEES TO LOCAL REGISTRATION OFFICERS. All amounts payable to local registrars under the provisions of this act chapter shall be paid by the respective treasurers of the incorporated city, village, or county in which the registration district is situated out of the general fund of such incorporated city, village, or county, upon certification by the state registrar. The state registrar shall certify to the several treasurers auditors of the various counties, and cities and incorporated villages, not less than semianually, or at such other regular times as he may be deemed expedient, the names of the local registrars and the amounts due each at the rates fixed by the board by regulations promulgated pursuant to section 39-2521, Idaho Code.

SECTION 15. That Section 39-256, Idaho Code, be, and the same is hereby amended to read as follows:
REGISTRATION OF BIRTHS. A certificate of each birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs within the time prescribed by the board fifteen (15) days of the date of birth. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for.

(a) When a birth occurs in an institution or en route thereto, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, secure the signatures required, and file the certificate within fifteen (15) days of the date of birth. The physician or other person in attendance shall provide the medical information required by the certificate and certify to the facts of birth. When the physician, or other person in attendance, is physically unable to certify to the facts of birth within the time prescribed in this section, the person in charge of the institution may complete and sign the certificate.

(b) When a birth occurs outside an institution, the certificate shall be prepared and filed by:

(a) (1) The physician or other attendant person in attendance at or immediately after such birth; or

(b) (2) When no physician or other attendant person is present at or immediately after such birth by: (1) the father, or (2) in the event of the death, disability or absence of the father, the mother; or (3) in the event of the death or disability of the mother, the householder or owner of the premises where the birth occurred, or if the birth occurred in an institution by the manager or superintendent of such institution.

(c) The father, mother or guardian shall verify the facts entered on the certificate by their signature.

(d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where the child is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state, but the certificate shall show the actual place of birth insofar as can be determined.

(e) (1) If the mother was married at the time of either conception or birth, or between conception and birth, the name of the husband shall be entered on the certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(2) If the mother was not married at the time of either conception or birth, or between conception and birth, the name of the father shall not be entered on the certificate without the written notarized consent of the mother and the person to be named as the father, in which case, upon written notarized request of both parents, the surname of the child shall be entered on the certificate as that of the father.

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and sur-
name of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

SECTION 16. That Section 39-257, Idaho Code, be, and the same is hereby amended to read as follows:

39-257256. REGISTRATION OF FOUNDLINGS. A foundling certificate shall be filed for each child of unknown parentage within the time of fifteen (15) days of the time the child was found and in the form prescribed by the board. The certificate shall be prepared by the person assuming custody of the child and shall be filed with the local registrar of the district in which the custody of the child was assumed found. Such certificate shall be acceptable for all purposes in lieu of a certificate of birth.

SECTION 17. That Section 39-259, Idaho Code, be, and the same is hereby amended to read as follows:

39-259257. MARRIAGE OF NATURAL PARENTS OF PERSON BORN IN IDAHO -- JUDICIAL DETERMINATION OF PARENTAGE OF PERSON BORN IN IDAHO -- NEW BIRTH CERTIFICATES -- PROCEDURE. When a person born in Idaho has been legitimated by the subsequent marriage of his said person's natural parents and immediately assumes or is assigned a name other than is shown on his or her the recorded birth certificate, the birth certificate of such person may be replaced by a new and conventional certificate (prepared and filed by the state registrar), reflecting the name so assumed or assigned, upon proper application therefor filed by such legitimated person or his or her the parents or one of them, but no one else. Such application shall be in writing and shall be accompanied by a copy of the relevant marriage certificate (if there was one issued and regardless of where it was issued), certified by the issuer or recorder of the same, and, in any event, an affidavit of each of the spouses, factually indicating such parentage, the time and place of the marriage, the identity of the child concerned and the child named in the original birth certificate and giving the assumed or assigned name of the child, which instruments (excluding the application) shall be filed of record along with the old birth certificate, but separate from any replacement issued hereunder (which shall be filed separately).

When a person born in Idaho has had his said person's natural parentage finally determined by a court of competent jurisdiction, in this or any other state of the United States, the state registrar may prepare and file a new and conventional birth certificate for that person, reflecting the name(s) of the parent(s) and the child's new name, if applicable, upon application made by that person or either or both of the persons adjudged to be his or her the natural parent(s), or that person's guardian, but no one else. This application shall be accompanied by a certified copy of the court decree in question and an affidavit of one (1) person factually indicating that the decree involves the same person that the original birth certificate involved.
These instruments (excluding-the-application) shall be filed of record along with the old birth certificate, but separate from any replacement issued hereunder (which shall be filed separately).

It shall be the duty of each clerk of court in the state of Idaho to file with the state registrar certified copies of each final decree of adoption and paternity determination made by that court within fifteen (15) days after each of such decrees becomes final. Such certified copies of such decrees and all other instruments mentioned in this section, except any replacement certificate, are confidential and shall not be revealed to any person other than the adopted-or-legitimated-person registrant, if of age, his the parents or the duly appointed legal representative of any of them, or upon court order issued in the interest of justice.

SECTION 18. That Section 39-218, Idaho Code, be, and the same is hereby amended to read as follows:

39-218258. ADOPTION OF PERSONS BORN IN IDAHO -- NEW BIRTH CERTIFICATE ISSUED TO REPLACE ORIGINAL CERTIFICATE -- PROCEDURE -- ADOPTION PROCEEDINGS NOT OPEN TO INSPECTION WITH CERTAIN EXCEPTIONS -- DUTIES OF THE CLERKS OF COURTS ISSUING ADOPTION DECREES -- DUTIES OF STATE REGISTRAR OF VITAL STATISTICS. (a) Whenever a final decree of adoption, issued by an Idaho court, declares a person born in Idaho to be adopted by someone other than his or her natural parents, the court shall require the preparation of a report (denominated as a certificate in accordance with Idaho court rules) of adoption on a form prescribed and furnished by the state registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted; shall provide information necessary to establish a new certificate of birth for the person adopted; and shall identify the order of adoption and be certified by the clerk of the court.

(b) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. Any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter of the court.

(c) certified-copy-of-the-decree The report of adoption shall, within fifteen (15) days after becoming final, be recorded by the clerk of the court with the bureau-of vital statistics unit in the state department of health and welfare.

(d) If a court of some other state issued such a decree or report of adoption of a person actually born in Idaho, the certified copy or report may be similarly filed by the person involved or by his or her the adoptive parents. Failure to file certified copies or reports of said decrees within said period of time, however, shall not bar issuance of a new birth certificate as hereinafter provided. This copy of said decree or report shall be filed with and remain a part of the records of the bureau-of vital statistics unit.

(e) Upon receipt by the bureau-of vital statistics unit of such the certified copy-of-the-decree report of adoption, a new certificate of birth shall be issued (but only in cases where such person's birth
is already has-his-or-her-birth recorded with the bureau-of vital statistics unit) bearing among other things the name of the person adopted, as shown in the decree report of adoption, provided that the adopting-parents---or---the-child-adopted-supply-information-concerning themselves on a form provided for that purpose by the bureau of vital statistics as may be necessary to complete the new birth certificate except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person. No such birth certificate shall have reference to the adoption of said person. Such birth certificate shall supplant and constitute a replacement of any birth certificate previously issued for said person and shall be the only birth certificate open to public inspection.

Provided, however, upon good cause shown and the affidavit of the adoptive parents that a diligent search has been made, but no certificate of birth for the adoptive child can be located, the probate judge may order the adoptive child examined, at the expense of the adoptive parents, by a doctor of medicine licensed by the state of Idaho. The examination will be conducted pursuant to rules and regulations promulgated by the state board of health and welfare for the purpose of determining those matters required for the issuance of an original birth certificate. Upon the examination of the doctor made pursuant to the rules and regulations of the state board of health and welfare, the court may order the bureau of vital statistics unit to issue an original birth certificate for the adoptive child based upon those facts determined by the examination and included in the court's order. In such case a certified copy of the court order shall be provided to the vital statistics unit.

(f) In respect to form and nature of contents, such a new birth certificate shall be identical with a birth certificate issued to natural parents for the birth of a child, except that the adoptive parents shall be shown as parents and the adopted person shall have the name assigned by the decree of adoption as shown on the report of adoption. In a case where a single person adopts another person, any new birth certificate shall may designate the adopting parent as such adoptive.

(g) Whenever an adoption decree is amended, annulled or rescinded, the clerk of the court shall forward a certified copy of the amendment, annulment or rescindment to the vital statistics unit in accordance with the time provisions in (c) of this section. Unless otherwise directed by the court, the vital statistics unit shall amend the certificate of birth upon receipt of a certified copy of an amended decree of adoption. Upon receipt of a certified copy of a decree of annulment or rescindment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of record of this state.

(h) All records and information specified in this section other than a new birth certificate issued hereunder, and all records, files and information of any court in this state relating to adoption proceedings, shall not be open to inspection except upon the order of a court of record of this state; provided, however, that the provisions of section 16-1609, Idaho Code, to the contrary notwithstanding, any
probate court, or the judge thereof, Idaho Code, may furnish a certified copy of a decree of adoption to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order therefor.

SECTION 19. That Section 39-259A, Idaho Code, be, and the same is hereby amended to read as follows:

39-259A. ADOPTION OF PERSONS BORN IN FOREIGN COUNTRIES. (a) When it appears from a final decree of adoption issued by an Idaho court that a person born in a foreign country has been adopted in Idaho by someone other than the person's natural parents, the court shall require the preparation of a report (denominated as a certificate in accordance with Idaho court rules) of adoption on a form prescribed and furnished by the state registrar. Upon receipt by the state registrar of vital statistics of the report of adoption and evidence as to the child's birthdate and birthplace provided by the original birth certificate, or a certified copy, official extract or official translation thereof or by any other essentially equivalent document including, but not limited to, the records of the United States immigration and naturalization service or of the United States department of state, the state registrar of vital statistics shall make and file a new birth certificate for the child. The new birth certificate shall include the place and date of birth as shown by documentation, the child's name and parentage as stated in the report of adoption, and any other necessary facts as required by the state registrar. This birth certificate shall not be evidence of United States citizenship. The form and content of the certificate of foreign birth shall be established by regulation of the state board of health and welfare.

(b) All records and information specified in this section other than a new birth certificate issued hereunder, and all records, files and information of any court in this state relating to adoption proceedings, shall not be open to inspection except upon the order of a court of record of this state; provided, however, that the provisions of section 16-1609, Idaho Code, to the contrary notwithstanding, any probate court, or the judge thereof, may furnish a certified copy of a decree of adoption to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order therefor.

SECTION 20. That Section 39-258, Idaho Code, be, and the same is hereby amended to read as follows:

39-258260. REGISTRATION OF DEATHS AND STILLBIRTHS. (a) A certificate of each death and stillbirth which occurs in this state shall be filed with the local registrar of the district in which the death or stillbirth occurs within five (5) days after the occurrence; or if the place of death or stillbirth is unknown, within twenty-four (24) hours; but provided, h. However, the board shall, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of the vital statistics act, provide for the filing of death and stillbirth certificates without medical certifications of cause of
death and for the obtaining of permits for disposition of dead bodies in cases in which compliance with the applicable prescribed period would result in undue hardship; but provided, however, that medical certifications of cause of death shall be provided by the attending certifying physician or coroner to the department of vital statistics unit within fifteen (15) days from the filing of the death or stillbirth certificate. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

The person in charge of interment or of removal of the body from the district shall be responsible for obtaining and filing the certificate. He said person shall obtain the required information from the following persons, over their respective signatures:

(a) Personal data shall be supplied by the person best qualified to supply them; and

(b) Except as otherwise provided, in the case of deaths, medical data shall be supplied by the physician who attended the deceased during the last illness, who shall certify to the cause of death according to his best knowledge, information and belief within seventy-two (72) hours from time of death. In the absence of the attending physician or with said physician's approval the certificate may be completed and signed by said physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

(c) Except as otherwise provided, in the case of stillbirths, medical data shall be supplied by the physician who attended the stillbirth, who shall certify to the cause of stillbirth according to his best knowledge, information and belief.

(b) The local registrar person in charge of interment or of removal of the body from the district shall refer the following cases to the coroner who shall make an immediate investigation, and supply the necessary medical data, and certify to the cause of death or stillbirth:

(a) When no physician was in attendance during the last illness of the deceased or in attendance at the stillbirth; or

(b) When a physician in attendance during the last illness of the deceased or at the stillbirth is physically unable to supply the data;
(e) When the circumstances suggest that the death or stillbirth occurred as a result of other than natural causes.

(c) When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of record of this state, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.

(d) Each stillbirth, defined as a spontaneous fetal death of twenty (20) completed weeks gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of three hundred fifty (350) grams (twelve and thirty-five hundredths (12.35) ounces) or more, which occurs in this state shall be registered on a certificate of stillbirth within five (5) days after delivery with the local registrar of the district in which the stillbirth occurred. All induced terminations of pregnancy shall be reported in the manner prescribed in section 39-261, Idaho Code, and shall not be reported as stillbirths. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for.

(1) When a stillbirth occurs in an institution, the person in charge of the institution or a designated representative shall prepare the certificate, obtain the signature of the physician in attendance (except as otherwise provided in section 39-260(e), Idaho Code), who shall provide the medical data, and forward the certificate to the mortician or person acting as such. In the absence of the attending physician or with said physician's approval the certificate may be completed and signed by said physician's associate physician, the chief medical officer of the institution in which the stillbirth occurred, or the physician who performed an autopsy on the stillborn fetus, provided such individual has access to the medical history of the case and views the fetus at or after stillbirth. The mortician or person acting as such shall provide the disposition information and file the certificate with the local registrar.

(2) When a stillbirth occurs outside an institution, the mortician or person acting as such shall complete the certificate, obtain the medical data from and signature of the attendant at the stillbirth (except as otherwise provided in section 39-260(e), Idaho Code), and file the certificate. If the attendant at or immediately after the stillbirth is not a physician, the coroner shall investigate and sign the certificate of stillbirth.

(3) When a stillbirth occurs in a moving conveyance in the United States and the stillborn fetus is first removed from the conveyance in this state, the stillbirth shall be registered in this state and the place where the stillborn fetus is first removed shall be considered the place of stillbirth. When a stillbirth occurs in a moving conveyance while in international air space or in a foreign country or its air space and the stillborn fetus is first removed from the conveyance in this state, the stillbirth shall be registered in this state but the certificate shall show the actual place of stillbirth insofar as can be determined.
(4) When a stillborn fetus is found in this state and the place of stillbirth is unknown, it shall be reported in this state. The place where the stillborn fetus was found shall be considered the place of stillbirth.

(5) The name of the father shall be entered on the certificate of stillbirth as provided by section 39-255, Idaho Code.

(e) When the circumstances suggest that the stillbirth occurred as a result of other than natural causes (excepting legally induced abortions, as defined by section 39-241, Idaho Code), the local registrar shall refer the case to the coroner in the county where the stillbirth occurred. Said coroner shall make an immediate investigation, supply the necessary medical data, and certify to the cause of stillbirth.

SECTION 21. That Section 39-260A, Idaho Code, be, and the same is hereby repealed.

SECTION 22. That Section 39-273, Idaho Code, be, and the same is hereby amended to read as follows:

39-273261. INDUCED ABORTION REPORTING FORMS -- COMPILATIONS. (a) The bureau-of vital statistics unit shall establish an induced abortion reporting form, which shall be used for the reporting of every induced abortion performed in this state. However, no information shall be collected which would identify the abortee woman who had the abortion. Such form shall be prescribed by the department and shall include as a minimum the items required by the standard reporting form as recommended by the national center for health statistics, of the United States department of health, education, and welfare human services.

The completed form shall be filed by the attending physician and sent to the bureau-of vital statistics unit within fifteen (15) days after the end of each reporting month. The submitted form shall be an original, typed or written legibly in durable ink, and shall not be deemed complete unless the omission of any item of information required shall have been disclosed or its omission satisfactorily accounted for. Carbon copies shall not be acceptable.

(b) The department of health and welfare shall prepare and keep on permanent file compilations of the information submitted on the induced abortion reporting forms pursuant to such rules and regulations as established by the department of health and welfare, which compilations shall be a matter of public record.

SECTION 23. That Section 39-262, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 39-267, Idaho Code, be, and the same is hereby amended to read as follows:

39-267262. REGISTRATION OF MARRIAGE -- MARRIAGE CERTIFICATES FILED. Every person who performs a marriage ceremony shall prepare and sign a certificate of marriage in duplicate, one (1) of which shall be
given to the parties and the other filed by him said person within ten (10) days after the ceremony with the officer who issued the marriage license county recorder. Every officer who issues a marriage license county recorder shall forward to the state registrar on or before the 15th day of each calendar month the certificates of marriage which were filed with him said recorder during the preceding calendar month. The form of certificate of marriage shall be prescribed by the board, in accordance with the provisions of sections 32-401 and 32-402, Idaho Code. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for.

SECTION 25. That Section 39-268, Idaho Code, be, and the same is hereby amended to read as follows:

39-268263. MARRIAGE LICENSE FEES. Every officer authorized to issue marriage licenses county recorder shall be paid, a recording fee of twenty-five-cents, to be established by regulations adopted by the board, for each marriage certificate filed with him said recorder and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

SECTION 26. That Section 39-270, Idaho Code, be, and the same is hereby amended to read as follows:

39-270264. REGISTRATION OF PHYSICIANS, UNDERTAKERS, AND PERSONS AUTHORIZED TO PERFORM MARRIAGE CEREMONY. (a) Every physician and undertaker shall register his name, address and occupation with the local registrar of the district in which he or she resides, or hereafter establishes a residence.

(b) Every person authorized by law section 32-303, Idaho Code, to perform a marriage ceremony shall register his her name and address with the local registrar of county recorder in the district county in which he they resides, or may hereafter establish a residence, or perform a marriage ceremony, before performing any such ceremony in this state.

(c) Within thirty (30) days after the close of each calendar year, each local registrar shall make a return to the board of all such persons who may have been registered in this district during the whole or any part of the preceding calendar year provided that no fee or other compensation shall be charged by the local registrar to any of the above-mentioned persons for registering their names under this section or making returns to the department.

SECTION 27. That Section 39-269, Idaho Code, be, and the same is hereby amended to read as follows:

39-269265. REGISTRATION OF DIVORCES -- ANNULMENTS OF MARRIAGE. Incident to every divorce or annulment of a marriage, the clerk of the court decreeing such divorce or annulment shall prepare during the proceedings a certificate on a form furnished by the state registrar: (a) A certificate of each divorce or annulment granted by any court in
this state shall be filed by the clerk of the court with the vital statistics unit and shall be registered if it has been completed and filed in accordance with this chapter. The certificate shall be prepared by the petitioner or the petitioner's legal representative on a form furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases the completed certificate shall be prerequisite to the granting of the final decree. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for.

(b) Immediately after the decree becomes final, the certificate shall be completed and forwarded by the clerk to the state registrar on the 15th day of the calendar month next succeeding.

SECTION 28. That Section 39-251, Idaho Code, be, and the same is hereby amended to read as follows:

39-251266. FEE FOR COURT CLERK. The clerk of the court shall be paid a fee of fifty-cents for each certificate prepared and forwarded by him to the state registrar in accordance with the provisions of this act and regulations of the board. Said fee to be collected as a part of the court costs and be assessed by the court according to law. Said fee to be established by regulations adopted by the board.

SECTION 29. That Section 39-261, Idaho Code, be, and the same is hereby amended to read as follows:

39-261267. DELAYED REGISTRATION. Any certificate required to be filed under this act accepted for filing after the time prescribed by the board shall be filed in accordance with the minimum standards prescribed by the national agency in charge of vital statistics.

(a) If a delayed certificate of birth is rejected under the provisions prescribed, a petition signed and sworn to by the petitioner may be filed with a court of competent jurisdiction for an order establishing a record of the date and place of birth and the parentage of the person whose birth is to be registered. Such order shall be acceptable evidence for establishing a delayed certificate of birth in the vital statistics unit.

(b) If a delayed certificate of death is rejected under the provisions prescribed, a petition signed and sworn to by the petitioner may be filed with a court of competent jurisdiction for an order establishing a record of the date and place of death. Such order shall be acceptable evidence for establishing a delayed certificate of death.

SECTION 30. That Section 39-260, Idaho Code, be, and the same is hereby amended to read as follows:

39-260268. BURIAL-TRANSIT--PERMITS AUTHORIZATION FOR FINAL DISPOSITION. (a) The mortician or person acting as such who first assumes possession of a dead body or stillbirth stillborn fetus shall
make a written report to the registrar of the district in which death
or stillbirth occurred or in which the body or stillborn fetus was
found within twenty-four (24) hours after taking possession of the
body or stillbirth stillborn fetus, on a form prescribed and furnished
by the state registrar and in accordance with regulations promulgated
by the board. Except as specified in subsection (b) of this section,
the written report shall serve as permit to transport, bury or entomb
the body or stillborn fetus within this state, provided that the
mortician or person acting as such shall certify that the physician in
charge of the patient's care for the illness or condition which
resulted in death or stillbirth has been contacted and has affirmatively
stated that he said physician or the physician's designate
according to section 39-260(a)(2) or (d)(1), Idaho Code, will sign the
medical-certification certificate of the death or stillbirth death
certificate.

(b) The written report as specified in subsection (a) of this
section shall not serve as a permit to:

(1) Remove a body or stillbirth stillborn fetus from this state;

(2) Cremate the body or stillbirth stillborn fetus; or

(3) Make disposal or disposition of any body or stillbirth
stillborn fetus in any manner when inquiry is required under chapter
43, title 19, Idaho Code, or section 39-260(b) or (e), Idaho Code.

(c) In accordance with the provisions of subsection (b) of this
section, the mortician or person acting as such who first assumes pos-
session of a dead body or stillbirth stillborn fetus shall obtain a
permit-for-disposal-of-human-remains an authorization for final dis-
position prior to final disposal or removal from the state of the body
or stillbirth---Such--permit-shall-be-issued-by-the-registrar-of-the
district-where-death-occurred-or-the-body-was-found---No--permit--for
disposal-of--human-remains--shall-be-issued-by-any-registrar-until-a
certificate-of-death-or-stillbirth---as-far-as-it-can-be-completed
under-the-circumstances-of-the-case---has-been-filed-with-him
stillborn
fetus. The physician or coroner responsible for signing the death or
stillbirth certificate shall authorize final disposition of the body
or stillborn fetus, on a form prescribed and furnished by the state
registrar. If the body is to be cremated, the coroner must also give
additional authorization. In the case of stillbirths, the hospital may
dispose of the stillborn fetus if the parent(s) so requests; authori-
zation from the coroner is not necessary unless the coroner is respon-
sible for signing the certificate of stillbirth.

(d) When a dead body or stillborn fetus is transported into the
state, a permit issued in accordance with the law of the state in
which the death or stillbirth occurred or in which the body or
stillborn fetus was found shall authorize the transportation and final
disposition within the state of Idaho.

(e) A permit for disposal shall not be required in the case of a
dead fetus of less than twenty (20) weeks gestation and less than
three hundred fifty (350) grams or twelve and thirty-five hundredths
(12.35) ounces where disposal of the fetal remains is made within the
institution where the delivery of the dead fetus occurred.

(f) A permit--for-disinterment-and-reinterment-shall-be-required
prior-to-disinterment-of-a-dead-body-or-stillbirth-except--as--author-
ized--by-regulation-or-otherwise-provided-by-law.--Such-permit-shall-be
SECTION 31. That Section 39-211, Idaho Code, be, and the same is hereby amended to read as follows:

39-21269. DISINTERMENT -- RULES AND REGULATIONS. No body or stillborn fetus shall be disinterred within the state of Idaho except upon a permit granted by the director of the department of health and welfare state registrar of vital statistics. The forms of disinterment permits shall be prepared by the director state registrar. Disinterment and removal must be done under the personal supervision of a licensed embalmer and must be done at the hour when there is the least possible exposure. Only such persons as are actually necessary shall be present. The coffin shall not be opened either at place of disinterment or place of destination, except special permit be issued by the director state registrar. And in case of disinterment of bodies dead by reason of contagious and infectious diseases, as shown by the certificate of death given by the attending certifying physician or coroner, the sexton and all other persons engaged in such removal or being present shall immediately thereafter change and disinfect their clothing and properly disinfect their hands, head and face, provided, that such disinterment may also be governed by rules and regulations promulgated by the state board of health and welfare and a synopsis of the same shall be printed on the back of every permit; provided; also, that in case of any contagious and infectious disease where remains are to be shipped to points in other states, permission must first be obtained from the secretary of the state board of health officer of such state. The director state registrar may also issue a special disinterment permit for legal purposes. This permit for legal purposes shall be granted only upon application of a prosecuting attorney, or the attorney general of this state, or the coroner of the county in which the body is interred, stating therein such facts which make it evident to the director state registrar that the ends of justice require that disinterment be permitted. Such special disinterment for legal purposes shall be governed by rules and regulations promulgated by the state board of health and welfare and a synopsis of the same shall be printed on the back of every such special disinterment permit for legal purposes. Bodies in a receiving vault when prepared by a licensed embalmer shall not be regarded as disinterred bodies until after the expiration of thirty (30) days.

SECTION 32. That Section 39-264, Idaho Code, be, and the same is hereby amended to read as follows:

39-264270. DISCLOSURE OF INFORMATION. (a) Certificates and records in the custody of the state registrars shall be open to inspection subject to the provisions of this act chapter and the regulations of the board, the provisions of section 9-302, Idaho Code, to the contrary notwithstanding; and it shall be unlawful for any state or local official or employee under this act chapter to disclose any data contained in the records, except as authorized by this act chapter and the regulations of the board.
(b) A complete copy, or any part of a certificate, may be issued to any applicant who can show direct and tangible interest in the record he applies for; and subject to such provisions as the board may prescribe, data contained on records may be used by federal, state or municipal agencies for the purpose of verification of data.

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

(d) The manner of keeping local records and the use thereof shall be prescribed by the board, in keeping with the provisions of this section.

(e) When one hundred (100) years have elapsed after the date of birth, or fifty (50) years have elapsed after the date of death, stillbirth, marriage or divorce, the records of these events in the custody of the state registrar shall become public records and information shall be made available in accordance with regulations promulgated by the board to provide for the continued safekeeping of the records.

SECTION 33. That Section 39-265, Idaho Code, be, and the same is hereby amended to read as follows:

39-265271. RECORDS OF INSTITUTIONS. All superintendents, managers or other persons in charge of hospitals, almshouses, lying-in- or other institutions, public or private, to which persons resort for treatment of diseases, confinements, or are committed by law, shall record all the personal and statistical particulars relative to the inmates of those persons admitted or confined to their institutions that are required in the forms or the certificates prescribed by the board. The record shall be made by them at the time of admission of the inmates patients and at such other times as may be required. The personal and statistical particulars and information shall be obtained from the individuals themselves, if it is practicable to do so, and when they can not be so obtained, they shall be secured in as complete a manner as possible from relatives, friends or other persons acquainted with the facts.

SECTION 34. That Chapter 2, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-272, Idaho Code, and to read as follows:

39-272. DUTIES TO PROVIDE INFORMATION. For the purposes of compilation of the vital record, any person having knowledge of the facts shall furnish to the state registrar such information as they may possess regarding any birth, death, stillbirth, marriage or divorce.

SECTION 35. That Section 39-266, Idaho Code, be, and the same is hereby amended to read as follows:

39-266273. PENALTIES. (a) Any person who willfully makes or alters
any certificates or certification thereof provided for in this act; except in accordance with the provisions of this act, or who shall willfully furnish false or fraudulent information affecting any certificate or record required by this act, shall be subject to a fine of $300 or imprisonment for not to exceed six (6) months, or both such fine and imprisonment;

(b) Any person who knowingly transports or accepts for transport; interred or otherwise disposes of a dead body without an accompanying permit issued in accordance with the provisions of this act, shall be subject to a fine of not more than $500;

(c) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or the regulations of the board, or who neglects or refuses to perform any of the duties imposed upon him thereunder, shall be subject to a fine of not more than $500;

(d) Any employee or officer of the board who discloses any information in violation of section 39-264 shall, in addition to the other penalties herein prescribed, be subject to immediate dismissal from his employment.

The following acts, if committed unlawfully, or with the intent to deceive, shall be felonies punishable by a fine of not more than five thousand dollars ($5,000) or imprisonment of not more than five (5) years, or both:

(1) furnishing false or fraudulent information affecting any certificate, record or report required by this chapter; or
(2) making, counterfeiting, altering, amending or mutilating of any certificate, record or report, or any certified copy of a certificate, record, or report authorized by this chapter; or
(3) obtaining, possessing, using, selling, or furnishing, or attempting to obtain, possess, use, sell, or furnish, any certificate, record, or report, or certified copy of a certificate, record, or report, which has been unlawfully made, counterfeited, altered, amended, or mutilated; or
(4) furnishing, selling or using any certificate, record or report, or any certified copy of a certificate, record or report, authorized by this chapter for the purpose of misrepresenting the age or identity of a person or misrepresenting the facts relating to a birth, death or adoption.

(b) The following acts, if committed with knowledge, recklessness or with criminal negligence, shall be misdemeanors punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment of not more than one (1) year, or both:

(1) except where a different penalty is provided by this section, violating any of the provisions of this chapter or the regulations promulgated pursuant to this chapter by the board; or
(2) neglecting or refusing to perform any of the duties imposed pursuant to this chapter; or
(3) transporting, accepting for transport, interring, or otherwise disposing of a dead body or stillborn fetus without a permit or other authorization issued in accordance with the provisions of this chapter.

(c) In addition to the other penalties herein prescribed, any employee or officer of the department who knowingly, recklessly or negligently discloses any information in violation of section 39-270,
Idaho Code, shall be subject to immediate dismissal from employment.

SECTION 36. That Section 39-263, Idaho Code, be, and the same is hereby amended to read as follows:

39-263274. EVIDENTIARY CHARACTER OF RECORDS AND COPIES OF RECORDS. Any certificate filed in accordance with the provisions of this act chapter and the regulations prescribed by the board, or any copy of such records or part thereof, duly certified by the state registrar, shall be prima facie evidence of the facts recited therein.

SECTION 37. That Chapter 2, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-275, Idaho Code, and to read as follows:

39-275. APPLICABILITY. The provisions of this chapter also apply to all certificates of birth, death, marriage, divorce, stillbirth, and reports of induced abortion previously received by the vital statistics unit and in the custody of the state registrar.

SECTION 38. That Section 39-271, Idaho Code, be, and the same is hereby amended to read as follows:

39-271276. UNIFORMITY OF INTERPRETATION. This act chapter shall be so construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

SECTION 39. 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 February 25, 1983.

CHAPTER 8
(S.B. No. 1080)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 337, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 337, Laws of 1982, there is hereby appropriated to the Depart-
ment of Lands for the Forest and Range Fire Protection Program the following amount to be expended according to the designated expense classes from the listed account for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
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</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>U.S. Clark-McNary Account</td>
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<td>Operating Expenditures</td>
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<td>TOTAL</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 25, 1983.

CHAPTER 9
(S.B. No. 1081)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 166, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 166, Laws of 1982, there is hereby appropriated to the Department of Administration for the Insurance Management Program the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Risk Retention Account</td>
</tr>
<tr>
<td>FROM:</td>
<td>$2,500</td>
</tr>
<tr>
<td>Risk Retention Account</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

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

Approved February 25, 1983.
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE IN ADDITION TO THE APPROPRIATION CONTAINED IN SECTION 2, CHAPTER 201, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation contained in Section 2, Chapter 201, Laws of 1982, there is hereby appropriated to the Department of Agriculture for the Agricultural Inspections Program, the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

FOR: Personnel Costs $12,400
FROM: Agriculture Department Inspection Account $12,400

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 25, 1983.
CHAPTER 12
(H.B. No. 167)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 335, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 335, Laws of 1982, there is hereby appropriated to the Department of Law Enforcement the following amount to be expended for the named program according to the designated expenditure class from the listed account for the period July 1, 1982, through June 30, 1983:

CRIME CONTROL:
FOR: Operating Expenditures
FROM: Idaho Law Enforcement Telecommunications System Account
$150,000

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

Approved March 4, 1983.
CHAPTER 13
(S.B. No. 1014)

AN ACT
RELATING TO COSTS OF CONFINEMENT IN COUNTY JAILS; AMENDING SECTION 20-605, IDAHO CODE, BY PROVIDING AN INCREASE IN THE DAILY CHARGE FOR EACH PERSON CONFINED OR DETAINED.

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

SECTION 1. That Section 20-605, Idaho Code, be, and the same is hereby amended to read as follows:

20-605. COSTS OF CONFINEMENT. The county wherein any court has entered an order pursuant to section 20-604, Idaho Code, shall pay all direct and indirect costs of the detention or confinement of the person to the governmental unit or agency owning or operating the jail or confinement facilities in which the person was confined or detained. The amount of such direct and indirect costs shall be determined on a per day per person basis by agreement between the county wherein the court entered the order and the county or governmental unit or agency owning or operating such jail or confinement facilities. In the absence of such agreement or order fixing the cost as provided in section 20-606, Idaho Code, the daily charge for each person confined or detained shall be the sum of five twenty dollars ($520.00) per day, plus the actual cost of any medical or dental services, and in the event of the death of such detained or confined person, the county wherein the court entered the order shall pay all actual burial costs. In case a person confined or detained was initially arrested by a city police officer for violation of the motor vehicle laws of this state or for violation of a city ordinance, the cost of such confinement or detention shall be a charge against such city by the county wherein the order of confinement was entered. All payments under this section shall be acted upon for each calendar month by the second Monday of the month following the date of billing.

Approved March 4, 1983.

CHAPTER 14
(S.B. No. 1114)

AN ACT
APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 294, LAWS OF 1982; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. In addition to the appropriation made by Section 2, Chapter 294, Laws of 1982, there is hereby appropriated to the Idaho Transportation Department the following amount to be expended for the named program according to the designated expense classes from the listed account for the period July 1, 1982, through June 30, 1983:

GENERAL SUPPORT:

**FOR:**
- Personnel Costs: $65,100
- Operating Expenditures: $20,300
- Capital Outlay: $10,000
- **TOTAL:** $95,400

**FROM:**
- Emergency Fuel Allocation Fund Account: $95,400

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 March 4, 1983.

CHAPTER 15
(S.B. No. 1115)

AN ACT
AMENDING SECTION 1, CHAPTER 343, LAWS OF 1982, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 343, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1982, through June 30, 1983:

**FOR MAJOR PROGRAMS:**
- Vocational Education Programs: $17,679,700
- Advisory Council: 17,799,700
- **TOTAL:** $35,479,400

**FROM:**
- General Account: $14,642,800
- Vocational Education Act of 1963 Account: 2,970,900
- Local Receipts: 66,000
- Vocational Education Advisory Council Account: 105,900
- Displaced Homemaker Account: 120,000
- **TOTAL:** $17,905,600
SECTION 2. An emergency existing therefor, 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 4, 1983.

CHAPTER 16
(S.B. No. 1026)

AN ACT
RELATING TO EXEMPTIONS OF PERSONAL PROPERTY FROM ATTACHMENT OR LEVY; AMENDING SECTION 11-605, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR ONE FIREARM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 11-605, Idaho Code, be, and the same is hereby amended to read as follows:

11-605. EXEMPTIONS OF PERSONAL PROPERTY SUBJECT TO VALUE LIMITATIONS. (1) An individual is entitled to exemption of the following property to the extent of a value not exceeding five hundred dollars ($500) on any item of property:
   (a) furnishings and appliances reasonably necessary for one (1) household, including one (1) firearm;
   (b) if reasonably held for the personal use of the individual or a dependent, wearing apparel, animals, books, and musical instruments; and
   (c) family portraits and heirlooms of particular sentimental value to the individual.

(2) An individual is entitled to exemption of jewelry, not exceeding two hundred fifty dollars ($250) in aggregate value, if held for the personal use of the individual.

(3) An individual is entitled to exemption, not exceeding one thousand dollars ($1,000) in aggregate value, of implements, professional books, and tools of the trade; and to an exemption of one (1) motor vehicle to the extent of a value not exceeding five hundred dollars ($500).

(4) All courthouses, jails, public offices and buildings, school houses, lots, grounds and personal property appertaining thereto, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, or for the use of schools, and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by
such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state. No article or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

(5) All arms, uniforms and accouterments required for the use of an individual as a peace officer, a member of the national guard or military service.

(6) A water right not to exceed one hundred sixty (160) inches of water used for the irrigation of lands actually cultivated by the individual, and the crop or crops growing or grown on fifty (50) acres of land, leased, owned or possessed by an individual cultivating the same, provided, that the amount of the crops so exempted shall not exceed the value of one thousand dollars ($1,000).

SECTION 2. An emergency existing therefor, 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 7, 1983.

CHAPTER 17
(S.B. No. 1029)

AN ACT
RELATING TO SELECTING JURIES; AMENDING CHAPTER 18, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1816, IDAHO CODE, TO PROVIDE AN ALTERNATIVE TO GRANTING CHANGES OF VENUE IN CRIMINAL TRIALS BY IMPANELING A JURY FROM ANOTHER COUNTY.

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

SECTION 1. That Chapter 18, 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 19-1816, Idaho Code, and to read as follows:

19-1816. IMPANELING JURY FROM ANOTHER COUNTY. (a) As an alternative to entering the order of removal provided in the preceding sections of this chapter, the court may instead enter an order directing that jurors be impaneled from the county to which venue would otherwise have been transferred, if it finds:
1. That a fair and impartial jury cannot be impaneled in the county where the criminal complaint, information or indictment is filed;
2. That it would be more economical to transport the jury than to transfer the pending action; and
3. That justice will be served thereby.
(b) The jury shall be summoned and impaneled as if the trial were to take place in the county where the jury was summoned. Thereafter,
the jury shall be transported for purpose of the trial to the county in which the complaint, information or indictment is filed.

(c) All court costs incurred under this section shall be paid by the county where the complaint, information or indictment is filed.

(d) The provisions of this section do not affect the power of the court to order a change of venue.

Approved March 7, 1983.

CHAPTER 18
(S.B. No. 1030)

AN ACT
RELATING TO THE IDAHO COURT OF APPEALS AND INCLUDING REFERENCES TO THE COURT IN CERTAIN STATUTES; AMENDING SECTION 1-101, IDAHO CODE, TO PROVIDE THAT THE COURT OF APPEALS IS A COURT OF JUSTICE IN THIS STATE; AMENDING SECTION 1-2005, IDAHO CODE, TO PROVIDE THAT COURT OF APPEALS JUDGES ARE INCLUDED AMONG THE JUDGES WHO MAY BE CALLED INTO SERVICE AFTER RETIREMENT; AMENDING SECTION 32-303, IDAHO CODE, TO PROVIDE THAT COURT OF APPEALS JUDGES ARE AUTHORIZED TO SOLEMNIZE MARRIAGES.

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

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

1-101. COURTS ENUMERATED. The following are the courts of justice of this state:
1. The Supreme Court.
2. The Court of Appeals.
3. The district courts.
34. The magistrate's division of the district courts.

SECTION 2. That Section 1-2005, Idaho Code, be, and the same is hereby amended to read as follows:

1-2005. SERVICES REQUIRED OF RETIRED SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES AND DISTRICT JUDGES. Any retired justice or judge, while he remains capable, upon compliance with title 59, chapter 4, Idaho Code, may sit as a judge of the district court or as a magistrate in any county upon the request and order of the chief justice, and when any such request is made or approved by the chief justice, it shall be his duty to do so.

Any retired justice or judge, while he remains capable, upon compliance with title 59, chapter 4, Idaho Code, may sit with the Supreme Court and exercise the authority of a member thereof in any cause in which he is requested by that court so to do, and when
requested by the chief justice shall perform such other duties pertaining to the judicial department of government as directed.

During the period that any such retired Supreme Court justice, court of appeals judge 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, court of appeals judge 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 court of appeals, 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, court of appeals judge 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 3. That Section 32-303, Idaho Code, be, and the same is hereby amended to read as follows:

32-303. BY WHOM SOLEMNIZED. Marriage may be solemnized by either a justice of the Supreme Court, court of appeals judge, a district judge, the governor, a magistrate of the district court, mayor, priest or minister of the gospel of any denomination.

Approved March 7, 1983.
CHAPTER 19
(H.B. No. 151)

AN ACT
RELATING TO THEFT OF LIVESTOCK; AMENDING SECTION 18-2407, IDAHO CODE, TO PROVIDE THAT THEFT OF CERTAIN LIVESTOCK IS GRAND THEFT; AMENDING SECTION 18-2408, IDAHO CODE, TO PROVIDE A PUNISHMENT FOR THEFT OF LIVESTOCK; AND AMENDING CHAPTER 19, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-1910, IDAHO CODE, TO PROVIDE FOR ASSESSING CIVIL DAMAGES AGAINST A DEFENDANT CONVICTED OF THEFT OF LIVESTOCK.

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

SECTION 1. That Section 18-2407, Idaho Code, be, and the same is hereby amended to read as follows:

18-2407. GRADING OF THEFT. Theft is divided into two (2) degrees, grand theft and petit theft.

(1) Grand theft.
(a) A person is guilty of grand theft when he commits a theft as defined in this chapter and when the property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will:
1. Cause physical injury to some person in the future; or
2. Cause damage to property; or
3. Use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.
(b) A person is guilty of grand theft when he commits a theft as defined in this chapter and when:
1. The property is not livestock and the value of the property exceeds one hundred fifty dollars ($150); or
2. The property consists of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant; or
3. The property consists of a credit card; or
4. The property, regardless of its nature or value, is taken from the person of another; or
5. The property, regardless of its nature and value, is obtained by extortion; or
6. The property consists of one or more firearms, rifles or shotguns; or
7. (i) The property consists of livestock of a value of at least one thousand dollars ($1,000) or consists of two (2) or more head of livestock, irrespective of value. Livestock includes any horse, mare, gelding, cow, steer, bull, calf, mule, jack, goat, jenny, sheep, hog, or domestic fur-bearing animal of any breed or cross thereof except a dog or cat, when in captivity and owned or held for the purpose of breeding or of fur produc-
tion, or in the case of cattle, sheep, or hogs, the butchering and taking of the meat products thereof.

(ii) The property consists of livestock of any value if the defendant has previously been convicted of theft.

(2) Petit theft. A person is guilty of petit theft when he commits a theft as defined in this chapter and his actions do not constitute grand theft.

SECTION 2. That Section 18-2408, Idaho Code, be, and the same is hereby amended to read as follows:

18-2408. PUNISHMENT FOR THEFT. (1) Grand theft committed in a manner prescribed in subsection (1)(a) of section 18-2407, Idaho Code, is a felony punishable by fine not exceeding ten thousand dollars ($10,000) or imprisonment in the state prison for not less than one (1) year nor more than twenty (20) years, or by both such fine and imprisonment.

(2) (a) Grand theft committed in a manner prescribed in subsection (1)(b)1. 2. 3. 4. 5. or 6. of section 18-2407, Idaho Code, is a felony punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both such fine and imprisonment.

(b) Grand theft committed in a manner prescribed in subsection (1)(b)7. of section 18-2407, Idaho Code, is a felony punishable by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), and the minimum fine shall not be suspended or withheld, or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both such fine and imprisonment. In addition, the court shall assess civil damages as provided in section 25-1910, Idaho Code.

(3) (a) Petit theft, except petit theft of livestock, is a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one (1) year or by both.

(b) Petit theft of livestock is a misdemeanor punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than thirty (30) days, nor more than one (1) year, or by both. No part of the minimum fine or imprisonment shall be suspended or withheld. In addition, the court shall assess civil damages as provided in section 25-1910, Idaho Code.

SECTION 3. That Chapter 19, 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 25-1910, Idaho Code, and to read as follows:

25-1910. CIVIL DAMAGES UPON THEFT OF LIVESTOCK. In addition to the criminal penalties that may be imposed upon a person convicted of theft of livestock, the court shall assess civil damages against the defendant in any amount necessary to fully compensate the owner of the
livestock for his loss, which amount shall be paid to the owner, and any amount necessary to fully compensate any trade association which has paid out rewards which led to the arrest and conviction of the defendant in the particular case, which amount shall be paid to the trade association.

Approved March 7, 1983.

CHAPTER 20
(H.B. No. 61)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3024A, IDAHO CODE, TO PROVIDE THAT AN APPLICATION FOR REFUNDS ACCRUING AS A RESULT OF THE GROCERY CREDIT MUST BE FILED WITHIN THREE YEARS; AND AMENDING SECTION 63-3035, IDAHO CODE, TO EXTEND FROM TWO TO THREE YEARS THE STATUTE OF LIMITATIONS ON CLAIMING REFUNDS OF TAXES WITHHELD FROM WAGES OR SALARIES.

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

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

63-3024A. CREDITS AND REFUNDS. (a) Any resident individual not entitled to the credit allowed in subsection (b)(1), who is required to file by law and who has filed an Idaho income tax return, shall be allowed a credit against taxes due under the Idaho income tax act equal to the amount of fifteen dollars ($15.00) for each personal exemption for which a deduction is permitted by section 151(b) and (e) of the Internal Revenue Code, as that section appeared on December 31, 1964, if such deduction is claimed on the taxpayer's Idaho income tax return. If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit. If the credit or refund is not claimed for the year for which the individual income tax return is filed, the right thereafter to claim such credit or refund shall be forfeited. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

(b) (1) A resident individual who has reached his sixty-fifth birthday before the end of his taxable year, who is required to file by law and who has filed an Idaho income tax return, shall be allowed a credit against taxes due under the Idaho income tax act equal to the amount of thirty dollars ($30.00) for each personal exemption representing himself, a spouse over the age of sixty-five (65), or a dependent over the age of sixty-five (65), but shall be allowed a credit against taxes due under the Idaho income tax act equal to fifteen dollars ($15.00) for each personal exemption representing a spouse or dependent under the age of sixty-five (65). If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit. If the credit or refund is not claimed for the year...
for which the individual income tax return is filed, the right thereafter to claim such credit or refund shall be forfeited. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

(2) A resident individual who has reached his sixty-fifth birthday and is not required by law to file an Idaho income tax return and who has received no credit or refund under any other subsection of this section, shall be entitled to a refund of thirty dollars ($30.00). Any refund shall be paid to such individual only upon his making application therefor at such time and in such manner as may be prescribed by the state tax commission.

(c) A resident individual of the state of Idaho who is:

(i) blind, or

(ii) a disabled American veteran of any war engaged in by the United States, whose disability is recognized as a service connected disability of a degree of ten per cent (10%) or more, or who is in receipt of a pension for nonservice connected disabilities, in accordance with laws and regulations administered by the United States veterans administration, substantiated by a statement as to status signed by a responsible officer of the United States veterans administration, or

(iii) over sixty-two (62) years of age, and has been allowed none, or less than all, of the credit provided by subsection (a) or subsection (b) of this section, shall be entitled to a payment from the refund fund in an amount equal to fifteen dollars ($15.00), or the balance of his unused credit, whichever is less, upon making application therefor at such time and in such manner as the state tax commission may prescribe.

(d) Any part-year resident entitled to a credit under this section shall receive a pro rata credit, in the manner above provided, reflecting the part of the year in which he was domiciled in this state.

(e) No credit or refund may be claimed for an exemption which represents a person who has himself filed an Idaho income tax return claiming a deduction for his own personal exemption, and in no event shall more than one (1) taxpayer be allowed a credit or refund for the same exemption, or under more than one (1) subsection of this section.

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

(g) An application for any refund which is due and payable under the provisions of this section must be filed with the state tax commission within three (3) years of:

(i) the due date, including extensions, of the return required under section 63-3030, Idaho Code, if the applicant is required to file a return, or

(ii) the 15th day of April of the year following the year to which the application relates if the applicant is not required to file a return.

SECTION 2. That Section 63-3035, Idaho Code, be, and the same is hereby amended to read as follows:
63-3035. STATE WITHHOLDING TAX ON PERCENTAGE BASIS -- WITHHOLDING, COLLECTION AND PAYMENT OF TAX. (a) Every employer who is required under the provisions of the Internal Revenue Code to withhold, collect and pay income tax on wages or salaries paid by such employer to any employee shall, at the time of such payment of wages, salary, bonus or other emolument to such employee, deduct and retain therefrom an amount substantially equivalent to the tax reasonably calculated by the state tax commission to be due from the employee under this act. The state tax commission shall prepare tables showing amounts to be withheld, and shall supply same to each employer subject to this section. In the event that an employer can demonstrate administrative inconvenience in complying with the exact requirements set forth in these tables, he may, with the consent of the state tax commission and upon application to it, use a different method which will produce substantially the same amount of taxes withheld. Every employer making payments of wages or salaries earned in Idaho, regardless of the place where such payment is made:

(1) shall be liable to the state of Idaho for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from his wages and paid over in compliance or intended compliance with this section; and

(2) must make return of and pay to the state tax commission monthly on or before the 25th day of the succeeding month, or at such other times as the state tax commission may allow, an amount of tax which, under the provisions of this act, he is required to deduct and withhold.

(b) Every employer shall, at the time of each payment made by him to the state tax commission, deliver to the state tax commission a return upon such form as shall be prescribed by said state tax commission showing the total amount of wages, salary, bonus or other emoluments paid to his employees, the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code, the amount deducted therefrom in accordance with the provisions of this section, and such pertinent and necessary information as the state tax commission may require.

Every employer making a declaration of withholding as provided herein shall furnish to the employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the amount of tax withheld from such employee on forms to be prescribed, prepared and furnished by the state tax commission and at the same time every employer shall file a copy thereof with the state tax commission.

(c) All moneys deducted and withheld by every employer shall immediately upon such deduction be state money and every employer who deducts and retains any amount of money under the provisions of this act shall hold the same in trust for the state of Idaho and for the payment thereof to the state tax commission in the manner and at the times in this act provided. Any employer who does not possess real property situated within the state of Idaho, which, in the opinion of the state tax commission, is of sufficient value to cover his probable tax liability, may be required to post a surety bond in such sum as the state tax commission shall deem adequate to protect the state.
(d) The provisions of this act relating to additions to tax in case of delinquency, and penalties, shall apply to employers subject to the provisions of this section and for these purposes any amount deducted, or required to be deducted and remitted to the state tax commission under this section, shall be considered to be the tax of the employer and with respect to such amount he shall be considered the taxpayer.

(e) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for his tax year which begins within such calendar year and the return made by the employer under this subsection (e) shall be accepted by the state tax commission as evidence in favor of the employee of the amount so deducted from his wages. Where the total amount so deducted exceeds the amount of tax on the employee, based on his taxable income as computed under the provisions of this act, as the same has been or may hereafter be amended, or where his income is not taxable under this act, the state tax commission shall, after examining the annual return filed by the employee in accordance with this act, but not later than one hundred and twenty (120) days after the filing of each return, refund the amount of the excess deducted. No refund shall be made to an employee who fails to file his return, as required under this act, within two three (23) years from the due date of the return in respect of which the tax withheld might have been credited. In the event that the excess tax deducted is less than one dollar ($1.00), no refund shall be made unless specifically requested by the taxpayer at the time such return is filed.

(f) This section shall in no way relieve any taxpayer from his obligation of filing a return at the time required under this act, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 63-304 [63-3004], Idaho Code.

(g) An employee receiving wages shall on any day be entitled to the same number of withholding exemptions to which he is entitled under the Internal Revenue Code for federal income tax withholding purposes.

(h) An employer shall use the exemption certificate filed by the employee with the employer under the withholding exemption provisions of the Internal Revenue Code in determining the amount of tax to be withheld from the employee’s wages or salary under this act. The tax commission may redetermine the number of withholding exemptions to which an employee is entitled under subsection (g), and the state tax commission may require such exemption certificate to be filed on a form prescribed by the commission in any circumstance where the commission finds that the exemption certificate filed for Internal Revenue Code purposes does not properly reflect the number of withholding exemptions to which the employee is entitled under this act. In no event shall any employee give an exemption certificate which claims a higher number of withholding exemptions than the number to which the employee is entitled by subsection (g) of this section.

Approved March 7, 1983.
CHAPTER 21  
(H.B. No. 15)

AN ACT
RELATING TO CREDITS AGAINST INCOME TAXES; AMENDING SECTION 63-3029F, IDAHO CODE, TO CHANGE THE ALLOWABLE AMOUNT OF IDAHO JOBS CREDITS, BY LIMITING IT TO FIFTY PERCENT OF NONREFUNDABLE CREDITS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029H, IDAHO CODE, TO ESTABLISH A PRIORITY FOR APPLICATION OF CREDITS AGAINST INCOME TAXES; AND DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

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

63-3029F. SPECIAL CREDIT AVAILABLE -- NEW EMPLOYEES. (1) Any taxpayer who hires a new business employee, as defined in section 63-3029E(1), Idaho Code, shall be allowed a credit, in an amount determined under subsection (2) of this section, against the tax imposed by this chapter, other than the tax imposed in section 63-3082, Idaho Code, for the taxable year during which employment of such new business employee occurs and for each of the two (2) succeeding taxable years. No credit shall be allowed under the provisions of this section unless the number of new business employees, as determined under the provisions of section 63-3029E(1)(b), Idaho Code, engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds one (1) person.

(2) The credit authorized in subsection (1) of this section shall be a portion of the Idaho income tax or Idaho tax measured by net income imposed in this chapter, but the credit allowed in this section together with all other nonrefundable credits against taxes allowed in chapter 30, title 63, Idaho Code, shall not exceed fifty percent (50%) of such tax otherwise imposed on the taxpayer for the taxable year for which such credit is allowed. Such portion shall be an amount equal to the sum of the following:

Five hundred dollars ($500) for each new business employee, as determined under section 63-3029F(1), Idaho Code, during the first taxable year for which the credit is claimed; three hundred dollars ($300) for each new business employee during the second taxable year for which the credit is claimed; and, one hundred dollars ($100) for each new business employee during the third taxable year for which the credit is claimed.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 63-3029H, Idaho Code, and to read as follows:

63-3029H. PRIORITY OF CREDITS. When a taxpayer subject to any taxes imposed under this chapter is entitled to two (2) or more credits against such taxes, the priority of credits shall be determined in the following order:

(a) Nonrefundable credits. Nonrefundable credits shall be applied to the tax liability before application of refundable credits. If a taxpayer is entitled to more than one (1) nonrefundable credit, the credits shall be applied in the order in which the statutes authorizing the credits were enacted by the legislature.

(b) Refundable credits. Refundable credits shall be applied to the tax liability after application of any nonrefundable credits.

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, 1983.

Approved March 7, 1983.

CHAPTER 22
(H.B. No. 17)

AN ACT
RELATING TO THE DEATH WARRANT AND CONFINEMENT THEREUNDER; AMENDING SECTION 19-2705, IDAHO CODE, TO ALLOW THE DEPARTMENT OF CORRECTION TO SEGREGATE PERSONS SENTENCED TO DEATH AND TO STRIKE THE PROVISION TO KEEP THEM IN SOLITARY CONFINEMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-2705, Idaho Code, be, and the same is hereby amended to read as follows:

19-2705. DEATH WARRANT AND CONFINEMENT THEREUNDER. Whenever a person is convicted of a crime the penalty for which is death, and such convicted person be sentenced to suffer the penalty of death, the judge passing such sentence shall designate in the warrant of conviction a day in which the judgment is to be executed, which must not be less than thirty (30) nor more than sixty (60) days from the date of said judgment. Said warrant shall be directed to the warden director of the-state-penitentiary correction of this state, and shall be delivered to the sheriff of the county wherein said conviction is had, who shall deliver the same to the warden director of the-state penitentiary correction or his authorized guard agent at the time of the delivery of the person, and copy of the judgment as herein pro-
vided for. The said-warden director of the state penitentiary correction shall keep said the convicted person in solitary segregated confinement until the infliction of the death penalty; and no person shall be allowed access to the said convict, except his attendants, counsel, physician, spiritual adviser of his own selection, other convicts similarly segregated, and members of his own family, and then only in accordance with the prison rules.

SECTION 2. An emergency existing therefor, 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 7, 1983.

CHAPTER 23
(H.B. No. 40)

AN ACT RELATING TO ASSESSMENTS ON LENTILS AND PEAS; AMENDING SECTION 22-3515, IDAHO CODE, BY INCREASING ASSESSMENTS ON LENTILS, AUSTRIAN WINTER PEAS, DRY GREEN AND YELLOW AND SMOOTH VARIETIES OF PEAS, AND DRY GREEN AND YELLOW SEED PEAS GROWN IN THE STATE OF IDAHO.

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

SECTION 1. That Section 22-3515, Idaho Code, be, and the same is hereby amended to read as follows:

22-3515. IMPOSITION OF ASSESSMENT. (1) From and after the first day of July, 1983, there is hereby levied and imposed an assessment of six eight cents (68¢) per cwt. on lentils, five seven cents (57¢) per cwt. on dry green and yellow and other smooth varieties of peas, five seven cents (57¢) per cwt. on Austrian winter varieties of peas and five seven cents (57¢) per cwt. on smooth green and yellow seed peas sold after July 1, 1983, dockage free weight, grown in the state of Idaho and sold or contracted through commercial channels, and each and every crop grown thereafter, which assessment shall be due on or before the time when such peas and lentils are first sold or contracted in the commercial channels and shall be paid at such time or times as the commission may, by rule or regulation prescribe.

(2) The assessment shall be levied and assessed to the grower at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the grower at the time of sale or in case of a lienholder who may possess such peas or lentils under his lien, the assessment shall be deducted by the lienholder from the proceeds of the claim secured by such lien at the time the peas or lentils are pledged or mortgaged. The assessment shall be deducted as provided in this section whether the peas or lentils are stored in this or any other state. The commission may, however, permit any federal corporation, such as the Commodity Credit Corporation, to waive
its responsibility for the collection of the assessment, provided the amount of the assessment is one dollar ($1.00) or less.

(3) The assessment shall be levied on peas and lentils grown and delivered on seed or grower contracts. The assessment shall be levied and assessed to the grower at the time of settlement and shall be deducted by the seed company, corporation, cooperative, partnership, or person from the price paid to the grower at the time of settlement for fulfillment of conditions as set forth in grower contracts.

(4) The assessment shall not be levied on peas and lentils retained and used by the grower for his own seed and feed.

(5) The assessment constitutes a lien prior to all other liens and encumbrances upon such peas or lentils except liens which are declared prior by operation of a statute of this state.

Approved March 7, 1983.

CHAPTER 24
(H.B. No. 184)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR VETERANS SERVICES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 159, LAWS OF 1982; FOR MEDICAL ASSISTANCE PAYMENTS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 160, LAWS OF 1982; FOR ADULT AND ADC ASSISTANCE PAYMENTS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 160, LAWS OF 1982; AMENDING SECTION 2, CHAPTER 293, LAWS OF 1982, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF COMMUNITY REHABILITATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 1, Chapter 159, Laws of 1982, there is hereby appropriated to the Department of Health and Welfare for Veterans Services the following amounts to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

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<tr>
<th>FOR:</th>
<th>From:</th>
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<tr>
<td>Personnel Costs</td>
<td>Interagency Billing and Receipts Account</td>
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<tr>
<td>Operating Expenditures</td>
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<tr>
<td>TOTAL</td>
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SECTION 2. In addition to the appropriation made by Section 2, Chapter 160, Laws of 1982, there is hereby appropriated to the Department of Health and Welfare for Medical Assistance Payments the following amounts to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:
FOR:
Trustee and Benefit Payments
FROM:
Interagency Billing and Receipts Account

$207,000

SECTION 3. In addition to the appropriation made by Section 2, Chapter 160, Laws of 1982, there is hereby appropriated to the Department of Health and Welfare for Adult and ADC Assistance Payments the following amounts to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

FOR:
Trustee and Benefit Payments
FROM:
Interagency Billing and Receipts Account

$900,000

SECTION 4. That Section 2, Chapter 293, Laws of 1982, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Health and Welfare, Division of Community Rehabilitation, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1982 through June 30, 1983:

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<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
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<tr>
<td>A. COMMUNITY MENTAL HEALTH SERVICES:</td>
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<td>B. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL NORTH:</td>
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<td>State Hospital North Income Account</td>
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<td>$383,000</td>
<td>$78,800</td>
<td>461,800</td>
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</tr>
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<td>TOTAL</td>
<td>$1,612,900</td>
<td>$383,000</td>
<td>$78,800</td>
<td>$2,074,700</td>
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<tr>
<td>C. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL SOUTH:</td>
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<td></td>
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<tr>
<td>General Account</td>
<td>$4,624,500</td>
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<td>Interagency Billing and Receipts Account</td>
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<td>Cooperative Welfare Account</td>
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<td>State Hospital South Income Account</td>
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### C. 24 '83 IDAHO SESSION LAWS

#### D. COMMUNITY DEVELOPMENTAL DISABILITY 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>
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<tbody>
<tr>
<td>General Account</td>
<td>$3,158,400</td>
<td>$967,700</td>
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<td>Interagency Billing and Receipts Account</td>
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<td>Cooperative Welfare Account</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$4,418,100</strong></td>
<td><strong>$1,253,600</strong></td>
<td><strong>$1,792,200</strong></td>
<td><strong>$7,463,900</strong></td>
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#### E. INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES:

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Interagency Billing and Receipts Account</th>
<th>From: Medical Assistance Account</th>
<th>From: Cooperative Welfare Account</th>
<th>Total</th>
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<tbody>
<tr>
<td>General Account</td>
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<td>Medical Assistance Account</td>
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<td><strong>TOTAL</strong></td>
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#### F. STATE YOUTH SERVICES CENTER:

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Interagency Billing and Receipts Account</th>
<th>From: Cooperative Welfare Account</th>
<th>From: State Youth Training Center</th>
<th>Total</th>
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<tr>
<td>General Account</td>
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<td>Medical Assistance Account</td>
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<td>53,000</td>
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<td>159,100</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>$434,900</strong></td>
<td><strong>$3,120,300</strong></td>
<td><strong>$485,900</strong></td>
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</table>

**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 7, 1983.
CHAPTER 25
(H.B. No. 18, As Amended in the Senate)

AN ACT RELATING TO VIOLATIONS INVOLVING MOTOR VEHICLES AND AMENDING THE IDAHO TRAFFIC INFRACTIONS ACT; AMENDING SECTION 19-3901, IDAHO CODE, AS AMENDED BY SECTION 9, CHAPTER 353, LAWS OF 1982, TO PROVIDE THAT A COMPLAINT FOR A MISDEMEANOR MUST BE SWORN TO BEFORE A MAGISTRATE OR JUDGE, TO PROVIDE THAT A COMPLAINT FOR AN INFRACTION MAY BE AN UNSWORN COMPLAINT SIGNED BY A LAW ENFORCEMENT OFFICER AND THAT A CITATION MAY BE SERVED UPON A DEFENDANT BY PHYSICALLY DELIVERING THE CITATION TO THE DEFENDANT; REPEALING SECTION 19-3901A, IDAHO CODE, AS ENACTED BY SECTION 10, CHAPTER 353, LAWS OF 1982; AMENDING CHAPTER 39, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3901A, IDAHO CODE, TO PROVIDE THAT FAILURE TO OBEY A MISDEMEANOR CITATION TO APPEAR IN COURT SHALL BE A MISDEMEANOR; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO SIGNS THE APPLICATION OF A MINOR FOR A DRIVER'S PERMIT OR LICENSE SHALL BE LIABLE FOR THE PAYMENT OF ANY INFRACTION VIOLATION JUDGMENT, TO PROVIDE EXCEPTIONS AND TO PROVIDE APPLICATION IN CIVIL ACTIONS WHERE THE PLAINTIFF IS NOT THE STATE OF IDAHO; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-331A, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL REINSTATE A REVOKED OR SUSPENDED LICENSE UPON APPLICATION AND THE PAYMENT OF A FIFTEEN DOLLAR FEE; AMENDING SECTION 49-582, IDAHO CODE, AS ENACTED BY SECTION 16, CHAPTER 353, LAWS OF 1982, TO PROVIDE THAT CERTAIN ACTS MADE CRIMINAL BY A LOCAL ORDINANCE OR REGULATION ARE HEREBY DECLARED TO BE INFRACTIONS; AMENDING SECTION 49-1104, IDAHO CODE, AS ENACTED BY SECTION 34, CHAPTER 353, LAWS OF 1982, TO PROVIDE THAT IT IS AN INFRACTION TO VIOLATE ANY COUNTY, CITY OR OTHER LOCAL ORDINANCE WHICH IS AN INFRACTION UNDER SECTION 49-3406, IDAHO CODE; AMENDING SECTION 49-1110, IDAHO CODE, TO PROVIDE THAT ANY PERSON HALTED BY A POLICE OFFICER FOR A MISDEMEANOR VIOLATION MAY DEMAND AN IMMEDIATE APPEARANCE BEFORE A MAGISTRATE; AMENDING SECTION 49-1111, IDAHO CODE, TO PROVIDE THAT AN OFFICER HAS THE OPTION TO TAKE A PERSON BEFORE A MAGISTRATE FOR ANY MISDEMEANOR VIOLATION INCLUDED IN TITLE 49, IDAHO CODE; AMENDING SECTION 49-1112, IDAHO CODE, TO PROVIDE THAT SPECIAL PROVISIONS MAY GOVERN THE ARREST OF NONRESIDENTS IN MISDEMEANOR VIOLATIONS; REPEALING SECTION 49-1113, IDAHO CODE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1113, IDAHO CODE, TO PROVIDE THAT WHENEVER A PERSON IS NOT TAKEN BEFORE A MAGISTRATE FOR A MISDEMEANOR TRAFFIC VIOLATION THE OFFICER SHALL ISSUE A CITATION; REPEALING SECTION 49-1114, IDAHO CODE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1114, IDAHO CODE, TO DESCRIBE THE AUTHORITY OF AN OFFICER TO ISSUE A CITATION AT THE SCENE OF AN ACCIDENT; REPEALING SECTION 49-1115, IDAHO CODE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1115, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL BE TAKEN BEFORE A MAGISTRATE OR GIVEN A TRAFFIC CITATION AND THE CHARGE THEREAFTER PROCESSED AS PROVIDED BY RULE OF THE SUPREME COURT;
AMENDING SECTION 49-1116, IDAHO CODE, TO STRIKE A REFERENCE TO
SECTION 49-1113, IDAHO CODE; AMENDING SECTION 49-1118, IDAHO CODE,
TO APPLY PROCEDURES FOR MAKING ARRESTS WITHOUT A WARRANT FOR Cer-
TAIN MISDEMEANOR VIOLATIONS; AMENDING SECTION 49-3406, IDAHO CODE,
AS ENACTED BY SECTION 37, CHAPTER 353, LAWS OF 1982, TO PROVIDE
THAT ALL ACTIONS MADE CRIMINAL BY LOCAL ORDINANCE, REGULATION OR
OTHERWISE ARE DECLARED TO BE INFRACTIONS AS DEFINED IN SECTION
49-3401(3), IDAHO CODE; AMENDING CHAPTER 34, TITLE 49, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 49-3408, IDAHO CODE, TO PROVIDE
THAT THE IDAHO TRANSPORTATION DEPARTMENT SHALL SUSPEND THE Li-
CENSE, PERMIT AND DRIVING PRIVILEGES OF ANY OPERATOR OR CHAUFFEUR
FOR NONPAYMENT OF THE PENALTY FOR AN INFRACTION JUDGMENT, TO
DESCRIBE THE PROCEDURES GOVERNING SUCH SUSPENSIONS, TO PROVIDE
THAT THE SUSPENSION OF DRIVING PRIVILEGES SHALL CONTINUE UNTIL THE
PENALTY HAS BEEN PAID OR FOR A MAXIMUM PERIOD OF NINETY DAYS, TO
PROVIDE THAT UPON PAYMENT OF THE INFRACTION PENALTY THE COURT
SHALL ISSUE A RECEIPT WHICH MAY BE FILED WITH THE DEPARTMENT, AND
TO PROVIDE FOR AN APPEAL TO THE DISTRICT COURT FOR ANY PERSON
WHOSE LICENSE HAS BEEN SUSPENDED ON THE GROUND THAT THE NOTICE OF
SUSPENSION SHOULD NOT HAVE BEEN SENT TO THE DEPARTMENT; AND PRO-
VIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-3901, Idaho Code, as amended by
Section 9, Chapter 353, Laws of 1982, be, and the same is hereby
amended to read as follows:

19-3901. COMPLAINT OR CITATION. [Effective-March-1-1983] All
proceedings and actions before the magistrates division of the dis-
trict court for a public offense of which such court has jurisdiction,
must be commenced by complaint under oath, setting forth the offense
charged, with such particulars of time, place, person and property as
to enable the defendant to understand distinctly the character of the
offense complained of, and to answer the complaint. A complaint for a
misdemeanor must be sworn to before a magistrate or judge. A complaint
for an infraction may be an unsworn complaint signed by a law enforce-
ment officer. Provided, however, as to any misdemeanor or infraction
triable by a magistrate, a law enforcement officer may, in lieu of
making a sworn written complaint, issue to the defendant a uniform
citation containing a complaint and a summons to appear in a form and
in the manner prescribed by rule of the supreme court. The complaint
in the uniform citation shall contain a certification by the law
enforcement officer to the effect that he certifies that he has
reasonable grounds to believe, and does believe, that the person cited
committed the offense contrary to law. The citation shall be served
upon the defendant by obtaining his written promise to appear in court
at a time certain or by physically delivering the citation to the
defendant. The citation shall be processed in the courts as prescribed
by rule of the supreme court. Such summons shall contain a promise of
the defendant to appear for arraignment in the proper court at a
stated day and time and shall notify him that upon his failure to
appear as promised a warrant will issue for his arrest. If the defend-
ant fails to appear as-promised-pursuant-to-a-summons; the-complaint or-uniform-citation-shall-be-presented-to-a-magistrate-and-if-the magistrate-is-satisfied-that-there-is-probable-cause-that-an-offense has-been-committed-and-that-the-defendant-committed-it, he-shall-issue a-warrant-for-the-arrest-of-the-defendant-or-he-may-issue-another summons-to-appear-in-lieu-of-a-warrant on a misdemeanor citation at the time indicated in the summons, the defendant may be prosecuted for the misdemeanor offense of failure to appear under section 19-3901A, Idaho Code.

SECTION 2. That Section 19-3901A, Idaho Code, as enacted by Section 10, Chapter 353, Laws of 1982, be, and the same is hereby repealed.

SECTION 3. That Chapter 39, 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 19-3901A, Idaho Code, and to read as follows:

19-3901A. FAILURE TO OBEY CITATION FOR MISDEMEANOR. (a) It shall be unlawful for any person to fail to appear in court at the time promised on a misdemeanor citation or to fail to appear at the time indicated on a misdemeanor citation served upon the defendant, regardless of the disposition of the charge upon which such citation was originally issued.

(b) The duty to appear in court at the time indicated in a misdemeanor citation may be complied with by an appearance by counsel in the manner prescribed by rule of the supreme court.

(c) Violation of the provisions of this section shall be a misdemeanor.

SECTION 4. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

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

(b) Any negligence or wilful misconduct of a minor under the age of eighteen (18) years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or wilful misconduct (except as otherwise provided in the next succeeding paragraph).
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(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, or by the director if the form and amount be not fixed by law, then the department may accept the application of such minor when signed by one (1) parent or guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

(d) Any person who has signed the application of a minor for a permit or license shall be liable civilly for the payment of any court penalty imposed because the minor has been found to have committed an infraction violation; provided, that the provisions of this section shall not apply or create any civil liability for the person signing the application in connection with any pedestrian or bicycle infraction, and provided this subsection (d) shall not apply to any civil action where the plaintiff is other than the state of Idaho.

SECTION 5. That Chapter 3, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-331A, Idaho Code, and to read as follows:

49-331A. REINSTATEMENT OF REVOKED OR SUSPENDED LICENSE -- FEE. When the period of revocation or suspension of a license has expired, or the reason for the revocation or suspension no longer exists, the department shall reinstate such license on application of the driver. The application shall be in the form prescribed by the department and accompanied by a reinstatement fee of fifteen dollars ($15.00). The department shall remit all reinstatement fees collected to the state treasurer for deposit in the state highway account to administer the driver's license suspension program. Funds so deposited shall not be subject to the provisions of section 40-405, Idaho Code.

SECTION 6. That Section 49-582, Idaho Code, as enacted by Section 16, Chapter 353, Laws of 1982, be, and the same is hereby amended to read as follows:

49-582. POWERS OF LOCAL AUTHORITIES. {Effective--March--1--1983}

(1) The provisions of this title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(a) Regulating or prohibiting stopping, standing or parking;
(b) Regulating traffic by means of police officers or official traffic-control devices;
(c) Regulating or prohibiting processions or assemblages on the highways;
(d) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 49-628, Idaho Code;
(e) Establishing speed limits for vehicles in public parks not-
withstanding the provisions of subsection (1)(c) of section 49-683, Idaho Code;

(f) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(g) Restricting the use of streets or highways as authorized in chapter 9, title 49, Idaho Code;

(h) Regulating or prohibiting the turning of vehicles or specified types of vehicles;

(i) Altering or establishing speed limits as authorized in section 49-683, Idaho Code;

(j) Requiring written accident reports as authorized in section 49-1015, Idaho Code;

(k) Designating no-passing zones as authorized in section 49-627, Idaho Code;

(l) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in section 49-633, Idaho Code;

(m) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(n) Establishing minimum speed limits as authorized in section 49-684, Idaho Code;

(o) Designating and regulating traffic on play streets;

(p) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in section 49-587, Idaho Code;

(q) Restricting pedestrian crossings at unmarked crosswalks as authorized in section 49-588, Idaho Code;

(r) Regulating persons propelling pushcarts;

(s) Regulating persons upon skates, coasters, sleds and other toy vehicles;

(t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(u) Prohibiting drivers of ambulances from exceeding maximum speed limits;

(v) Adopting such other traffic regulations as are specifically authorized by this title.

(2) No local authority shall erect or maintain any official traffic-control device at any location so as to require traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Idaho transportation department.

(3) No ordinance or regulation enacted under subdivisions (d), (e), (f), (g), (h), (i), (k), (l), (m), (n), (o), (p), or (q) of subsection (1) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(4) No local authority may, by ordinance, regulation or otherwise make any act a misdemeanor which, but for such ordinance or regulation, would constitute an infraction under any provision of the Idaho
traffic infractions act and all such acts made criminal or for which a criminal penalty has been established by any local authority pursuant to this section through ordinance, regulation or otherwise are hereby declared to be infractions as defined in section 49-3401(3), Idaho Code, and shall be treated as such in the courts of this state.

SECTION 7. That Section 49-1104, Idaho Code, as enacted by Section 34, Chapter 353, Laws of 1982, be, and the same is hereby amended to read as follows:

49-1104. PENALTY -- PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES. [Effective March 1, 1983] (1) It is a misdemeanor for any person to violate any of the provisions of title 49, Idaho Code, except the provisions of chapters 5, 6, 7 and 8 thereof, unless such violation is by title 49, Idaho Code, or other law of this state declared to be a felony.

(2) It is an infraction for any person to violate any of the provisions of chapters 5, 6, 7 or 8 of title 49, Idaho Code, and such infraction is punishable only by a penalty not exceeding one hundred dollars ($100) and no imprisonment.

(3) It is an infraction for any person to violate any county, city or other local ordinance which has been adopted as provided in section 49-382, Idaho Code, or any other provisions of title 49, Idaho Code, and is an infraction under section 49-3406, Idaho Code, and is punishable only by a penalty not exceeding one hundred dollars ($100) and no imprisonment.

SECTION 8. That Section 49-1110, Idaho Code, be, and the same is hereby amended to read as follows:

49-1110. WHEN PERSON MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE. Whenever any person is halted by a police officer for any violation of this act to amounting to a felony misdemeanor and demands an immediate appearance before a magistrate, he shall be taken without unnecessary delay before the proper magistrate as specified in section 49-1115, Idaho Code, in any of the following cases:

1: When the person demands an immediate appearance before a magistrate;

2: In any other event when the person is issued a traffic citation by an authorized person and refuses to give his written promise to appear in court as hereinafter provided.

SECTION 9. That Section 49-1111, Idaho Code, be, and the same is hereby amended to read as follows:

49-1111. WHEN OFFICER HAS OPTION TO TAKE PERSON BEFORE A MAGISTRATE. Whenever any person is halted by a police officer for any misdemeanor violation of this act and is not required to be taken before a magistrate as hereinbefore provided, the person shall, in the discretion of the officer, either be given a traffic citation as hereinafter provided, or be taken without unnecessary delay before the proper magistrate as specified in section 49-1115, Idaho Code, in any
of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

2. When the person is charged with a violation of section 49-843, Idaho Code, relating to vehicles transporting explosives.

3. When the person is charged with a violation of sections relating to the refusal of a driver of a vehicle to submit such vehicle to an inspection and test.

4. When the person is charged with a violation of sections relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom.

SECTION 10. That Section 49-1112, Idaho Code, be, and the same is hereby amended to read as follows:

49-1112. ARREST OF NONRESIDENT. (a) All of the provisions of this article apply both to residents and nonresidents of this state, except the special provisions in this section which shall govern misdemeanor violations in respect to nonresidents under the circumstances herein stated.

(b) A police officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this state and who is involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any misdemeanor offense under the provisions of this act in connection with the accident, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

(c) Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate as specified in section 49-1115, Idaho Code.

SECTION 11. That Section 49-1113, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Chapter 11, 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 49-1113, Idaho Code, and to read as follows:

49-1113. ISSUANCE OF TRAFFIC CITATION. Whenever a person is halted by a police officer for a misdemeanor traffic violation and is not taken before a magistrate as required or permitted by this chapter, the officer shall issue a citation as provided by section 19-3901, Idaho Code, and by rule of the supreme court.

SECTION 13. That Section 49-1114, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Chapter 11, Title 49, Idaho Code, be, and the
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same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1114, Idaho Code, and to read as follows:

49-1114. AUTHORITY OF OFFICER TO ISSUE CITATION AT SCENE OF ACCIDENT. A police officer at the scene of a traffic accident may issue a written traffic citation, as provided by section 19-3901, Idaho Code, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person had committed any offense under the provisions of this title in connection with the accident.

SECTION 15. That Section 49-1115, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Chapter 11, 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 49-1115, Idaho Code, and to read as follows:

49-1115. APPEARANCE BEFORE MAGISTRATE -- PROCEDURE. A person shall be taken before a magistrate or given a traffic citation, and the charge thereafter processed, as provided by rule of the supreme court.

SECTION 17. That Section 49-1116, Idaho Code, be, and the same is hereby amended to read as follows:

49-1116. RELEASE OF DEFENDANT WHEN MAGISTRATE NOT AVAILABLE. Whenever any person is taken into custody by an officer for the purpose of taking him before a magistrate or court as authorized or required in this article upon any charge other than a felony or the offenses enumerated in paragraphs 1, 2, 3, and 4 of subsection (a) of section 49-1109, Idaho Code, and no magistrate is available at the time of arrest, and there is no bail schedule established by any such magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, such person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear as-provided-in-section-49-1113.

SECTION 18. That Section 49-1118, Idaho Code, be, and the same is hereby amended to read as follows:

49-1118. PROCEDURE PRESCRIBED HEREIN NOT EXCLUSIVE. The foregoing provisions of this article chapter shall govern all police officers in making arrests without a warrant for misdemeanor violations of this act title, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

SECTION 19. That Section 49-3406, Idaho Code, as enacted by Section 37, Chapter 353, Laws of 1982, be, and the same is hereby
amended to read as follows:

49-3406. PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES.
{Effective--March--1,--1983} (1) It is an infraction for any person to violate any of the provisions of chapters 5, 6, 7 or 8, title 49, Idaho Code, and such infraction is punishable only by a penalty not exceeding one hundred dollars ($100) and no imprisonment.

(2) It is an infraction for any person to violate any county, city or other local ordinance which has been adopted as provided in section 49-582 or any other provision of title 49, Idaho Code, and such infraction is punishable only by a penalty not exceeding one hundred dollars ($100) and no imprisonment.

(3) No local authority may, by ordinance, regulation or otherwise make any act a misdemeanor which, but for such ordinance or regulation, would constitute an infraction under any provision of this chapter--All and all such acts made a misdemeanor or for which a misdemeanor penalty has been established by any local authority through ordinance, regulation or otherwise are hereby declared to be infractions as defined in section 49-3401(3), Idaho Code, and shall be punishable by a penalty not exceeding one hundred dollars ($100), and shall be treated as such in the courts of this state.

(4) The penalty for an infraction citation and the judgment entered for the commission of an infraction shall be the amount set for that infraction in the payment schedule to be adopted by supreme court order and published annually by the administrative director of the courts.

SECTION 20. That Chapter 34, 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 49-3408, Idaho Code, and to read as follows:

49-3408. SUSPENSION OF OPERATOR'S LICENSE FOR FAILURE TO PAY INFRACTION PENALTY -- APPEAL. (1) The Idaho transportation department shall immediately suspend the license, permit and driving privileges of any operator or chauffeur upon receiving notice from any court of the state that such person has failed to pay the penalty for an infraction judgment. Such notice may be sent to the department by any court which shall certify that a judgment for an infraction not involving a pedestrian or a bicycle violation has been entered against the person and that he has failed to pay the penalty after notice and hearing, or opportunity for hearing, as prescribed by rule of the supreme court. No notice of nonpayment of an infraction penalty shall be sent to the department if the court finds that the person failing to pay the penalty has a complete and continuing financial inability to pay such penalty.

(2) The suspension of driving privileges under this section shall continue until the penalty has been paid, or for a maximum period of ninety (90) days from notice of suspension by the department. The suspension shall be processed by the department in the same manner as other suspensions under section 49-330, Idaho Code, except that no hearing shall be held by the department. Upon receipt of the notice of nonpayment of the penalty from the court, the department shall perform
the ministerial duty of giving official notification of suspension of the license.

(3) Upon proper application and payment of any required fee, a license or permit suspended under this section shall be reinstated by the department after the period of ninety (90) days, or shall be reinstated at an earlier date upon proof of payment of the penalty for the infraction. Upon payment of the infraction penalty, the court shall issue a receipt which may be filed with the department together with an application for reinstatement of the license or permit. Upon expiration of a ninety (90) day suspension of a driver's license under this section, the unpaid infraction penalty for which the license was suspended shall be cancelled by the court.

(4) Any person whose license has been suspended under this section may appeal to the district court in the county where the infraction judgment was entered within the time and in the manner provided for criminal appeals from the magistrates division to the district court. The appeal shall be expedited as provided by rule of the supreme court. If the district court finds that the notice of nonpayment of the infraction penalty should not have been sent to the department for suspension of the license, the district court shall order the license reinstated by the department and upon receipt of a copy of such order the department shall reinstate the license without the payment of a fee.

SECTION 21. This act shall be in full force and effect on and after July 1, 1983.

Approved March 9, 1983.

CHAPTER 26
(S.B. No. 1035)

AN ACT
RELATING TO COUNTY HOSPITAL BOARDS; AMENDING SECTION 31-3615, IDAHO CODE, TO PROVIDE THAT COUNTY HOSPITALS PARTICIPATING IN A GROUP PURCHASING ASSOCIATION EMPLOYING COMPETITIVE BIDDING PRACTICES FOR THE PURCHASE OF HOSPITAL SUPPLIES AND EQUIPMENT ARE EXEMPTED FROM THE GENERAL BIDDING REQUIREMENTS OF CHAPTER 40, TITLE 31, IDAHO CODE.

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

SECTION 1. That Section 31-3615, Idaho Code, be, and the same is hereby amended to read as follows:

31-3615. CONTRACTING AND PROCUREMENT POWERS OF BOARD. The county hospital board shall have power to contract for, purchase and pay for all material, equipment, services and supplies necessary or convenient for the efficient, economical and successful operation and maintenance of the county hospital properties. Notwithstanding the provisions of
section 31-4003, Idaho Code, the county hospital board may make expenditures which are not in excess of ten thousand dollars ($10,000) without submitting the expenditure to bidding procedures if the board believes that only one (1) supplier is available for the product or service to be purchased. Moreover, the county hospital board which participates with other hospitals as a member of a group purchasing association that engages in a formal competitive bidding process on behalf of member institutions for the purchase of hospital supplies and equipment may utilize that bidding process in lieu of the bidding requirements in chapter 40, title 31, Idaho Code. Verification of participation in such a group purchasing association shall be provided by the county hospital board upon request of appropriate governmental officials. For purposes of this subsection, payment for services may include reasonable expenses incident to the hiring or maintaining of hospital staff, chief executive officers, board members or operating employee personnel, to be incurred and paid under rules and regulations adopted and approved as described in section 31-3610, Idaho Code.

Approved March 9, 1983.

CHAPTER 27
(S.B. No. 1023)

AN ACT
RELATING TO CONSTRUCTION WORKS OF IRRIGATION DISTRICTS; AMENDING SECTION 43-901, IDAHO CODE, BY ELIMINATING USED PERSONAL PROPERTY FROM ITS APPLICATION, BY INCREASING TO FIFTEEN THOUSAND DOLLARS THE AMOUNT OF AN EXPENDITURE FOR WHICH BIDDING AND CONTRACTING IS REQUIRED, AND TO PROVIDE AN EXEMPTION FROM BIDDING AND CONTRACTING REQUIREMENTS WHERE THE IRRIGATION SYSTEM OF A DISTRICT HAS BEEN SERIOUSLY DAMAGED OR IMPAIRED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-901, Idaho Code, be, and the same is hereby amended to read as follows:

43-901. CONTRACTS FOR CONSTRUCTION WORK. A. The following provisions relative to competitive bidding apply to all irrigation districts of the state of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract, purchase or acquisition of any commodity or thing by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any such statute, nor preventing the irrigation district from doing any work by its own employees.

B. The word "expenditure" shall mean the granting of a contract to another by the irrigation district, the construction of any works, or any portion thereof, and every manner and means whereby the irrigation district disburses funds or obligates itself to disburse funds;
provided, however, that "expenditure" does not include disbursement of
funds to any irrigation district employee, official or agent or for
the performance of personal services to the irrigation district, and
does not include the purchase of used personal property.

C. When the expenditure contemplated exceeds two-thousand-five
hundred-dollars—($2,500) fifteen thousand dollars ($15,000), the
expenditure shall be contracted for and let to the lowest responsible
bidder.

D. The notice inviting bids shall set a date and place for the
opening of bids. The first publication of the notice shall be at least
two (2) weeks before the date of opening the bids. Notice shall be
published at least twice, not less than one (1) week apart, in the
official newspaper of such irrigation district. The notice shall
succinctly set forth the project or construction to be done. Any of
the following documents shall be made available, upon reasonable
deposit, to any interested bidder: bid form, bidder's instructions,
contract documents, general and special instructions, drawings and
specifications.

E. All bids shall be presented or otherwise delivered under
sealed cover to the secretary with a concise statement marked on the
outside thereof generally identifying the expenditure to which said
bid pertains. All bids shall contain one (1) of the following forms of
bidder's security:
   a. Cash;
   b. Cashier's check made payable to the irrigation district;
   c. A certified check made payable to the irrigation district;
   d. A bidder's bond executed by a qualified surety company, made
      payable to the irrigation district.

F. The security shall be an amount equal to at least ten per cent
(10%) of the amount bid. A bid shall not be considered unless one (1)
of the forms of bidder's security is enclosed with it, and unless the
bid is submitted in a form which substantially complies with the form
provided by the irrigation district.

G. Any bid received by the irrigation district may not be with­
drawn after the time set in the notice for opening of bids. All bids
received must be opened at the time and place set in the notice invit­
ings bids, and no person shall be denied the right to be present at the
opening of bids.

H. If the successful bidder fails to execute the contract, the
amount of his bidder's security shall be forfeited to the irrigation
district and the proceeds shall be deposited in the fund out of which
the expenses of preparation and printing of the plans and specifica­
tions, estimates of costs and publication of notice are paid.

I. The irrigation district may, on refusal or failure of the suc­
cessful bidder to execute the contract, award it to the next lowest
responsible bidder. If the board awards the contract to the next low­
est responsible bidder, the amount of the said lowest responsible bid­
er's security shall be applied by the irrigation district to the
difference between the said lowest responsible bid and the said next
lowest responsible bid, and the surplus, if any, shall be returned to
the said lowest bidder if cash or check is used, or to the surety on
the bidder's bond if a bond is used.

J. In its discretion, the board may reject any bids presented and
readvertise. If two (2) or more bids are the same and the lowest responsible bids, the board may accept the one it chooses. If no bids are received, the board may make the expenditure without further compliance with this section.

K. After rejecting bids, the board may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this section.

L. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or if the irrigation system of the district has been seriously damaged or impaired, the board may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property or to replace or repair any damaged portion of the irrigation system or to remove any impediment therefrom. Upon adoption of the resolution, it may expend any sum required in the emergency without compliance with this section.

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

Approved March 9, 1983.

CHAPTER 28
(S.B. No. 1068)

AN ACT RELATING TO THE INVENTORY OF CHATTEL PROPERTY OWNED OR LEASED BY THE STATE OF IDAHO; AMENDING SECTION 67-5746, IDAHO CODE, TO REQUIRE ALL STATE AGENCIES AND INSTITUTIONS TO KEEP A TRUE INVENTORY OF ALL CHATTEL PROPERTY AND REPORT THE SAME TO THE DEPARTMENT OF ADMINISTRATION NO LATER THAN MARCH OF EACH YEAR.

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

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

67-5746. INVENTORY OF CHATTELS -- CONTENTS -- DUTIES OF OFFICERS AND EMPLOYEES -- RECORDING -- ANNUAL REVISION -- OPEN TO INSPECTION. The department of administration shall keep an exact and true inventory of all chattel property owned or leased by the state in any office, board, department, commission, bureau, agency, or institution; and it shall be the duty of each officer and employee thereof to assist and furnish to the department of administration full informa-
Every office, department, division, bureau, board, commission, and institution of the state shall keep an exact and true inventory of all chattel property it owns or leases. The inventory shall be recorded in a permanent record to be kept for that purpose, showing as a minimum a description of the property, condition, for what used, where located, and its original acquisition cost or estimated fair market value, and date of acquisition, its estimated current replacement cost, and its estimated serviceable life remaining the account or unit within the agency responsible. The inventory shall annually be revised on the thirty-first day of March. Each agency head shall make a written report to the director of the department of administration by the end of the first week in March, on forms provided for that purpose by the department of administration, stating that the inventory has been completed. The record of inventory shall be available for inspection at all times, and copies of the inventory record shall be provided to the governor and the legislature, or committees thereof, when requested.

Approved March 9, 1983.

CHAPTER 29
(S.B. No. 1067)

AN ACT
RELATING TO GROUP HEALTH CARE INSURANCE PURCHASED BY THE STATE OF IDAHO FOR ITS EMPLOYEES; AMENDING SECTION 67-5768, IDAHO CODE, TO PROVIDE THAT INFORMATION OBTAINED FROM ANY EMPLOYEE, DEPENDENT OR RETIREE SHALL BE KEPT CONFIDENTIAL UNLESS THE INSURED GIVES HIS WRITTEN CONSENT.

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

SECTION 1. That Section 67-5768, Idaho Code, be, and the same is hereby amended to read as follows:

67-5768. 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.

(3) Except as hereinafter provided, information obtained from any employee, dependent or retiree insured under this act shall be held confidential and shall not be disclosed or be open to public inspection in any manner which would reveal the individual's or his employer's identity; provided however, that if the affected employee,
dependent or retiree waives in writing the right to hold such informa-
tion confidential, said information may be disclosed.

Approved March 9, 1983.

CHAPTER 30
(S.B. No. 1010)

AN ACT
RELATING TO DIVORCE PROCEEDINGS; AMENDING SECTION 32-703, IDAHO CODE,
TO STRIKE THE REQUIREMENT THAT A COURT MUST REQUIRE CORROBORATION
OF RESIDENCE REQUIREMENTS IN UNCONTESTED DIVORCES.

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

SECTION 1. That Section 32-703, Idaho Code, be, and the same is
hereby amended to read as follows:

32-703. DEFAULT AND UNCORROBORATED STATEMENTS -- CORROBORATION
OF RESIDENCE REQUIREMENTS. A divorce may be granted upon the default of
the defendant, upon the uncorroborated statement, admission or testi-
mony of the plaintiff; but the court must require the corroborating of
the residence requirements provided by law.

Approved March 9, 1983.

CHAPTER 31
(S.B. No. 1015)

AN ACT
RELATING TO THE OCCUPANCY TAX; AMENDING SECTIONS 63-3906 AND 63-3910,
IDAHO CODE, TO USE THE SAME SCHEDULE APPLICABLE TO MOBILE HOMES OR
REAL PROPERTY TAXES TO DETERMINE THE AMOUNT OF OCCUPANCY TAX PAY-
ABLE, AND TO PROVIDE FOR THE ENFORCEMENT OF LIENS FOR NONPAYMENT
OF MOBILE HOMES OR REAL PROPERTY TAX, WHICHEVER IS APPLICABLE.

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

SECTION 1. That Section 63-3906, Idaho Code, be, and the same is
hereby amended to read as follows:

63-3906. 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 mobile homes or real property taxes tax, whichever is applicable.

SECTION 2. That Section 63-3910, Idaho Code, be, and the same is hereby amended to read as follows:

63-3910. 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 mobile homes or real property taxes, whichever is applicable.

Approved March 11, 1983.

CHAPTER 32
(S.B. No. 1050)

AN ACT
RELATING TO LICENSURE OF MORTICIANS; AMENDING SECTION 54-1108, IDAHO CODE, TO CLARIFY LANGUAGE AND STRIKE THE REQUIREMENT FOR LICENSEES IN OTHER STATES TO TAKE EXAMINATIONS; AMENDING SECTION 54-1109, IDAHO CODE, TO REMOVE THE REQUIREMENT FOR CONTINUOUS APPRENTICESHIP AND TO PROVIDE FOR LICENSURE BY ENDORSEMENT OR EXAMINATION.

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

SECTION 1. That Section 54-1108, Idaho Code, be, and the same is hereby amended to read as follows:

54-1108. EXAMINATION OF APPLICANTS FOR LICENSE -- SUBJECTS -- SPECIAL EXAMINATIONS FOR MORTICIANS OF OTHER STATES ---- CERTIFICATION OF RESULTS. The board of morticians shall have the sole power for determining the nature, type and extent of examinations to be taken by applicants for a mortician's license, but such examinations shall include generally the following subjects: anatomy, chemistry, physiology, psychology, sanitary science, the care, disinfection, preservation, transportation of and burial, or other final disposition of dead human bodies, the law of the state of Idaho and the rules and regulations of the state department of health and welfare relating to infectious diseases and quarantine. The board shall grade, or cause to have graded by licensed morticians, the examinations and shall determine whether the applicant has passed or failed such examination. Examinations may be written or oral, or both, as determined in the discretion of the board, and shall be held at such times and at such places within the state of Idaho as determined by the board of morticians. Provided, however, in the event any applicant for a mortician's license is a licensed mortician or its equivalent in any other state which has requirements at least equivalent to those in
this--act,--or--has--passed--the--national--conference--examination--which--was
taken--at--an--accredited--embalming--college;--the--board--of--morticians
shall--prepare--conduct--and--grade--a--special--examination--for--such--appli-
cant--which--shall--deal--only--with--the--laws--of--the--state--of--Idaho--dealing
with--morticians--and--the--department--of--health--and--welfare--as--it--relates
to--morticians;--and--rules--and--regulations--of--the--department--of--health
and--welfare--relating--to--infectious--diseases--and--quarantine--and--the
transportation--of--dead--human--bodies--National--conference--examinations,
passed--at--an--accredited--embalming--college,--may--be--accepted--by--the
board.~Upon~the~conclusion~of~grading~any~and~all~of~the~above~exami-
nations,~the~board~of~morticians~shall~certify~the~results~listing
each~applicant~as~having~failed~or~passed~the~examination,~and~such
determination~shall~not~be~subject~to~review.

SECTION 2.~That~Section~54-1109,~Idaho~Code,~be,~and~the~same~is
hereby~amended~to~read~as~follows:

54-1109.~REQUIREMENTS~FOR~MORTICIAN'S~LICENSE.--LICENSE~BY
ENDORSEMENT.~(A)~The~board~shall~issue~to~any~person~a~mortician's~li-
cense~to~practice~as~a~mortician~and~perform~mortician~services~within
the~state~of~Idaho~who~has~complied~with~and~fulfilled~all~of~the
following~requirements:

A.~(1)~Has~attained~the~age~of~twenty-one~(21)~years.
B.~(2)~Is~of~good~moral~character.
C.~(3)~Has~completed~and~received~credit~for~at~least~sixty~(60)
semester~hours'~or~ninety~(90)~quarter-hours'~instruction~in~a
duly~accredited~college~or~university~and~has~obtained~at~least~a
C~grade~average~for~all~courses~of~instruction;~provided,~however,
at~least~three-fourths~(3/4ths)~of~all~of~such~credits~must~be~for
courses~in~the~fields~of~liberal~arts,~business~or~science~as
defined~and~specified~by~the~board~of~morticians.
B.~(4)~Has~successfully~completed~a~course~in~an~embalming~school
accredited~by~the~American~Board~of~Funeral~Service~Education,
Inc.,~or~such~other~embalming~school~as~approved~by~the~board~of
morticians.
C.~(5)~Has~practiced~as~a~licensed~resident~trainee~in~the~state
of~Idaho~under~the~personal~supervision~of~a~licensed~resident
mortician~for~not~less~than~twelve~(12)~continuous--consecutive
months,~and~has~assisted~in~embalming~at~least~twenty-five~(25)
dead~human~bodies;~provided,~however,~such~practice~as~a~licensed
resident~trainee~of~the~state~of~Idaho~may~be~filled~and~performed
either~before~or~after~the~required~post-high~school~education;
and--provided--further,--this--requirement~shall~be--deemed--fulfilled
by--any--person--who~has~been~a~licensed~mortician;~or~its~equiva-
ient;~in~another~state~which~has~requirements~at~least~equivalent
to~those~in~this~act.--The~board~shall~have~the~sole--discretion~for
determining~whether~the~required~service~in~training~of~the~appli-
cant~has~continued~for~twelve~(12)--consecutive--months~and~in~doing
so,--it~may~disregard~involuntary~interruptions~of~such~service~in
training~caused~by~military~service;~illness~or~other~causes
beyond~the~applicant's~control.
D.~(6)~Has~filed~an~application~with~the~board~as~required~by~this
act~and~paid~the~required~filing~fee~therefor.
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6r(7) Has passed the required examination prepared and conducted by the board of morticians. Provided further, that the board shall determine compliance with all of the above qualifications, except subparagraph--6 this paragraph relating to examinations, at the time the applicant files his application as hereinafter provided and before the examination is conducted by the board of morticians.

(B) Any person holding a current, valid license in another state or territory having substantially similar requirements to those existing in this state, may be granted a license without examination, provided:

(1) The applicant files with the board a certified statement from the examining board of the state or territory in which the applicant holds his license, verifying the license and showing the basis upon which the license was granted; and

(2) The applicant pays the license fee; and

(3) The applicant satisfies the board that he understands the laws and regulations of this state as to funeral service.

(C) A person holding a current, valid license in another state or territory with requirements significantly lower than those of this state who has at least five (5) consecutive years of experience as a licensee in the other state or territory prior to application, may apply for a license to practice in this state without meeting the full requirements of subsection (A) of this section. Upon payment of the licensee fee and passing such test of proficiency as the board shall require including, but not limited to, a knowledge of the laws and administrative rules of this state as to funeral service, the board shall grant a license.

Approved March 11, 1983.

CHAPTER 33
(S.B. No. 1052)

AN ACT
RELATING TO HEALERS IN GENERAL; REPEALING CHAPTER 13, TITLE 54, IDAHO CODE, RELATING TO EDUCATIONAL AND LICENSE REQUIREMENTS FOR HEALERS IN GENERAL.

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

SECTION 1. That Chapter 13, Title 54, Idaho Code, be, and the same is hereby repealed.

Approved March 11, 1983.
AN ACT
RELATING TO THE HOP GROWERS' COMMISSION; AMENDING SECTION 22-3104, IDAHO CODE, TO REMOVE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AS A MEMBER OF THE COMMISSION.

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

SECTION 1. 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 an 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 commission 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 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.

Approved March 11, 1983.
CHAPTER 35
(S.B. No. 1078)

AN ACT
RELATING TO THE MINT GROWERS' COMMISSION; AMENDING SECTION 22-3804, IDAHO CODE, TO REMOVE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AS A MEMBER OF THE COMMISSION.

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

SECTION 1. That Section 22-3804, Idaho Code, be, and the same is hereby amended to read as follows:

22-3804. IDAHO MINT GROWERS' COMMISSION -- ELECTION OF MEMBERS -- COMPENSATION AND TERMS. There is hereby created and established within the department of agriculture an Idaho mint growers' 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 22-3812, 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 active experience and be now actually engaged in growing mint in Idaho and shall derive a substantial portion of his income from growing mint 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 mint. 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. 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 commission 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. The commission shall adopt uniform and reasonable regulations governing the incurring and paying of such expenses.

Approved March 11, 1983.
CHAPTER 36
(S.B. No. 1079)

AN ACT
RELATING TO UNFAIR COMPETITION IN BUYING AND SELLING DAIRY PRODUCTS;
AMENDING SECTION 37-1003b, IDAHO CODE, TO PROVIDE THAT USE OF DIS­
COUNT COUPONS OR GIFTS OF ARTICLES IN CONNECTION WITH SALES OF
DAIRY PRODUCTS ARE NOT PROHIBITED PROVIDED THE PRICE OF THE DAIRY
PRODUCT IS NOT BELOW COST.

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

SECTION 1. That Section 37-1003b, Idaho Code, be, and the same is
hereby amended to read as follows:

37-1003b. UNFAIR AND UNLAWFUL PRACTICES ENUMERATED. In the
marketing of milk, cream and dairy products the following methods of
doing business or trade practices are hereby declared unfair and
unlawful:

(a) The payment, allowance, or acceptance of secret rebates,
secret refunds, or unearned discounts, whether in the form of money or
otherwise, except as provided in paragraph (i) of this section.

(b) The giving of any milk, cream, dairy products, services,
money, or articles of any kind except to bona fide charities for the
purpose of securing or retaining the milk, cream, or dairy products
business of any wholesale customer or--eonsttmer;
provided, however,
that nothing herein shall be construed to prohibit a distributor of
frozen dairy products, frozen dessert and frozen novelties, for
reasonable compensation as provided in section 37-1003c, from furnish­
ing a wholesale customer with, and maintaining such refrigeration
facilities as shall be reasonably necessary for the storage and
preservation of the frozen products distributed by such distributor to
such wholesale customer; provided further, that the use of said
refrigeration facilities by any person for the storage or preservation
of any product other than the frozen products distributed to said
wholesale customer by the distributor furnishing such facilities shall
be an unfair and unlawful business practice.

(c) The extension to any wholesale customer or consumer of spe­
cial prices or services not made available to all wholesale customers
or consumers who purchase milk, cream, or dairy products of like quan­
tity under like terms and conditions.

1. No payment, credit, or compensation may lawfully be allowed by
a distributor to a wholesale customer for advertising or display
in connection with the sale of a distributor's milk, cream, or
dairy product.

2. No payment of money, or payment, or gift, or loan of anything
of value may lawfully be given to a wholesale customer for the
privilege of painting or placing a sign, advertisement, or other
advertising material, or otherwise advertising a distributor's
products in, on, or adjoining any premises selling milk, cream or
dairy products.

3. No outside advertising material permissible under this section
may lawfully advertise items other than the distributor's milk, cream, and dairy products, and items made from the same, except not more than one-third (1/3) of the space on such advertising material may be allocated to the wholesale customer's name and products served in conjunction with milk, cream, and dairy products.

4. Inside advertising material furnished by a distributor of frozen dairy products shall be confined and limited to the advertising of the frozen dairy products manufactured by and/or distributed by the manufacturer or distributor of said frozen dairy products and/or their agents and may include the name, brands and description of the frozen dairy products of said manufacturer or distributor. Provided, further, that not more than one-third (1/3) of the space on such advertising material may be allocated to the wholesale customer's name and products served in conjunction with milk, cream, and dairy products.

(d) Any false or misleading advertising of milk, cream or dairy products.

(e) Discriminations in price between wholesale customers, or between consumers, who purchase milk, cream, or dairy products of like grade and quality under like conditions of service where the effect of such discrimination may be substantially to lessen competition or to injure or destroy or prevent competition with the person who either grants or knowingly receives the benefit of such discrimination; provided, that nothing herein shall prevent differentials which make only due allowances for differences in the cost of the raw product used in such milk, cream, or dairy products, or the cost of manufacture, processing, sale or delivery resulting from the different methods or quantities in which said commodities are manufactured, processed, sold or delivered.

(f) The sale or offer to sell or giving of any article in any transaction involving the sale or disposal of milk, cream or dairy products, for less than the invoice or replacement cost thereof, whichever is lower, to secure or retain the milk, cream or dairy products, business of any wholesale customer or any person who buys as a consumer.

(g) The sale of milk, cream, and dairy products at less than cost which, as used herein, shall mean the cost of raw product, plus all costs of manufacturing, processing, handling, sale and delivery, including overhead costs. Evidence of cost, based on impartial audits or surveys, made within a reasonable time prior to an alleged violation of this sub-paragraph shall constitute prima facie proof of such cost at the time of the commission of such violation.

(h) False statements or representations, knowingly made, by any wholesale customer or consumer, or anyone acting on the behalf of either, to any distributor or manufacturer, or any representative thereof, that a competitor or such distributor or manufacturer has offered or is offering to sell, or is selling milk, cream, or dairy products to said wholesale customer or consumer at a lower price or prices than said manufacturer or distributor has offered or is offering to sell, or is selling the same, or that said competitor has offered or is offering to do, or is doing any of the business practices heretofore declared to be unfair and unlawful.
(h) The making or renewal of any money loans to any wholesale
customer.

(i) The provisions of this chapter shall not prohibit the use of
a discount coupon or the giving of an article in connection with the
sale of dairy products to consumers, provided in doing so, the price
of the dairy product is not lowered below its cost.

Approved March 11, 1983.

CHAPTER 37
(H.B. No. 122)

AN ACT
RELATING TO SCHOOL DISTRICT ELECTIONS; AMENDING SECTION 33-404, IDAHO
CODE, TO PROVIDE THAT POLLING PLACES, IN AN AREA WITHIN A COUNTY
IN A JOINT DISTRICT WHERE FEWER THAN TEN ELECTORS RESIDE, SHALL BE
DESIGNATED UPON PETITION OR MAY BE DESIGNATED AT THE OPTION OF THE
BOARD OF TRUSTEES.

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

SECTION 1. That Section 33-404, Idaho Code, be, and the same is
hereby amended to read as follows:

33-404. PLACES ELECTIONS TO BE HELD. In elections involving
excision and annexation of territory, or the consolidation of school
districts, or the division of a school district, each notice of elec­tion shall designate that polling places shall be established, as fol­lows:

In an election involving excision and annexation of territory,
polling places shall be established in the district to which the ter­ritory or area is to be annexed; in the territory or area to be
annexed; and in the remainder of the school district from which the
territory or area is to be excised.

In an election involving consolidation of school districts, poll­ing places shall be established in each district proposed to be con­solidated.

In an election involving the division of a school district, poll­ing places shall be established in each proposed trustee zone of each
school district proposed to be created by the division.

In any school election held within a joint school district, poll­ing places shall be designated and established, within such district,
in each county in which ten (10) or more electors of the district
reside. In an area where less than ten (10) electors reside, a polling
place shall be designated upon petition to the board of trustees,
received not less than twenty-eight (28) days preceding the date of
the election, of three (3) or more electors within the affected area,
or may be designated at the option of the board of trustees.

Approved March 11, 1983.
CHAPTER 38
(H.B. No. 127)

AN ACT
RELATING TO INVESTMENTS AND DEPOSITS OF PUBLIC FUNDS AND STATE FUNDS
AND PUBLIC AND STATE DEPOSITORIES; AMENDING SECTION 50-1013, IDAHO
CODE, TO CLARIFY AND EXPAND PERMITTED INVESTMENTS AVAILABLE TO
MUNICIPAL CORPORATIONS; AMENDING CHAPTER 1, TITLE 57, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 57-113, IDAHO CODE, TO REQUIRE
BANKS TO SUBMIT ANNUAL REPORTS OF CAPITAL AND SURPLUS TO QUALIFY
AS PUBLIC DEPOSITORIES; AMENDING SECTION 57-127A, IDAHO CODE, TO
AUTHORIZE THE TREASURER OF A DEPOSITING UNIT TO ACCEPT SECURITIES
IN AUTHORIZED BOOK ENTRY FORM; REPEALING SECTION 57-128, IDAHO
CODE, RELATING TO PREFERENCE AMONG DEPOSITORIES; AMENDING CHAPTER
1, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-128,
IDAHO CODE, SETTING FORTH PROCEDURES FOR DESIGNATING PUBLIC
DEPOSITORIES; AMENDING SECTION 57-131, IDAHO CODE, TO ALLOW DEPO­
SITS OF PUBLIC FUNDS IN INTEREST BEARING TRANSACTION ACCOUNTS;
AMENDING SECTION 57-133, IDAHO CODE, TO AUTHORIZE DEPOS­
ITS OF MONEY IN INTEREST BEARING TRANSACTION ACCOUNTS AND TO ALLOW INTER­
EST RATES FOR PUBLIC DEPOSITS TO BE SET AT MARKET RATES; AMENDING
SECTION 67-1210, IDAHO CODE, TO CLARIFY AND INCREASE THE NUMBER OF
INVESTMENTS AUTHORIZED FOR STATE FUNDS; AMENDING SECTION 67-2725,
IDAHO CODE, TO REMOVE REFERENCE TO BANK BRANCHES AS SEPARATE STATE
DEPOSITORIES; REPEALING SECTION 67-2739, IDAHO CODE, RELATING TO
PREFERENCE AMONG DEPOSITORIES; AMENDING CHAPTER 27, TITLE 67,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2739, IDAHO CODE,
TO PROVIDE THE PROCEDURE FOR DESIGNATING STATE DEPOSITORIES AND TO
REQUIRE ANNUAL REPORTS OF CAPITAL AND SURPLUS BY STATE DEPOSI­
TORIES; AMENDING SECTION 67-2742, IDAHO CODE, TO AUTHORIZE STATE
DEPOSITS IN INTEREST BEARING TRANSACTION ACCOUNTS; AMENDING
SECTION 67-2743, IDAHO CODE, TO ALLOW INTEREST RATES FOR STATE
DEPOSITS TO BE SET AT MARKET RATES; AND AMENDING SECTION 67-2746A,
IDAHO CODE, TO AUTHORIZE THE STATE TREASURER TO ACCEPT SECURITIES
IN BOOK ENTRY FORM.

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

SECTION 1. That Section 50-1013, Idaho Code, be, and the same is
hereby amended to read as follows:

50-1013. DEPOSIT AND INVESTMENT OF FUNDS. The treasurer shall be
required to keep all money in his hands belonging to the corporation
in such place or places of deposit as shall be provided by ordinance;
provided, however, that the treasurer may be directed and empowered by
resolution, to invest any money in his hands in any of the following:
(a) Revenue bonds issued by the Revenue Bond Act.
(b) City coupon bonds provided for under section 50-1019, Idaho
Code.
(c) Local improvement district bonds provided for under chapter 17, title 50, Idaho Code.

(d) Time certificates of deposit of accounts with public depositaries.

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

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

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

(h) Notes, bonds, debentures, or other similar 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 and instrumentalities of the government of the state of Idaho or of the United States.

(i) Repurchase agreements with Idaho public depositories covered by any legal investment for the state of Idaho.

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

(k) Passbook-savings accounts including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(l) Time deposit accounts and other savings 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 corporation, including but not limited to accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

SECTION 2. That Chapter 1, 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 57-113, Idaho Code, and to read as follows:

57-113. REPORT ON CAPITAL AND SURPLUS. Every banking corporation or national banking association designated as a public depository and holding any deposit of public funds of any depositing unit under the provisions of this chapter shall, on or before beginning to hold such deposits or the effective date of this act, whichever shall first occur, file with the treasurer and the supervising board of each such
depositing unit whose deposit it so holds, the affidavit of one of its officers showing the amount of the capital stock and surplus of such association or corporation. In the event that such corporation or association has such an affidavit on file with the treasurer and supervising board of each relevant depositing unit on the effective date of this section, such affidavit or affidavits shall satisfy the requirement of this section until January 31 of the year next following the effective date of this act. Such affidavits shall be effective for the purposes of this section to and including January 31 next following the date of their filing, but no longer, and, on or before that date, if such corporation or association is to continue as a designated public depository under this chapter, a like affidavit shall be filed in like manner for the succeeding year. No such corporation or national banking association shall receive deposits from nor act as depository for the public funds of any depositing unit unless and until an affidavit as is herein required and which still continues in effect is on file with the treasurer and the supervising board of such depositing unit in accordance with this section.

SECTION 3. That Section 57-127A, Idaho Code, be, and the same is hereby amended to read as follows:

57-127A. DEPOSIT FOR SAFEKEEPING -- RESPONSIBILITY. The treasurer may deposit for safekeeping with a state or national bank or a federal reserve bank any bonds, notes, bills, debentures, obligations, or certificates of indebtedness in which the moneys of the taxing unit or its agencies are invested pursuant to law; provided the treasurer shall take from the bank a receipt for the securities deposited. A treasurer may accept securities in authorized book entry form. The treasurer shall not be responsible for securities so deposited until they are withdrawn by the treasurer from the bank, except insofar as a violation by the treasurer of the prudent man investment rule contributes to any loss.

SECTION 4. That Section 57-128, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 1, 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 57-128, Idaho Code, and to read as follows:

57-128. DESIGNATION OF DEPOSITORY. The supervising board shall designate one or more banks within the boundaries of the depositing unit which are qualified public depositories as defined by section 57-110, Idaho Code, and which is in compliance with section 57-113, Idaho Code, as depository or depositories for the moneys required to be kept by the treasurer. Such designation shall be determined by competitive bidding or by other means generally accepted as standard business practice. In no case shall the deposit or deposits of public funds of any depositing unit in any public depository, exceed at any one (1) time in the aggregate the total of the capital and surplus of such public depository. In the event that any bank has been designated
as a depository under this chapter, such designation shall continue in force until revoked by the supervising board of the depositing unit.

SECTION 6. That Section 57-131, Idaho Code, be, and the same is hereby amended to read as follows:

57-131. DEPOSITS SUBJECT TO PAYMENT ON DEMAND—TIME-DEPOSITS. All deposits in public depositories shall be subject to payment when demanded—by-the-proper-officer-of-the-depositing-unit demand deposits or deposits in accounts upon which negotiable orders of withdrawal may be written, or in similar transaction deposit accounts except for time deposits of surplus or idle funds which the said depositing units are authorized to make under section 57-127, Idaho Code, with the approval of their respective supervising boards. Time-deposits—shall-be-evidenced—by-certificate-of-deposit—having-a-maturity-of-not-less—than fourteen—(14)—days. The term "surplus or idle funds" shall mean the excess of available moneys in the public treasury, including the reasonably anticipated revenues, over and above the reasonably anticipated expenditures chargeable to those moneys, taking into account the dates at which such revenues and expenditures may be expected to occur, the charges of expenses to revenues being done in such a manner as to produce the maximum amount of excess. This definition shall not apply to idle funds in the state treasury, which funds shall be as defined in section 67-1210, Idaho Code.

SECTION 7. That Section 57-133, Idaho Code, be, and the same is hereby amended to read as follows:

57-133. DEMAND DEPOSITS—PAYMENT OF SERVICE CHARGES—INTEREST ON TIME DEPOSITS. A public depository may pay interest to the depositing unit upon demand deposits, deposit accounts upon which negotiable orders of withdrawal may be written, and similar transaction deposit accounts made with it by such depositing unit as allowed by state or federal law.

The supervising boards of all depositing units are authorized in their discretion and from time to time to adopt, amend, and/or repeal rules and regulations not inconsistent with other provisions of this act providing for the payment by such depositing unit to its designated depository or depositories of reasonable charges for their services rendered in acting as such depositories. The rate of such charges and the terms and conditions thereof shall be fixed by such supervising boards in such rules and regulations, and shall be uniformly applicable to all designated depositories for such depositing unit under like circumstances and conditions. Such charges shall be allowed and paid from the funds of such depositing unit available for the payment of its general expenses as other claims against said funds are allowed and paid.

Every public depository shall pay interest upon time deposits made by the public depository unit and—evidenced—by—certificates—of deposit—at—the—rate—hereinafter—provided—The-rate-of-interest-to-be paid-upon-such-time-deposits—shall-be-determined—by—the—treasurer—of the—state—of—Idaho—applying—an—interest—rate—as—follows:—on—all maturities—the-rate—shall—not-exceed—the-average—rates—bid—for—United
States--treasury--bills--at--the--most--recent--auction--preceding--the--first
day--of--each--calendar--month--during--the--year--plus--an--additional--premium
as--hereinafter--calculated.--For--time--deposits--maturating--after--thirteen
(13)--days--but--within--ninety-one--(91)--days;--the--rate--shall--be--the--treasury--bill--rate--for--ninety-one--(91)--day--treasury--bills--plus--a--pre-
mium--of--two--and--one-half--per--cent--(2.50%)--of--said--treasury--bill--rate;
for--time--deposits--maturating--after--ninety-one--(91)--days--but--within--one
hundred--eighty-two--(182)--days;--the--rate--shall--be--the--treasury--bill--rate--for--ninety-one--(91)--day--treasury--bills--plus--a--pre-
mium--of--five--per--cent--(5%)--of--said--treasury--bill--rate;--for--time--deposits--maturating--after
one--hundred--eighty-two--(182)--days--but--within--two--hundred--seventy-three
(273)--days;--the--rate--shall--be--the--treasury--bill--rate--for--one--hundred
eighty-two--(182)--day--treasury--bills--plus--a--premium--of--seven--and--one-half--per--cent--(7.50%)
of--said--treasury--bill--rate;--for--time--deposits--maturating--after--two--hundred--seventy-three
(273)--days--but--within--three--hundred--sixty-four--(364)--days;--the--rate--shall--be--the--treasury--bill--rate--for--one--hundred
eighty-two--(182)--day--treasury--bills--plus--a--premium--of--ten--per--cent--(10%)--of--said--treasury--bill--rate;--for--time--depos-
its--maturating--after--three--hundred--sixty-four--(364)--days--but--within--three--hundred--seventy--(378)--days;--the--rate--shall--be--the--treasury--bill--rate--for--one--hundred
eighty-two--(182)--day--treasury--bills--plus--a--premium--of--fifteen--per--cent--(15%)--of--said--treasury--bill--rate;--Such--rates
of--interest--to--be--paid--will--be--publicly--announced--by--the--treasurer--of--the
state--of--Idaho--on--the--first--business--day--of--each--calendar--month--of--the
year--and--will--apply--until--the--following--month--when--the--new--rates
are--determined--and--announced;--provided;--however;--that--such--rates--of--interest--shall--in--no--event--exceed--the--maximum--permissible--rates
authorized--by--state--or--federal--regulation--at--rates--not--less--than--those
paid--to--investors--for--deposits--of--the--same--amount--and--under--like
circumstances--and--conditions;--provided;--however;--that--such--time--depos-
its--shall--bear--interest--at--a--rate--not--in--excess--of--the--maximum--rate
permitted--by--any--applicable--governmental--regulation.

SECTION 8. 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 obli-
gations 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 or revenue bonds of this state, or those
for which the faith and credit of this state are pledged for the pay-
ment of principal and interest.

(c) General obligation or revenue bonds of any county, city,
metropolitan water district, municipal utility district, school dis-
trict 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 or instrumentalities of the government of the state of Idaho or of the United States.

(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 deposit accounts and savings accounts in state depositories including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(h) Time certificates of deposit accounts and passbook savings 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, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(i) Revenue bonds of institutions of higher education of the state of Idaho.

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

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

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

SECTION 9. That Section 67-2725, Idaho Code, be, and the same is hereby amended to read as follows:

67-2725. BANKS ELIGIBLE AS DEPOSITORIES. Any national bank or any state bank or trust company doing a banking business in this state may become a state depository by making application for that purpose to the state treasurer. Provided, as to banking corporations or national banking associations operating branches, that they first comply with section 67-2739, Idaho Code, upon which compliance and subject to the provisions of said section, each of their banking offices where deposits are received shall be designated and deemed a separate state depository.

SECTION 10. That Section 67-2739, Idaho Code, be, and the same is hereby repealed.
SECTION 11. That Chapter 27, 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 67-2739, Idaho Code, and to read as follows:

67-2739. DESIGNATION OF DEPOSITORY -- REPORTING OF CAPITAL AND SURPLUS. (1) The state treasurer shall designate institutions qualified under this chapter as a state depository or depositories. Such designation shall be determined by competitive bidding or by other means generally accepted as standard business practice. In no case shall the deposit or deposits of state funds in any state depository exceed at any one time, in the aggregate, the total of the capital and surplus of such state depository. In the event that any bank has been designated as a depository under this chapter, such designation shall continue in force until revoked by the treasurer.

(2) Every banking corporation or national banking association designated as a state depository and holding any deposit of the funds of the state of Idaho under the provisions of this section shall, on or before beginning to hold such deposits or the effective date of this act, whichever shall be sooner, file with the state treasurer, the affidavit of one of its officers showing the amount of the capital stock and surplus of such association or corporation. In the event that such corporation or association has such an affidavit on file with the state treasurer on the effective date of this act, such affidavit or affidavits shall satisfy the requirement of this section until January 31 of the year next following the effective date of this act. Such affidavits shall be effective for the purposes of this section to and including January 31 next following the date of their filing, but no longer, and, on or before that date, if such corporation or association is to continue as a designated state depository under this section, a like affidavit shall be filed in like manner for the succeeding year. No such corporation or national banking association shall receive deposits from nor act as depository for the funds of the state of Idaho unless and until an affidavit as is herein required and which still continues in effect is on file with the state treasurer in accordance with this section.

SECTION 12. That Section 67-2742, Idaho Code, be, and the same is hereby amended to read as follows:

67-2742. WITHDRAWAL OF MONEYS FROM DEPOSITORIES -- TIME DEPOSITS. All deposits in state depositories shall be subject to payment when demanded by the state treasurer on his check demand deposits or deposits in accounts upon which negotiable orders of withdrawal may be written, or in similar transaction deposit accounts except time deposits of idle moneys, as defined in section 67-1210, Idaho Code, which the treasurer is hereby authorized to make. Time deposits shall be evidenced by certificates of deposit having a maturity of not less than fourteen-(14)-days. If the proceeds of a time certificate of deposit are not credited or paid to the state treasury on the maturity date of the certificate after demand by the state, the depository shall pay a penalty of one-fourth of one percent (.0025) per day on
the principal amount of such certificate commencing on the day following the date of maturity and continuing until the whole amount is credited or paid to the state.

SECTION 13. That Section 67-2743, Idaho Code, be, and the same is hereby amended to read as follows:

67-2743. INTEREST ON TIME DEPOSITS. Every state depository shall pay interest upon time deposits made by the state treasurer and -- evidenced by -- certificates of deposit at the rates not less than those paid to investors for a deposit of the same amount and under like circumstances and conditions; provided, however, that such time deposits shall bear interest at a rate not in excess of the maximum rate permitted by any applicable government regulation hereinafter provided:--The rate of interest to be paid upon such time deposits shall be determined by the treasurer of the state of Idaho -- applying - an interest rate as follows:--on all maturities the rate shall not exceed the average rates bid for United States treasury bills -- at the most recent auction preceding the first day of each calendar month during the year plus an additional premium -- as hereinafter calculated:--For time deposits maturing after thirteen -- (13) -- days but within ninety-one (91) days, the rate shall be the treasury bill rate for ninety-one (91) day treasury bills plus a premium of two and one half percent (2 1/2%) of said treasury bill rate; for time deposits maturing after ninety-one (91) days but within one hundred eighty-two (182) days, the rate shall be the treasury bill rate for ninety-one (91) day treasury bills plus a premium of five per cent (5%) of said treasury bill rate; for time deposits maturing after one hundred eighty-two (182) days but within two hundred seventy-three (273) days, the rate shall be the treasury bill rate for one hundred eighty-two (182) day treasury bills plus a premium of seven and one half percent (7 1/2%) of said treasury bill rate; for time deposits maturing after two hundred seventy-three (273) days but within three hundred sixty-four (364) days, the rate shall be the treasury bill rate for one hundred eighty-two (182) day treasury bills plus a premium of ten percent (10%) of said treasury bill rate; for time deposits maturing after three hundred sixty-four (364) days but within three hundred seventy (370) days, the rate shall be the treasury bill rate for one hundred eighty-two (182) day treasury bills plus a premium of fifteen percent (15%) of said treasury bill rate. Such rates of interest to be paid will be publicly announced by the treasurer of the state of Idaho on the first business day of each calendar month of the year and will apply until the following month when the new rates are determined and announced; provided, however, that such rates of interest shall in no event exceed the maximum permissible rates authorized by state or federal regulation.

SECTION 14. That Section 67-2746A, Idaho Code, be, and the same is hereby amended to read as follows:

67-2746A. DEPOSIT FOR SAFEKEEPING -- RESPONSIBILITY. The state treasurer may deposit for safekeeping with a state or national bank or a federal reserve bank any bonds, notes, bills, debentures, obli-
gations, certificates of indebtedness, warrants, or other evidences of indebtedness in which the moneys of the state of Idaho or its agencies are invested pursuant to law; provided the treasurer shall take from the bank a receipt for the securities deposited. The state treasurer may accept securities in authorized book entry form. The state treasurer shall not be responsible for securities so deposited until they are withdrawn by the treasurer from the bank, except insofar as a violation by the treasurer of the prudent man investment rule contributes to any loss.

Approved March 11, 1983.

CHAPTER 39
(H.B. No. 60)

AN ACT
RELATING TO THE ANNUAL TAX LEVY FOR THE SCHOOL EMERGENCY FUND; AMENDING SECTION 63-907, IDAHO CODE, TO CORRECT A CODE REFERENCE, TO CORRECT REFERENCES TO EDUCATIONAL SUPPORT PROGRAMS AND TRANSPORTATION SUPPORT PROGRAMS, AND TO CHANGE MILLS TO PERCENT.

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

SECTION 1. That Section 63-907, Idaho Code, be, and the same is hereby amended to read as follows:

63-907. ANNUAL TAX LEVY -- SCHOOL EMERGENCY FUND. Annually, before the second Monday in September, the board of trustees of any school district within the county having determined the number, if any, of pupils in average daily attendance above the number included in the last annual report, thereof, and the amount of money required to provide the foundation; educational support programs and foundation transportation support programs for such additional pupils in average daily attendance, as defined in sections 33-1001--33-10056, Idaho Code, the board of county commissioners shall determine the total of such new requirements within the county and upon the taxable property situate within the district requesting the same the board shall levy a tax sufficient to provide such amount, provided in no case shall the levy be more than three-(3)-mills six-hundredths percent (.06%), to be collected and paid to the requesting district.

Approved March 11, 1983.
CHAPTER 40
(H.B. No. 82)

AN ACT
RELATING TO UNITED STATES TAX LIENS; REPEALING SECTION 45-204, IDAHO CODE, RELATING TO THE DUTIES OF THE FILING OFFICER IN REGARD TO UNITED STATES TAX LIENS; AND AMENDING CHAPTER 2, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-204, IDAHO CODE, TO PROVIDE A SCHEDULE OF FEES FOR FILING UNITED STATES TAX LIENS.

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

SECTION 1. That Section 45-204, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-204, Idaho Code, and to read as follows:

45-204. FEES. (a) The fee for recording a tax lien on real estate shall be the same as the fee for recording a mortgage set forth in section 31-3205, Idaho Code.

(b) The fees for filing tax liens, discharges, subordinations, and all other notices on personal property shall be the same as the fees for filing under chapter 9, part 4, title 28, Idaho Code.

Approved March 11, 1983.

CHAPTER 41
(H.B. No. 37)

AN ACT
RELATING TO LOCAL IMPROVEMENT DISTRICTS; AMENDING SECTION 50-1715, IDAHO CODE, TO PROVIDE THAT INSTALLMENT PAYMENTS SHALL BE MADE OVER A PERIOD OF TIME NOT TO EXCEED THIRTY YEARS.

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

SECTION 1. That Section 50-1715, Idaho Code, be, and the same is hereby amended to read as follows:

50-1715. CONFIRMATION OF ASSESSMENT ROLL. After said hearing the council shall pass an ordinance confirming the assessment roll as corrected by them in relation to the benefits accruing thereon as a result of the improvements being made. The ordinance shall be the final determination of the regularity, validity and correctness of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot or parcel of land, which ordinance...
shall contain a finding that each lot or parcel of land is benefited to the amount of assessment levied thereon subject to appeal as provided herein. Upon passage of the ordinance, the clerk shall certify and file the confirmed assessment roll with the treasurer of the municipality and the assessments therein shall be due and payable to the treasurer within thirty (30) days from the date of the adoption of the ordinance. The confirmed assessment roll and the assessments made by the confirmed assessment roll shall be a lien upon the property assessed from and after the date the following notice is recorded. Immediately upon passage of the confirming ordinance the clerk shall file with the county recorder a notice which shall contain the date of the confirming ordinance and a description of the area or boundaries of the district. If any assessment is not paid in full within said thirty (30) day period, such assessment shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as hereinafter provided for delinquent assessments. The council may, in the alternative, determine to make assessments unpaid at the end of said thirty (30) day period payable in installments and to issue and sell registered warrants or installment bonds payable from such unpaid installments as herein provided. If the council chooses to do so, it shall provide in said ordinance that any property owner who has not paid his assessment in full within said thirty (30) day period will be conclusively presumed to have chosen to pay the same in installments, and the ordinance shall then establish the number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid assessments shall bear, which rate shall not be less than the rate of interest borne by the warrants or bonds payable therefrom, said interest running from the date of the passage of the assessment ordinance, irrespective of the date of its official publication, and being payable at the same time and place as the installment payments of assessments. Said installments shall be due and payable as nearly as may be in not to exceed thirty (30) equal annual amortized--installments--of--principal and--interest years to the treasurer or other proper officer as provided by the council. The first or last installment, however, may be more or less than the remaining ones. The ordinance shall establish the due date of the first installment payment and that the local or special assessments may be carried on the rolls of the municipality and collected as hereinafter provided. If any installment is not paid within twenty (20) days from the date it is due, the same shall become delinquent and the treasurer shall add a penalty of two per cent (2%) thereto. In addition to any other method of collection provided in this code, the council may certify delinquent installments to the tax collector, and when so certified they shall be extended on the tax rolls and collected as are property taxes. In the event that any property owner should choose to pay his assessment in full after such time as it has been conclusively presumed that he will pay in installments, such payment in full shall include the full amount of the unpaid assessment plus penalties and all interest payable on the same plus additional interest thereon at the rate provided in the bonds from the date of the last installment due to one (1) year after the next interest date of said bonds.

Any errors in description, ownership of property or amounts in any
assessment ordinance adopted pursuant to this section may be corrected by the passage of an amendatory ordinance which need set forth only the corrected descriptions or amounts. The passage of such amendatory ordinance shall serve only to postpone the thirty (30) day period for payment in full of the assessments actually affected by such amendatory ordinance and the due dates of installments of such affected assessments shall be the same as the due dates of installments not affected. Notice of any assessments so affected shall be given in the same manner as hereinafter provided for the giving of notice of assessments.

Approved March 11, 1983.

CHAPTER 42
(H.B. No. 177)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 282, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 282, Laws of 1982, there is hereby appropriated to the Department of Fish and Game the following amount to be expended for the named program according to the designated expense classes from the listed account for the period July 1, 1982, through June 30, 1983:

WILDLIFE:
FOR:
Personnel Costs
Operating Expenditures
TOTAL
FROM:
Fish and Game Account

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
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<tr>
<td>Personnel Costs</td>
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<tr>
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<tr>
<td>TOTAL</td>
<td>$150,000</td>
</tr>
<tr>
<td>Fish and Game Account</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

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

Approved March 11, 1983.

CHAPTER 43
(H.B. No. 146)

AN ACT
RELATING TO PLUMBING INSPECTIONS; AMENDING SECTION 39-2722, IDAHO CODE, TO REQUIRE THE DIRECTOR TO GIVE NOTICE OF NEW SEWER PERMITS; AMENDING SECTION 39-2725, IDAHO CODE, TO REQUIRE PERMITS FOR PLUMBING WORK, TO PROVIDE EXCEPTIONS, AND TO REQUIRE NOTICE
AMENDING SECTION 39-2725, IDAHO CODE, TO REQUIRE PERMITS FOR PLUMBING WORK, TO PROVIDE EXCEPTIONS, AND TO REQUIRE NOTICE REGARDING A CITY'S JURISDICTION.

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

SECTION 1. That Section 39-2712, Idaho Code, be, and the same is hereby amended to read as follows:

39-2712. DIRECTOR OF DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES -- POWERS AND DUTIES. The director shall exercise such powers and duties as are reasonably necessary to enforce the minimum standards provided in this act, and he may among other things:

(a) Prescribe and establish procedures to effectuate the efficient enforcement of this act not herein prescribed.

(b) Establish and charge a reasonable fee for permits and inspections of plumbing systems.

(c) Appoint, on the recommendation of the Idaho plumbing board, licensed staff inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, plumbing and plumbing systems.

(d) Summon witnesses to appear and testify before him on any matter within the provisions of this act. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with procedure of the department of labor and industrial services. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall upon demand by said director or his designated agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(e) Administer oaths and take affirmations of witnesses appearing before him; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony. It shall be the duty of the director to give notice to cities which supply sewer service to areas outside their city limits and who have requested in writing such notice from the director of all permits issued relative to sewer installations. The notice shall be given within ten (10) days from the date the permit was requested for such installation. The notice shall contain a map of the physical location of the installation and reference to the date of inspection if the city so requests.

SECTION 2. That Section 39-2725, Idaho Code, be, and the same is hereby amended to read as follows:
39-2725. PERMITS REQUIRED -- EXCEPTIONS. It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any plumbing system in any building, residence or structure, or service lines thereto, in the state of Idaho, without first procuring a permit from the department of labor and industrial services authorizing such work to be done, except:

(a) Within the boundaries of incorporated cities, including those specially chartered, or such additional area within five (5) miles of the city limits over which such city has elected to exercise jurisdiction relative to sewer installations outside of buildings and structures pursuant to section 50-606, Idaho Code, and has provided the department of labor and industrial services written notice of the area over which such jurisdiction will be exercised; provided, however, that no city may exercise such jurisdiction within the limits of another city unless both cities have agreed by ordinance to allow such jurisdiction, where such work is regulated and enforced by an ordinance or code equivalent to this act; without first procuring a permit from the department of labor and industrial services authorizing such work to be done;

(b) Within such additional area within five (5) miles of the city limits over which such city has elected to exercise jurisdiction relative to building drains and building sewers pursuant to section 50-606, Idaho Code, on buildings, residences and structures being converted from an on-site sewage disposal system to a sewage disposal system supplied by the said city, where such work is regulated and enforced by an ordinance or code equivalent to this act. Cities shall provide the department of labor and industrial services written notice of the area over which such jurisdiction will be exercised. No city may exercise such jurisdiction within the limits of another city unless both cities have agreed by ordinance to allow such jurisdiction. For purposes of this act building drain and building sewer will be defined according to the definition found in the uniform plumbing code or as adopted by the state plumbing board, pursuant to section 39-2701, Idaho Code.

Permits shall be issued only to a person, or to a firm, copartnership, association or corporation represented by a person holding a valid certificate of competency, or to a person who does his own work in a family dwelling as defined in section 39-2702(a), Idaho Code, except that permits shall not be required for plumbing work as defined in section 39-2702(b), (c), and (d), Idaho Code.

Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems, when the cost of said improvement or alteration does not exceed the sum of five hundred dollars ($500). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection.

Approved March 14, 1983.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 69-202, Idaho Code, be, and the same is hereby amended to read as follows:

69-202. DEFINITIONS. As used in this chapter:

(1) "Agricultural product" means any grain, dry peas, dry beans, leguminous or other small seeds and feeds (not including minerals).

(2) "Credit-sale contract" means a contract for the sale of an agricultural product pursuant to which the sale price is to be paid at a date subsequent to the delivery of the agricultural product to the buyer and includes, but is not limited to, those contracts commonly referred to as deferred payment contracts, deferred pricing contracts and price-later contracts.

(3) "Department" means the Idaho department of agriculture.
(4) "Depositor" means any person producer who deposits an agricultural product in a warehouse for storage, handling, processing, reconditioning or shipment, or who is the owner or legal holder of a negotiable warehouse receipt, outstanding scale weight ticket, non-negotiable warehouse receipt or other evidence of such deposit, or any person producer whose agricultural product has been sold to or is under control of a warehouseman for selling, processing, reconditioning or handling for-compensation whether or not such agricultural product is within the warehouse.

(5) "Director" means the director of the department of agriculture.

(6) "Historical depositor" means any person who, in the normal course of business operation has consistently made deposits in the same warehouse of commodities produced on the same land. In addition, anyone purchasing or leasing that particular land directly from the original depositor or receiving that particular land by devise, descent, bequest or gift directly from the historical depositor shall also be considered an historical depositor with regard to the commodities produced on that land.

(7) "Person" means any individual, firm, association, corporation or partnership.

(8) "Producer" means the owner, tenant or operator of land in this state who has an interest in and receives all or part of the proceeds from the sale of agricultural products produced on that land.

(9) "Public warehouse" or "warehouse" means any elevator, mill, warehouse, subterminal grain warehouse, public warehouse or other structure or facility in which agricultural products are received for storage, shipment, processing, reconditioning or handling for-compensation.

(10) "Receipt" means a warehouse receipt.

(11) "Revocation" means the permanent removal of a warehouse license following a hearing on violations of this act by the hearing officer or director.

(12) "Scale weight ticket" means a load slip or other evidence, other than a receipt, given to a depositor by a warehouseman licensed under the provisions of this chapter, upon initial delivery of the commodity to the warehouse.

(13) "Subterminal warehouse" means any warehouse at which an intermediate function is performed in which agricultural products are customarily received from dealers rather than producers and where the commodities are accumulated prior to shipment.

(14) "Suspension" means the temporary removal of a warehouse license by the department pending a hearing for violations of this chapter. Correction of the violations prior to a hearing may result in the reinstatement of a license without a hearing.

(15) "Termination" means the expiration of a warehouse license due to failure to meet minimum licensing requirements, failure to renew a warehouse license or as requested by the licensee, unless a complaint has been filed against the licensee alleging a violation of any provision of this chapter.

(16) "Warehouse receipt" means every receipt, whether negotiable or nonnegotiable, issued by a warehouseman, except scale weight tickets.
"Warehouseman" means a person operating or controlling a public warehouse.

SECTION 2. That Section 69-203, Idaho Code, be, and the same is hereby amended to read as follows:

69-203. LICENSE NECESSARY TO OPERATE PUBLIC WAREHOUSE. Before a person can lawfully operate a public warehouse in this state, he must procure a license under this chapter; provided however, that the foregoing requirement as to licenses is not applicable to any warehouse or warehouseman who is licensed under an act of congress approved August 11, 1916 (39 Statutes at Large 44 [486]) and acts amendatory thereof, commonly called the "United States Warehouse Act," but--licenses--issued-pursuant-to-said-laws-of-the-United-States-shall-be-taken-and-considered-as-a-full-compliance-with--the--provisions--of-this--chapter--relative-to-the-faithful-performance-of-the-obligations-of-such-warehouseman-and-who-is-licensed-under-chapter-5,-title-69,-Idaho-Code.

SECTION 3. That Section 69-204, Idaho Code, be, and the same is hereby amended to read as follows:

69-204. PENALTY FOR OPERATING WITHOUT A LICENSE -- MISREPRESENTATION. (1) Any person operating a warehouse without a license or in any way representing, by actions or words, that the warehouse is so licensed when such warehouse is not so licensed--violates-the-provisions-of-this-chapter;

(2) Any or any person who shall misrepresent, forge, alter, counterfeit or falsely represent a license as required by the provisions of this chapter shall be guilty of a felony and punished by imprisonment in the state prison for not more than ten (10) years, or by a fine of not more than ten thousand dollars ($10,000), or by both.

SECTION 4. That Section 69-206, Idaho Code, be, and the same is hereby amended to read as follows:

69-206. LICENSES TO WAREHOUSEMEN -- ISSUE -- RENEWAL -- CONDITIONS PRECEDENT. The department of agriculture is authorized, upon application to it, to issue or renew to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this chapter and such rules and regulations as may be made hereunder, providing the following conditions are met:

(a1) Each person, as a condition precedent to operating a warehouse in this state, shall file and maintain satisfactory evidence with the director of the department of agriculture of the existence of an effective policy of insurance issued by an insurance company authorized to do business in this state, insuring all agricultural products that may be stored or accepted for storage on the premises,
including products owned by the warehouseman, for which such license is sought for the full market value of such agricultural products against loss by fire, internal explosion, lightning or tornado;

(b2) That each warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is requested;

(e3) A license fee is submitted to the department as prescribed by section 69-211, Idaho Code;

(d4) A current drawing of the warehouse which shows storage facilities and the capacity of the warehouse is submitted to and approved by the department;

(e5) A sufficient and valid bond is filed and maintained as required by section 69-208, Idaho Code;

(f6) The applicant has submitted to the department a current financial statement prepared by a licensed accountant according to generally accepted accounting principles showing that the applicant has and does maintain current assets equal to or greater than current liabilities;

(g7) The applicant has complied with and abided by all the terms of this chapter and the rules and regulations prescribed hereunder;

(h8) That all materials required for renewal of a license shall be received by the department prior to the expiration date of the warehouse license. A warehouse license which has expired may be reinstated by the department upon receipt of all necessary licensing materials required by the provisions of this chapter and a penalty fee in the amount of fifty dollars ($50.00), providing that this material is filed within thirty (30) days from the date of expiration of the warehouse license. At the end of the thirty (30) day penalty period, a warehouse license shall be canceled terminated by the department. All license applications completed and received after the thirty (30) day penalty period shall be considered original applications and license fees shall be assessed according to section 69-211, Idaho Code.

SECTION 5. That Section 69-208, Idaho Code, be, and the same is hereby amended to read as follows:

69-208. BOND OF APPLICANT FOR LICENSE -- ADDITIONAL BOND -- ADDITIONAL OBLIGATIONS. Each warehouseman applying for a license to conduct a warehouse in accordance with this chapter shall, as a condition to the granting thereof, execute and file with the department of agriculture a good and sufficient bond other than personal security to the state to secure the faithful performance of his obligations as a warehouseman under all the laws of the state, and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, and shall contain such terms and conditions as the department of agriculture may prescribe to carry out the purposes of this chapter, including the requirements of fire insurance. Whenever the department of agriculture shall determine that a bond approved by it is, or for any cause has become, insufficient, it may require an additional bond or bonds to be given by the warehouseman concerned, conforming with
the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked: provided, that the foregoing requirement as to bond shall not be applicable to any warehouse or warehouseman who has given a bond as required by an act of Congress approved August 11, 1916—(39 U.S. Stats. at 5486); and acts amendatory thereof; commonly called the United States Warehouse Act; but that bonds given pursuant to said laws of the United States shall be taken and considered as a full compliance with the provisions of this chapter relative to security for the faithful performance of the obligations of such warehouseman.

The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the agricultural product delivered and to deliver the agricultural product to or for such depositors. The bond shall also be conditioned upon the faithful performance by the warehouseman of any additional obligations involving marketing transactions with a depositor.

The warehouseman may give a single bond meeting the requirements as provided in this chapter and all warehouses operated by the warehouseman shall be as one (1) warehouse for the purpose of compliance with the provisions of this section. Any changes in the capacity of a warehouse or installation of any new warehouses involving a change in the bond liability under the provisions of this chapter shall be reported to the department prior to the operation thereof.

SECTION 6. That Section 69-209, Idaho Code, be, and the same is hereby amended to read as follows:

69-209. ACTION ON BOND BY PERSONS INJURED. Any person producer injured by the breach of any obligation to secure for which a bond is given written, under the provisions of section 69-208, Idaho Code, shall be entitled to sue on the bond in his own name in a court of competent jurisdiction to recover the damages he may have sustained by such breach, or may petition the director to fix the amount of his damages. The director shall thereupon make demand upon the warehouseman and his surety for payment of such damages and in the event such damages are not promptly paid the director shall commence an action on the bond to enforce payment of such damages. The liability of the surety upon the bond required to be given by warehousemen as provided in section 69-208, Idaho Code, for any one (1) annual licensing period shall be limited to the amount specified in the bond, and in case of recoveries had by two (2) or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recovery shall be prorated and the total recovery as against the surety for any one (1) annual licensing period shall not exceed the amount of the bond. Any person who sues and obtains a judgment against the warehouseman and/or his surety for payment of such damages under this section shall be entitled to recover a reasonable attorney's fee.

SECTION 7. That Section 69-211, Idaho Code, be, and the same is hereby amended to read as follows:
69-211. FEES OF DEPARTMENT. (1) The department of agriculture shall charge, assess, and cause to be collected an annual fee for each warehouse license or renewal thereof, according to the following schedule:

<table>
<thead>
<tr>
<th>Capacity in Hundredweight</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>$100.00</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>200.00</td>
</tr>
<tr>
<td>100,001 to 250,000</td>
<td>300.00</td>
</tr>
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<td>250,001 to 500,000</td>
<td>400.00</td>
</tr>
<tr>
<td>500,001 to 750,000</td>
<td>500.00</td>
</tr>
<tr>
<td>Over 750,000</td>
<td>600.00</td>
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</tbody>
</table>

For each renewal application:

<table>
<thead>
<tr>
<th>Capacity in Hundredweight</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>$ 20.00</td>
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<tr>
<td>50,001 to 100,000</td>
<td>40.00</td>
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<td>100.00</td>
</tr>
<tr>
<td>Over 750,000</td>
<td>120.00</td>
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</table>

(2) The department of agriculture shall assess and collect a fee of fifty dollars ($50.00) for each inspection of a warehouse or station which is done for the purpose of licensing.

(3) The department of agriculture shall assess and collect a fee of fifty dollars ($50.00) for each amendment of a license issued under the provisions of this chapter.

(4) The department of agriculture shall assess and collect a fee of ten dollars ($10.00) for each amendment of a schedule of storage and handling charges.

(5) The department of agriculture shall assess and collect a fee of one hundred and fifty dollars ($150) per day or fraction thereof for maintaining an employee of the department at a warehouse to supervise over the correction of a deficiency violation of this chapter.

(6) If a public warehouseman operates two (2) or more warehouses in the same city or immediately adjacent thereto or in the same immediate area, in conjunction with each other and with the same working force, and where one (1) set of books and records is kept for all such warehouses, and cash slips, scale tickets, storage tickets, and checks of but one (1) series are used for agricultural products stored therein, only one (1) license shall be required for the operations of all such warehouses.

(7) All fees shall be deposited into the state treasury and credited to the general account.

SECTION 8. That Section 69-213, Idaho Code, be, and the same is hereby amended to read as follows:

69-213. PRIVILEGE OF EXAMINING PRODUCTS STORED. Every depositor having an interest in any agricultural product stored in any such warehouse, and every state inspector authorized by the director, shall have the right to examine at any reasonable time during ordinary business hours any product so stored, and all parts of such warehouses, provided the warehouse or the agricultural products stored therein is
not endangered by such inspection; and every warehouseman, his agents and servants shall furnish safe and reasonable access and facilities for such examination.

SECTION 9. That Section 69-220, Idaho Code, be, and the same is hereby amended to read as follows:

69-220. INSPECTION AND GRADING OF DISEASED OR INSECT INFESTED PRODUCTS. Any diseased or insect infected agricultural product complained of by the department or any person having interest in the warehouse or agricultural products stored in a warehouse licensed under this chapter shall be inspected and graded by a representative of the department of agriculture or a person duly licensed to grade the same under this chapter, and if such inspection or grading shows such agricultural product to be in condition that its continued storing or retention would injure or damage the warehouse or other products stored therein the owner shall, by order of the director, forthwith remove and dispose of such agricultural product as directed. If the owner of such product is unknown to the inspector or warehouseman, the warehouseman shall proceed to remove or make disposition of such product in a manner that will tend to save and realize the values contained in such product by the owner, under such rules and regulations as may be prescribed promulgated under this chapter or the uniform commercial code.

SECTION 10. That Section 69-223, Idaho Code, be, and the same is hereby amended to read as follows:

69-223. NEGOTIABLE WAREHOUSE RECEIPTS FOR PRODUCTS STORED -- CONTENTS -- CONDITIONS -- PENALTIES. Every negotiable warehouse receipt issued for agricultural products stored in a warehouse licensed under the provisions of this chapter shall be issued in accordance with, but not limited to, the following:

(a) Every negotiable warehouse receipt issued for agricultural products stored in a warehouse licensed under the provisions of this chapter shall embody within its written or printed terms:

1. All the requirements of a negotiable warehouse receipt under the Uniform Commercial Code--Documents of Title.
2. A description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages.
3. The grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: provided, that such grade or other class shall be stated according to the official standards of the state applicable to such agricultural products as the same may be fixed and promulgated under authority of law: provided further that until such official standards of the state for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard; provided, that unless otherwise required by
law, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with this subdivision may be issued if it has plainly and conspicuously embodied in its written or printed terms a provision that such negotiable warehouse receipt is not graded.

47(d) A statement that the negotiable warehouse receipt is issued subject to the provisions of this chapter and the rules and regulations prescribed hereunder.

57(e) Such other terms and conditions within the limitations of this chapter as may be required by the department of agriculture.

67(ii) All negotiable warehouse receipts issued under the provisions of this chapter, shall be upon forms prepared and supplied by the department of agriculture and issued upon requisition of the warehouseman at a reasonable cost.

(h2) Any warehouseman, agent, employee or manager of a public warehouse licensed under the provisions of this chapter who shall remove or allow to be removed any commodities from the facility on which the negotiable warehouse receipt was issued, except to preserve the same from fire or other damage, without the return and cancellation of any and all outstanding negotiable warehouse receipts that may have been issued to represent such commodities shall be guilty of a felony and be punished by imprisonment in the state prison not to exceed ten (10) years, or by a fine of not more than ten thousand dollars ($10,000), or by both.

SECTION 11. That Section 69-225, Idaho Code, be, and the same is hereby amended to read as follows:

69-225. LOSS OF RECEIPTS -- CONDITIONS OF REISSUE. While an original receipt issued under this chapter is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof; except that in the case of a lost or destroyed receipt a new receipt may be issued upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued; may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this chapter. In order to issue a new warehouse receipt supplementing one that has been lost or destroyed or to cancel an outstanding warehouse receipt that has been lost or destroyed, the licensed warehouseman shall require the depositor or other applicant to submit to the warehouseman: (1) an affidavit stating that he is lawfully entitled to possession of the original receipt, that he has not negotiated or assigned it and how the original receipt was lost or destroyed, and (2) a bond in an amount double the market value of the agricultural product represented by the lost or destroyed receipt. The market value shall be determined at the time this bond is submitted for the lost receipt. A warehouse receipt issued in lieu of a lost or destroyed receipt shall duplicate the original and bear a statement that it is issued in lieu of the lost or destroyed receipt. A duplicate receipt must clearly state on its face that it is a duplicate receipt, the number of the receipt it is replacing and the license number under which the original receipt was issued.
SECTION 12. That Section 69-236, Idaho Code, be, and the same is hereby amended to read as follows:

69-236. WAREHOUSE--SHORTAGE NONCOMPLIANCE -- FAILURE -- REMEDIES OF DEPARTMENT. (1) Whenever it appears, after any investigation, that a warehouseman does not have in his possession sufficient agricultural products to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him, or when this warehouseman refuses to submit his books, papers, or property to lawful inspection, the department may give notice to the warehouseman to comply with all or any of the following requirements:
(a) Cover such shortage;
(b) Give an additional bond as requested by the department; or
(c) Submit to such inspection as the department may deem necessary.

(2) If the warehouseman fails to comply with the terms of such notice within twenty-four (24) hours from the date of issuance of the notice, or within such further time as the department may allow, the department may petition the district court in the county where the licensee's principle place of business is located (as shown by the license application) for an order:
(a) Authorizing the department to seize and take possession of any or all agricultural products in the warehouse or warehouses owned, operated, or controlled by the warehouseman, and of all books, papers and property of all kinds used in connection with the conduct or the operation of the warehouse business, and any materials which pertain in any way to that business; and
(b) Enjoining the warehouseman from interfering with the department in the discharge of its duties as required by the provisions of this section.

(3) Upon taking possession, the department shall give written notice of its action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for agricultural products, to present their warehouse receipt or other evidence of deposits for inspection or to account for the same. The department may thereupon cause an audit to be made of the affairs of such warehouse including, but not limited to, the agricultural products in which there is an apparent shortage, to determine the amount of such shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if possible. The department shall notify the warehouseman and the surety on his bond of the approximate amount of such shortage and notify each depositor thereby affected by sending notices to the depositor's last known address as shown by the records of the warehouseman.

(4) The department shall retain possession of the agricultural products in the warehouse or warehouses, and the books, papers, and property of the warehouseman, until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts or other evidence of deposits or, in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims pro rata, or until such time as the depart-
ment is ordered by the court to surrender possession.

(5) If during or after the audit provided for in this section, or at any other time the department has evidence that the warehouseman is insolvent or is unable to satisfy the claims of all holders of warehouse receipts or other evidence of deposits, the department may petition the district court for the appointment of a receiver to operate or liquidate the business of the warehouseman in accordance with the law.

(6) At any time within ten (10) days after the department takes possession of any agricultural products, or the books, papers, or property of any warehouse, the warehouseman may serve notice on the department to appear in the district court of the county in which the warehouse is located, at a time to be fixed by the court, and show cause why the agricultural products, books, papers and other property should not be restored to his possession.

(7) All necessary expenses incurred by the department in carrying out the provisions of this section may be recovered in a separate civil action brought by the department in district court or recovered at the same time and as part of the receivership or seizure action filed under the provisions of this chapter.

(8) As a part of the expenses so incurred, the department or the receiver is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section.

(9) The provisions and remedies of this section are not limited to a warehouse shortage.

SECTION 13. That Section 69-237, Idaho Code, be, and the same is hereby amended to read as follows:

69-237. PARTIAL WITHDRAWAL OF COMMODITIES -- ADJUSTMENT OR SUBSTITUTION OF RECEIPT -- DUTIES OF WAREHOUSEMAN. When partial withdrawal of his an agricultural product is made by a depositor, the warehouseman shall make appropriate notation thereof on the depositor's nonnegotiable receipt or on other records. If the warehouseman has issued a negotiable receipt to the depositor he shall claim, cancel, and replace it with a negotiable receipt showing the amount of the depositor's agricultural product remaining in the warehouse, and for his. For failure to claim and cancel, upon delivery, to the owner of an agricultural product stored in his warehouse, a negotiable receipt which has been issued by him, the negotiation of which would transfer the right to possession of such agricultural product, a warehouseman shall be liable to anyone who purchases such receipt for value and in good faith, for failure to deliver to him all the agricultural product specified in the receipt, whether such purchaser acquired title to the negotiable receipt before or after delivery of any part of the agricultural product by the warehouseman.

SECTION 14. That Section 69-241, Idaho Code, be, and the same is hereby amended to read as follows:

69-241. INSURANCE -- CANCELLATION PROCEDURE -- SUSPENSION OF LICENSE. With the existence of an effective policy of insurance as
required by section 69-206(a), Idaho Code, the insurance company involved shall be required to give thirty (30) days' advanced notice to the department by registered or certified mail, return receipt requested, of cancellation of the policy. In the event of any cancellation, the department shall immediately suspend terminate the license of such person without a hearing, and the suspension termination shall not be removed in effect until satisfactory evidence of the existence of an effective policy of insurance complying with the requirements of this chapter has been submitted to the department.

SECTION 15. That Section 69-244, Idaho Code, be, and the same is hereby amended to read as follows:

69-244. LICENSE REISSUANCE FOLLOWING REVOCATION. A warehouse license shall not be issued to any person whose license has been revoked within a period of three (3) years from the date of such revocation. Upon proper application for a license following three (3) years from the date of revocation, the department shall hold a hearing within thirty (30) days from receipt of the application to determine if such license shall be issued. If, after the hearing, the department determines that it is in the best interests of the public, it may deny the issuance of a license to the applicant. Judicial review of the department's action may be sought. A change in a person's business name shall not absolve that person of a prior revocation of his warehouse license.

SECTION 16. That Section 69-247, Idaho Code, be, and the same is hereby amended to read as follows:

69-247. LICENSE DENIAL. (1) Any person adjudged a bankrupt or any person against whose bondsman or deposit in lieu of a bond a claim or claims have been collected by court order, who has not made full settlement with all producer creditors, shall not be licensed by the department during the period of three (3) years from the date of such adjudication or collection against whose warehouse bond a claim has been ordered collected or has actually been collected shall not be licensed by the department for a period of three (3) years from the date of such order or collection. License denial may be waived if the person can show to the satisfaction of the director that full settlement of all claims against the bond has been made. A change in a person's business name shall not absolve any unsettled claim against that person's prior bond.

(2) The director shall, after a public hearing, have the right to deny or refuse to issue a license or renewal thereof to an applicant when it is determined that public interest is best served by that denial or refusal.

(3) Upon refusal or denial pursuant to subsection (2) above, an applicant may reapply for a license or renewal after a period of ninety (90) days, at which time a new hearing will be held to review the application.

(4) The applicant shall have the right of appeal on any decision to refuse or deny a license under subsection (2) above to a court of competent jurisdiction.
SECTION 17. That Section 69-249, Idaho Code, be, and the same is hereby amended to read as follows:

69-249. CREDIT-SALE CONTRACTS. (1) A warehouseman who purchases agricultural products by credit-sale contracts shall maintain books, records and other documents as required by the department to establish compliance with the provisions of this section.

(2) In addition to other information as may be required, a credit-sale contract shall contain or provide for all of the following:

(a) The seller's name and address;
(b) The conditions of delivery;
(c) The amount and kind of agricultural products delivered;
(d) The price per unit or basis of value; and
(e) The date payment is to be made.

(3) Title to all agricultural products sold by credit-sale contract is in the purchaser as of the time the contract is executed, unless the contract provides otherwise. The contract must be signed by both parties and executed in duplicate. One (1) copy shall be retained by the warehouseman and one (1) copy shall be delivered to the seller. Upon revocation, or termination, or cancellation of a warehouseman's license, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty (30) days following the effective date of the revocation, or termination, or cancellation; and the purchase price for all agricultural products without a price shall be determined as of the effective date of revocation, or termination, or cancellation in accordance with all other provisions of the contract. However, if the business of the warehouseman is sold to another licensed warehouseman, credit-sale contracts may be assigned to the purchaser of the business.

SECTION 18. That Section 69-250, Idaho Code, be, and the same is hereby amended to read as follows:

69-250. CONFIDENTIALITY OF RECORDS. All financial statements of warehousemen required under the provisions of this chapter shall be kept confidential by the department and its agents and employees and are not subject to disclosure except as follows:

(a1) Upon written permission by the licensee;
(b2) In actions or administrative proceedings commenced under the provisions of this chapter or chapter 5, title 69, Idaho Code;
(c3) When required by subpoena or court order; or
(d4) Disclosure to law enforcement agencies in connection with the investigation or prosecution of criminal offenses; or
(e5) When released to a bonding company approved by the department.

SECTION 19. That Chapter 2, Title 69, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-251, Idaho Code, and to read as follows:
69-251. PAYMENT OF PURCHASE PRICE. A person required to be licensed to do business as a warehouse under the provisions of this chapter shall pay the purchase price to the owner or his agent for agricultural products upon delivery or demand by the owner or agent, but not later than thirty (30) days after delivery by the owner or agent unless otherwise agreed to by the parties. As used in this section, "delivery" means the transfer of title to and possession of agricultural products by the owner or agent to the warehouseman or to another person in accordance with the agreement of the owner or agent and the warehouseman. As used in this section, "payment" means the actual payment or tender of payment by the warehouseman to the owner or agent of the agreed purchase price.

Approved March 16, 1983.

CHAPTER 45
(H.B. No. 137)

AN ACT
RELATING TO MUNICIPAL ELECTIONS; AMENDING SECTION 50-402, IDAHO CODE, TO PROVIDE FACTORS TO BE CONSIDERED IN DETERMINING RESIDENCY FOR VOTING PURPOSES.

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

SECTION 1. That Section 50-402, Idaho Code, be, and the same is hereby amended to read as follows:

50-402. DEFINITIONS. The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law.

(d) Residence. 
(1) "Residence" for voting purposes, shall be the place in which a qualified elector has fixed his habitation and to which he has the intention of returning principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence.
therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or constable engaged in the performance of election duties as required by this act.

(f) Election register. The "election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.

(g) Combination election record and poll book. "Combination election register and poll book" is the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places.

(h) Tally book. The "tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.

(i) Reference to male. All references to the male elector and male city officials include the female elector and female city official and the masculine pronoun includes the feminine.

(j) Computation of time. Calendar days shall be used in all computations of time made under the provision of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following each Sunday or legal holiday.

Approved March 16, 1983.

CHAPTER 46
(H.B. No. 6, As Amended in the Senate)

AN ACT
RELATING TO COUNTY MUTUAL INSURERS; AMENDING SECTION 41-3109, IDAHO CODE, TO PROVIDE THAT A DIRECTOR OF A COUNTY MUTUAL INSURER MAY ALSO ACT AS AN AGENT FOR THE INSURER; AND AMENDING SECTION
41-3119, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF SECTIONS OF THE INSURANCE CODE TO ACTIVITIES OF COUNTY MUTUAL INSURERS.

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

SECTION 1. That Section 41-3109, Idaho Code, be, and the same is hereby amended to read as follows:

41-3109. DIRECTORS. (1) The affairs of the insurer shall be under the direction of a board of directors comprised of not less than nine (9) nor more than twenty-five (25) members of the insurer.
(2) After expiration of the term of initial directors, if any, as provided for in the articles of incorporation, directors shall be elected at the annual meeting of the insurer's members for terms of not more than three (3) years each. If terms of more than one (1) year are used, the terms of directors shall be staggered so that the terms of a proportionate number of directors will expire each year.
(3) A director may also act as an agent for the insurer with the same but not greater contract authority as any other agent.

SECTION 2. That Section 41-3119, Idaho Code, be, and the same is hereby amended to read as follows:

41-3119. OTHER PROVISIONS APPLICABLE. The following chapters and provisions of this code shall also apply to county mutual fire insurers to the extent so applicable and not inconsistent with the express provisions of this chapter and the reasonable implications of such express provisions:
(1) Chapter 1 (scope of code);
(2) Chapter 2 (the director of the department of insurance);
(3) The following provisions of chapter 3 (authorization of insurers and general requirements);
(a) Section 41-305 (certificate of authority required);
(b) Section 41-308(2) (general eligibility for certificate of authority);
(c) Section 41-311 (name of insurer);
(d) Section 41-323 (what certificate evidences--ownership of certificate);
(e) Section 41-325 (amendment of certificate of authority);
(f) Section 41-326 (suspension or revocation of certificate of authority, mandatory grounds);
(g) Section 41-327 (suspension, revocation of certificate of authority, discretionary and special grounds);
(h) Section 41-328 (order, notice of suspension, revocation or refusal--effect upon agents' authority);
(i) Section 41-329 (duration of suspension--insurer's obligations during suspension period--reinstatement); and
(j) Section 41-336 (review of annual statement--additional information);
(4) Section 41-510 ("reinsurance" defined);
(5) The following sections of chapter 6 (assets and liabilities):
(a) Sections 41-601 ("assets" defined), 41-602 (assets as deductions from liabilities), and 41-603 (assets not allowed);
(b) Section 41-604 (disallowance of "wash" transactions); and
(c) Sections 41-613 (valuation of bonds), 41-614 (valuation of other securities), and 41-615 (valuation of property);
(6) Sections 41-1201 (representing or aiding unauthorized insurer prohibited), 41-1202 (representing or aiding unauthorized insurer prohibited--penalty), and 41-1203 (suits by unauthorized insurer prohibited);
(7) Chapter 13 (trade practices and frauds);
(8) Chapter 18 (the insurance contract);
(9) Section 41-2401 (standard fire policy);
(10) The following provisions of chapter 28 (organization and corporate procedures of stock and mutual insurers):
(a) Section 41-2803 (applicability of general corporation statutes);
(b) Section 41-2828 (insurance business exclusive);
(c) Section 41-2829 (membership in mutuals);
(d) Section 41-2830 (by-laws of mutual);
(e) Section 41-2831 (rights of mutual members, in general);
(f) Section 41-2832 (meetings of members of mutual insurer);
(g) Section 41-2833 (special meetings of members of mutual insurer);
(h) Section 41-2836 (notice of change of directors, officers);
(i) Section 41-2837 (prohibited pecuniary interest of officials) except agents may also serve as directors of county mutual insurers;
(j) Section 41-2838 (management and exclusive agency contracts);
(k) Section 41-2839 (home office, records, and assets; penalty for unlawful removal);
(l) Section 41-2840 (vouchers for expenditures);
(m) Section 41-2841 (borrowed surplus);
(n) Section 41-2851 (solicitations in other states);
(o) Sections 41-2857 (mergers and consolidations, mutual insurers) and 41-2858 (bulk reinsurance, mutual insurers); and
(p) Section 41-2859 (mutual member's share of assets on liquidation).
(11) Chapter 33 (rehabilitation and liquidation); and
(12) Sections 799 to 809 of chapter 330 of the session laws of 1961 (transitory provisions).

Approved March 16, 1983.

CHAPTER 47
(H.B. No. 112)

AN ACT
RELATING TO THE LEWISTON ORCHARDS GAME PRESERVE; REPEALING SECTION 36-1907, IDAHO CODE.

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

SECTION 1. That Section 36-1907, Idaho Code, be, and the same is hereby repealed.

Approved March 16, 1983.
AN ACT
RELATING TO THE LEGISLATIVE ADVISORS TO THE COMMISSIONERS OF THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6203, IDAHO CODE, TO INCREASE THE NUMBER OF LEGISLATIVE ADVISORS.

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 budget, policy planning and coordination shall serve as advisors to the commissioners of the agency.

In addition, two (2) members of the Idaho legislature senate, one (1) from the majority party and one (1) from the minority party, and two (2) members of the Idaho house of representatives, 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.

Approved March 18, 1983.
CHAPTER 49
(S.B. No. 1024)

AN ACT
RELATING TO THE ORGANIZATION AND BUSINESS OF AN IRRIGATION DISTRICT;
AMENDING CHAPTER 1, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 43-119, IDAHO CODE, TO GRANT TO CERTAIN CORPORATIONS AND
PARTNERSHIPS THE SAME RIGHTS AND PRIVILEGES IN THE CONDUCT OF
IRRIGATION DISTRICT BUSINESS AS ARE ENJOYED BY NATURAL PERSONS,
INCLUDING VOTING IN ELECTIONS AND SIGNING PETITIONS.

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

SECTION 1. That Chapter 1, Title 43, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 43-119, Idaho Code, and to read as
follows:

43-119. RIGHTS AND PRIVILEGES OF CORPORATIONS AND PARTNERSHIPS.
A corporation, the stock of which is owned entirely by natural persons
related by blood or affinity, and a partnership, in which all the
partners are natural persons related by blood or affinity, shall have
the same rights and privileges in the conduct of irrigation district
business as do natural persons, including, but not limited to, voting
in elections and signing petitions. A corporation or partnership shall
vote or otherwise act by and through its majority stockholder or
majority partner, and for voting purposes the residence of such major­
ity stockholder or partner shall establish the residence of the corpo­
racion or partnership. If the majority of the stock or partnership
interest is owned by more than one (1) person, the corporation or
partnership must furnish the irrigation district a written designation
stating the name of the majority stockholder or partner who is author­
ized to vote and otherwise act for the corporation or partnership. If
the majority or designated stockholder or partner is married, his or
her spouse shall have the same rights and privileges in the conduct of
irrigation district business as do the spouses of individual land
owners in the district. A person, or the spouse of a person, voting
for a corporation or partnership shall not be entitled to vote again
as an individual.

Approved March 18, 1983.

CHAPTER 50
(S.B. No. 1028, As Amended in the House)

AN ACT
RELATING TO LICENSES TO RETAIL BEER; AMENDING SECTION 23-1011, IDAHO
CODE, TO PROVIDE THAT ALL LICENSES, RENEWALS AND TRANSFERS FOR
RETAILING BEER MUST BE APPROVED BY THE CITY OR COUNTY, OR BOTH AS
THE CASE MAY BE, IN ORDER TO BE VALID; AMENDING SECTION 23-1011a,
Idaho Code, to redesignate the section as Section 23-1011A, Idaho Code; amending Section 23-1015, Idaho Code, to provide that boards of county commissioners shall establish procedures for processing applications for licenses, transfers or renewals for retailing beer, to provide judicial review and to provide that records of the proceedings shall be made; and amending Section 23-1016, Idaho Code, to provide that city councils shall establish procedures for processing applications for licenses, transfers or renewals for retailing beer, to provide judicial review and to provide that records of the proceedings shall be made.

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

SECTION 1. That Section 23-1011, Idaho Code, be, and the same is hereby amended to read as follows:

23-1011. Issuance of licenses. Notwithstanding any other provision of chapter 10, title 23, Idaho Code, all applications for retail sale of beer licenses, renewals, or transfers thereof, shall be first presented to the director of the department of law enforcement for approval and issuance of the state license required by state law. If the license, renewal or transfer thereof is approved by the director, then such license, renewal or transfer thereof may be issued, in order to be valid, must be approved by the city or county, or both, as the case may be by procedures provided in this chapter. Approval of such license, renewal or transfer thereof may be by endorsement upon the state license or by the issuance of an additional license, at the option of the city or county.

SECTION 2. That Section 23-1011a, Idaho Code, be, and the same is hereby amended to read as follows:

23-1011aA. Officers may examine premises. The director or his duly authorized representative, the sheriff of any county, or any other police officer, shall have the right at any time to make an examination of the premises of any licensee as to whether the laws of the state of Idaho, the rules and regulations of the director, and the ordinances of any city or county are being complied with.

SECTION 3. That Section 23-1015, Idaho Code, be, and the same is hereby amended to read as follows:

23-1015. County retailers' license, when required, procedure. (1) It shall be unlawful for any retailer to sell beer without first procuring a retailer's license from the county, said license to be issued on such conditions and terms as may be required by the board of county commissioners in the county wherein such place of sale of beer is located; provided, that no county shall exact a license fee from any dealer except as follows:

(a) Where such retailer sells only bottled or canned beer: none of which is consumed on the premises where sold, the license fee shall be equal to twenty-five per cent (25%) of the license fee exacted under subsection (b) hereof relating to draught beer and
bottled or canned beer, or draught beer only; and where such bottles or canned beer is consumed on the premises where sold the license fee shall be seventy-five per cent (75%) of the fee exacted under said subsection (b) hereof.

(b) Where such retailer sells draught beer and bottled or canned beer, or draught beer only, not in excess of one hundred dollars ($100), a year.

(2) The board of county commissioners shall establish a procedure for processing applications for licenses, transfers or renewals thereof in a timely manner. Each application for a license, transfer or renewal thereof, required by the provisions of this section, shall be submitted to the board of county commissioners for a decision. The board of county commissioners shall have a reasonable time to examine the application before a decision is made on granting or denying the license, or the transfer or renewal thereof. Each board of county commissioners shall establish, by ordinance, a time period within which a decision must be made following submission of an application. Whenever a board of county commissioners denies an application, the board shall specify in writing:

(a) The statutes, ordinances and standards used in evaluating the application;
(b) The reasons for denial; and
(c) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(3) An applicant denied a license, transfer or renewal thereof or aggrieved by a decision of the board of county commissioners pursuant to this section may, within sixty (60) days, after all remedies have been exhausted under county ordinances or procedures, seek judicial review under the procedures provided in sections 67-5215 and 67-5216, Idaho Code. For the purposes of sections 67-5215 and 67-5216, Idaho Code, and of this section, a county shall be construed to mean an agency.

(4) In all cases where the board of county commissioners is considering applications for licenses, transfers or renewals thereof, a transcribable verbatim record of the proceedings shall be made. If the application for a license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The board of county commissioners shall also provide for the keeping of minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

SECTION 4. That Section 23-1016, Idaho Code, be, and the same is hereby amended to read as follows:

23-1016. MUNICIPAL LICENSE ALSO REQUIRED -- PROCEDURE. (1) It shall be competent and lawful for an incorporated municipality within the county wherein said county license to sell beer is granted by the county, by proper ordinance and regulation, to prohibit the sale of beer within the incorporated limits of such incorporated municipality until a retailer's license is first obtained from such incorporated
municipality. Provided, however, that no incorporated municipality shall issue a license to any retailer until such retailer shall have first obtained a county license from the board of county commission­ers, and that a revocation of the license granted by the board of county commissioners shall work a revocation of license granted by such incorporated municipality. Provided, further, that no municipal­ity, whether operating under a special charter or otherwise, shall exact a license fee from any retailer except as follows:

(a) Where such retailer sells only bottled or canned beer: none of which is consumed on the premises where sold, the license fee shall be equal to twenty-five per cent (25%) of the license fee exacted under subsection (b).

(b) Where such retailer sells for consumption on the premises, draught beer and bottled or canned beer or draught beer only, not in excess of two hundred dollars ($200) a year.

(2) The city council shall establish a procedure for processing applications for licenses, transfers or renewals thereof in a timely manner. Each application for a license, transfer or renewal thereof, required by the provisions of this section, shall be submitted to the city council for a decision. The city council shall have a reasonable time to examine the application before a decision is made on granting or denying the license, or the transfer or renewal thereof. Each city council shall establish, by ordinance, a time period within which a decision must be made following submission of an application. Whenever a city council denies an application, the council shall specify in writing:

(a) The statutes, ordinances and standards used in evaluating the application;

(b) The reasons for denial; and

(c) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(3) An applicant denied a license, transfer or renewal thereof or aggrieved by a decision of the city council pursuant to this section may, within sixty (60) days, after all remedies have been exhausted under city ordinances and procedures, seek judicial review under the procedures provided in sections 67-5215 and 67-5216, Idaho Code. For the purposes of sections 67-5215 and 67-5216, Idaho Code, and of this section, a city shall be construed to mean an agency.

(4) In all cases where the city council is considering applications for licenses, transfers or renewals thereof, a transcribable verbatim record of the proceedings shall be made. If the application for a license, transfer or renewal is denied, a transcribable, ver­batim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The city council shall also provide for the keeping of minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

Approved March 18, 1983.
CHAPTER 51
(S.B. No. 1152)

AN ACT
APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 1984;
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, to be expended according to expense classes designated for the period July 1, 1983, through June 30, 1984:

<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>$46,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$51,800</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 18, 1983.

CHAPTER 52
(S.B. No. 1153)

AN ACT
APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 1984; AND EXPRESSING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts from the listed accounts, to be expended according to designated expense classes for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$350,400</td>
<td>$63,400</td>
</tr>
</tbody>
</table>
C. 53 '83

FOR PERSONNEL COSTS FOR OPERATING EXPENDITURES TOTAL
Interagency Billing and Receipts Account 37,300 63,400 37,300 451,100
TOTAL $387,700 $63,400

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 18, 1983.

CHAPTER 53
(S.B. No. 1051)

AN ACT RELATING TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1003, IDAHO CODE, TO STRIKE REFERENCE TO SPECIAL PROVISIONS FOR A DECREASE IN AVERAGE DAILY ATTENDANCE OF NOT LESS THAN TEN OR MORE STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING APPLICATION OF THIS ACT FOR ALL PURPOSES OF THE 1982-83 SCHOOL YEAR.

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

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

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. 1. Decrease in Average Daily Attendance. --

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 one percent (1%) 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 may be based on the average daily attendance of the school year immediately preceding, less one percent (1%) or less ten (10) average daily attendance, whichever is greater. When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.

2. Application of Support Program to Separate Schools in Di-
trict.

1. 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.

SECTION 2. An emergency existing 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 for all purposes of the 1982-83 school year.

Approved March 18, 1983.
UNITS IN THE EDUCATIONAL SUPPORT PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. 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. Without including any allowance as a credit for prepaid taxes, as provided by section 63-1607, Idaho Code, the local districts' contribution shall be twenty-five hundredths percent (.25%) of the total state adjusted market value for assessment purposes for the previous year and twenty-five hundredths percent (.25%) the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.

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.

<table>
<thead>
<tr>
<th>COMPUTATION OF KINDERGARTEN SUPPORT UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Per Unit</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>28 Weeks ADA</td>
</tr>
<tr>
<td>41 or more ADA...</td>
</tr>
<tr>
<td>31 - 40.99 ADA...</td>
</tr>
<tr>
<td>26 - 30.99 ADA...</td>
</tr>
<tr>
<td>21 - 25.99 ADA...</td>
</tr>
<tr>
<td>16 - 20.99 ADA...</td>
</tr>
<tr>
<td>8 - 15.99 ADA...</td>
</tr>
<tr>
<td>1 - 7.99 ADA...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPUTATION OF ELEMENTARY SUPPORT UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Per Unit</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>28 Weeks ADA</td>
</tr>
<tr>
<td>300 or more ADA...</td>
</tr>
<tr>
<td>110 - 299.99 ADA...</td>
</tr>
<tr>
<td>1 - 109.99 ADA...</td>
</tr>
<tr>
<td>90 - 109.99 ADA...</td>
</tr>
<tr>
<td>70 - 89.99 ADA...</td>
</tr>
<tr>
<td>51 - 69.99 ADA...</td>
</tr>
<tr>
<td>31 - 50.99 ADA...</td>
</tr>
<tr>
<td>16 - 30.99 ADA...</td>
</tr>
<tr>
<td>1 - 15.99 ADA...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPUTATION OF SECONDARY SUPPORT UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Per Unit</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>28 Weeks ADA</td>
</tr>
<tr>
<td>750 or more ADA...</td>
</tr>
<tr>
<td>400 - 749.99 ADA...</td>
</tr>
<tr>
<td>300 - 399.99 ADA...</td>
</tr>
<tr>
<td>200 - 299.99 ADA...</td>
</tr>
<tr>
<td>100 - 199.99 ADA...</td>
</tr>
<tr>
<td>99.99 or fewer Units allowed as follows:</td>
</tr>
<tr>
<td>Grades 7-12</td>
</tr>
<tr>
<td>Grades 9-12</td>
</tr>
<tr>
<td>Grades 7- 9</td>
</tr>
<tr>
<td>Grades 7- 8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Per Unit</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>28 Weeks ADA</td>
</tr>
<tr>
<td>14 or more ADA...</td>
</tr>
<tr>
<td>12 - 13.99 ADA...</td>
</tr>
<tr>
<td>8 - 11.99 ADA...</td>
</tr>
<tr>
<td>4 - 7.99 ADA...</td>
</tr>
<tr>
<td>1 - 3.99 ADA...</td>
</tr>
</tbody>
</table>

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. Without including any allowance as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, the district contribution calculation shall be twenty-five hundredths percent (0.25%) of the district's adjusted market value for assessment purposes for the previous year and twenty-five hundredths percent (0.25%) of the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.
   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 con­
tracts to secure the district's total allowance for the educa­
tional 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.
g. Exceptional Child Tuition-Equivalency Allowance. Districts
which educate school age exceptional children residing in state
institutions, licensed and certified intermediate care facilities,
or licensed private nonprofit residential facilities shall be eli­
gible for an allowance equivalent to the previous year's certified
local annual tuition rate per child. This district allowance shall
be in addition to exceptional child unit funding and included in
district apportionment payments, subject to approval of district
applications by the state department of education.

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

Approved March 18, 1983.

CHAPTER 55
(H.B. No. 121, As Amended)

AN ACT
RELATING TO THE SALE OR PURCHASE OF WILDLIFE; AMENDING SECTION 36-501,
IDAHO CODE, TO PERMIT THE SALE OF UNPROTECTED SPECIES OF WILDLIFE,
TO PERMIT THE SALE OF HIDES, HORNs, OR HEADS OF GAME ANIMALS, AND
MOUNTED WILDLIFE, WHEN NOT SPECIFICALLY PROHIBITED, TO PERMIT THE
SALE OF PELTS AND PARTS OF FURBEARERS, TO PERMIT THE SALE OF
COMMERCiALLY HARVESTED WILDLIFE, AND TO AUTHORIZE THE COMMISSION
tO PERMIT THE SALE OF PARTS OF WILDLIFE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 36-501, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Sale of Mounted-Specimens Unprotected Wildlife. The sale of mounted-specimens of wildlife legally taken species of wildlife classified as unprotected by law shall be lawful provided that no mounted-specimens of migratory birds shall be sold.

(b) Sale of Game Animals Heads. The sale of legally taken hides, horns, or heads of game animals, when detached from the carcass, and mounted wildlife, where sale is not specifically prohibited by federal or state statutes or regulations, shall be lawful only when the wildlife to be sold is accompanied by a statement showing that the animals were lawfully killed taken.

(c) Sale of Hides Furbearers. The sale of hides or pelts and parts of furbearers when legally taken wildlife shall be lawful.

(d) Sale of Seized Wildlife. The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with the provisions of section 36-1304, Idaho Code.

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

(f) Commission May Permit Sales. The commission may, by regulation, permit the sale of other parts of wildlife when such sale will not injuriously affect the species permitted.

Approved March 18, 1983.

CHAPTER 56
(H.B. No. 110)

AN ACT
RELATING TO CLASSES OF FISH AND GAME LICENSES; AMENDING SECTION 36-404, IDAHO CODE, TO ALLOW ISSUANCE OF TRAPPING LICENSES TO YOUTHS UNDER THE AGE OF SEVENTEEN.

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

SECTION 1. That Section 36-404, Idaho Code, be, and the same is hereby amended to read as follows:

36-404. CLASSES OF LICENSES. The licenses required by the provisions of this title shall be of six (6) classes. Licenses of the first four (4) classes mentioned in this section may be purchased only by persons who meet residency requirements under the provisions of subsections 36-202(r) and (s), Idaho Code.

Class 1: Adult Combination -- Hunting -- Fishing -- Trapping
Licenses. Licenses to be issued only to persons who are residents of the state of Idaho.

Class 2: Youth Hunting -- Trapping Licenses. (a) Hunting license. Licenses to be issued only to persons who are residents of the state of Idaho and are between twelve (12) and seventeen (17) years of age, inclusive.

   (b) Trapping licenses. Licenses to be issued only to persons who are residents of the state of Idaho and are seventeen (17) years of age or younger.

Class 3: Youth Combination -- Fishing Licenses. Licenses to be issued only to persons who are residents of the state of Idaho between fourteen (14) and seventeen (17) years of age, inclusive.

Class 4: Senior Resident Combination License. Licenses to be issued only to persons over sixty-five (65) years of age who have been bona fide residents of the state of Idaho for a continuous period of not less than ten (10) years last preceding application.

Class 5: Nonresident Hunting -- Fishing -- Trapping -- Licenses. Licenses required of persons who are nonresidents.

Class 6: Duplicate License -- Tag. A license or tag to be issued as a replacement for an original license or tag lost or mutilated. Said license or tag shall be issued in the same class and type as the original and upon issuance of such duplicate license or tag the original license or tag shall become null and void.

Approved March 18, 1983.

CHAPTER 57
(H.B. No. 263)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL COMMODITY COMMISSIONS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL C.</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. IDAHO APPLE COMMISSION:</td>
<td>FOR</td>
<td>FOR</td>
<td>FOR</td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Apple Commission Account</td>
<td>$ 4,900</td>
<td>$ 195,000</td>
<td>$ 100</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION:</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 Bean Marketing &amp; Production Promotion</td>
<td>$70,600</td>
<td>$184,300</td>
<td></td>
<td>$254,900</td>
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<tr>
<td>C. IDAHO CHERRY COMMISSION:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Cherry Commission</td>
<td>$1,800</td>
<td>$28,100</td>
<td>$100</td>
<td>$30,000</td>
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<tr>
<td>D. IDAHO DAIRY PRODUCTS COMMISSION:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Dairy Products Commission</td>
<td>$185,100</td>
<td>$3,330,200</td>
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<tr>
<td>E. IDAHO POTATO COMMISSION:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potato Commission</td>
<td>$393,200</td>
<td>$3,642,800</td>
<td>$2,000</td>
<td>$4,038,000</td>
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<tr>
<td>F. IDAHO WHEAT COMMISSION:</td>
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<td></td>
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<tr>
<td>Idaho Wheat Commission</td>
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<td>$904,700</td>
<td>$1,000</td>
<td>$1,010,100</td>
</tr>
<tr>
<td>G. IDAHO PRUNE COMMISSION:</td>
<td></td>
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<tr>
<td>Idaho Prune Commission</td>
<td>$800</td>
<td>$10,300</td>
<td></td>
<td>$11,100</td>
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GRAND TOTAL: $760,800 $8,295,400 $3,200 $9,059,400

Approved March 18, 1983.

CHAPTER 58
(H.B. No. 48)

AN ACT
RELATING TO SHERIFF'S FEES; AMENDING SECTION 31-3203, IDAHO CODE, TO PROVIDE A FEE NOT TO EXCEED A THREE DOLLAR PER DIEM COST OR THE REASONABLE COSTS INCURRED BY A SHERIFF FOR PRESERVING PROPERTY UNDER ATTACHMENT OR EXECUTION.

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

SECTION 1. That Section 31-3203, Idaho Code, be, and the same is
hereby amended to read as follows:

31-3203. SHERIFF'S FEES. The sheriff is allowed and may demand and receive the fees hereinafter specified:

For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant ........ $5.00

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property ................................................................. $5.00

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than three dollars ($3.00) per diem be-allowed-to or the reasonable costs incurred by a keeper in preserving said property.

For making and issuing a keeper's receipt ....................... $3.00

For taking a bond or undertaking in any case in which he is authorized to take the same ........................................ $3.00

For copy of and making return on any writ, process or other paper, when demanded or required by law ............................................. $5.00

For serving every notice, rule or order ........................... $5.00

For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio .. $2.00

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant ........ $10.00

For holding each inquest, or trial of right of property, to include all services in the matter except mileage ........ $3.00

For serving a subpoena, for each witness summoned ........ $5.00

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars ($1,000), two per cent (2%); on all sums above that amount, one per cent (1%); but in no case of sale of real estate shall his commission exceed the sum of $100.00

When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.

For commissions for receiving and paying over money on execution without levy, or where lands or goods levied on are not sold, on the first one thousand dollars ($1,000), one and one-half per cent (1 1/2%); and one-half (1/2) of one per cent (1%) on all over that sum, but not to exceed in any case ....................... $50.00

The fees herein allowed for the levy of an execution, costs for advertising and percentage for making or collecting the money on execution, must be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a sheriff's deed, including the acknowledgement, to be paid by the grantee before delivery ........ $5.00

For executing a certificate of sale, exclusive of the filing and recording of same ............................................ $1.00

For making every arrest in a criminal proceeding ........... $5.00

For summoning each juror ........................................ $1.00

For serving a subpoena in a criminal action or proceeding, for
each witness summoned .......................................... $5.00

For traveling to serve any summons and complaint, or any other
process by which an action or proceeding is commenced, notice, rule,
order, subpoena, venire, attachment on property, to levy an execution,
to post notice of sale, to sell property under execution or other
order of sale, or execute an order of arrest, or order for the
delivery of personal property, writ of possession or restitution, to
hold inquest or trial of right of property, for each mile actually and
necessarily traveled, in going only .............................. § .40

For traveling to execute any warrant of arrest, subpoena, venire
or other process in criminal cases, or for taking a prisoner from
prison, before a court or magistrate, or for taking a prisoner from the
place of arrest to prison, or before a court or magistrate, for each
mile actually and necessarily traveled, in going only .......... $ .40

For each additional prisoner taken at the same time, per mile ......
....................................................................................... $ .25

But if any two (2) or more papers be required to be served in the
same action or proceeding, civil or criminal, or be in the possession
of the sheriff for service at the same time, and in the same direc­
tion, one (1) mileage only shall be charged; and in serving a sub­
poena, venire, process or paper, when two (2) or more jurors, wit­
nesses, parties or persons to be served reside or are found in the
same direction, traveling fees must be charged only for the most dis­
tant; and only one (1) mileage per day must be charged for taking a
prisoner from prison before a court or magistrate; and constructive
mileage must in no case be charged or allowed.

For all services arising in magistrate's courts, the same fees as
are allowed to constables for like services.

For all services under the election laws, the same mileage and
fees as in this chapter provided for similar services.

For receiving application for motor vehicle operator's license ...
....................................................................................... $ .50

For receiving application for motor vehicle chauffeur's license ..
....................................................................................... $2.00

Approved March 18, 1983.

CHAPTER 59
(H.B. No. 109)

AN ACT
RELATING TO THE SALE OF FISH AND GAME PUBLICATIONS; AMENDING SECTION
59-1012, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND
GAME MAY SELL PRINTED MATTER AND OTHER MATERIALS; AND AMENDING
SECTION 36-106, IDAHO CODE, TO ALLOW THE DIRECTOR TO SELL PUBLI-
ICATIONS AND MATERIALS.

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

SECTION 1. That Section 59-1012, Idaho Code, be, and the same is
C. 59 '83 IDAHO SESSION LAWS 137

hereby amended to read as follows:

59-1012. SALE OF PAMPHLET LAWS -- DISPOSITION OF FUNDS -- EXCEPTION. All publications of laws and regulations and the constitution of the state of Idaho, issued in pamphlet form, other than the regular biennial edition of the session laws, may be sold by the officer or officers having the same published, at a price which will cover the cost of publication and distribution. Provided, this act shall not apply to pamphlets and booklets published and issued by the Idaho department of fish and game for the purpose of giving notice and information concerning fish and game regulations and reports. Such pamphlets and booklets issued by said department of fish and game shall be printed and issued at the expense of said department and the cost thereof paid from the fish and game fund account. Provided further, that said department may publish on a regular basis a magazine, and from time-to-time other publications, which deal with timely subjects of interest to the citizens of Idaho and others concerning matters of wildlife conservation, provide to the public other publications, printed matter and materials as will promote the ethical use and conservation of fish and wildlife resources, or encourage citizen participation in department programs. The Idaho department of fish and game may establish fees for said publications which shall be used to defray the costs of publication and materials. Said fees shall be remitted to the state treasurer for deposit in the fish and game fund account.

SECTION 2. That Section 36-106, Idaho Code, be, and the same is hereby amended to read as follows:

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.
The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and regulations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

3. The appointment of such employees shall be made by the director in accordance with the Idaho personnel commission act and rules promulgated pursuant to chapter 53, title 67, Idaho Code, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and regulations as he may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resource of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(B) Any order issued under authority hereof shall be pub-
lished in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(C) During the closure of any open season by the director all provisions of laws relating to the closed season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefore.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office, which report shall be made in accordance with section 67-2509, Idaho Code.

8. The director may sell or cause to be sold publications and materials in accordance with section 59-1012, Idaho Code.

Approved March 18, 1983.

CHAPTER 60
(H.B. No. 135)

AN ACT
RELATING TO THE ISSUANCE OF WARRANTS IN PAYMENT OF CLAIMS OF DRAINAGE DISTRICTS; AMENDING SECTION 42-2949, IDAHO CODE, TO PROVIDE AN OPTION TO THE BOARD OF COMMISSIONERS TO DEPOSIT AND KEEP MONEYS BELONGING TO A DRAINAGE DISTRICT IN PUBLIC DEPOSITORIES, TO ISSUE WARRANTS OR CHECKS IN PAYMENT OF CLAIMS OF INDEBTEDNESS APPROVED FOR PAYMENT, AND TO INVEST SURPLUS FUNDS AS AUTHORIZED BY LAW; AND AMENDING SECTION 42-2950, IDAHO CODE, TO AUTHORIZE THE BOARD OF COMMISSIONERS IN ABSENCE OF FUNDS TO AUTHORIZE REGISTRATION OF WARRANTS PRESENTED AND TO FIX THE INTEREST RATE THEREOF, AND TO PROVIDE FOR A WARRANT REDEMPTION FUND.

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

SECTION 1. That Section 42-2949, Idaho Code, be, and the same is hereby amended to read as follows:

42-2949. WARRANTS--FORM PAYMENTS OF CLAIMS -- OPTION FOR DEPOSIT AND DISBURSEMENT OF FUNDS -- ISSUANCE OF CHECKS OR WARRANTS -- INVESTMENT OF FUNDS. (1) 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 the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: provided, that no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than face or par value.
(2) The board of commissioners may, in the alternative and as an option to subsection (1) of this section, elect by resolution to receive moneys due the district from the levy of taxes, assessments and other sources, to provide for the safekeeping and deposit of such moneys in accordance with the provisions of chapter 1, title 57, Idaho Code, and to pay all claims of indebtedness of the district allowed and approved by either warrant or check. If a drainage district elects this option, a certified copy of said resolution shall be served upon the board of county commissioners, the county auditor and the county treasurer. Upon allowance of claims by the board of commissioners, payment may be ordered by warrant or check signed by the chairman and the secretary. The secretary may be directed by resolution or order of the board to invest surplus funds in accordance with and subject to the provisions of chapter 1, title 57, Idaho Code, and section 50-1013, Idaho Code. The board of commissioners shall cause to be kept an accurate account of all moneys received, the sources from whence received, all moneys expended and the purposes to which applied.

SECTION 2. That Section 42-2950, Idaho Code, be, and the same is hereby amended to read as follows:

42-2950. WARRANTS -- PAYMENT -- INTEREST. (1) All warrants issued under the provisions of this chapter shall be presented by the holder thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereof in case of nonpayment that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this chapter until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: provided, that thirty (30) days after the first publication of said notice of 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.

(2) If a board of commissioners has elected and complied with the provisions of section 42-2949(1), Idaho Code, and in the absence of funds to pay warrants issued, the board may by resolution order payment of warrants presented by registering such warrants as hereinafter provided, and at the same time shall prescribe the interest rate said warrants shall draw. All warrants issued shall be presented to the secretary of a drainage district by the persons holding the same. If there are insufficient funds to pay the warrants presented, the secretary must indorse thereon "not paid for want of funds," the date of indorsement, the rate of interest such warrant shall draw as fixed by resolution of the board of commissioners, and sign his name thereto; and thereafter the said warrant shall draw interest at the rate specified in such indorsement until called for payment. Warrants issued by a drainage district shall be paid in the order of their issuance from funds accruing for the year in which they are issued. After all out-
standing indebtedness for any one (1) year has been paid, any balance for that year shall be transferred to a warrant redemption fund for payment of uncalled registered warrants. Where there is no outstanding indebtedness nor any uncalled registered warrants, any balance may be used for the payment of current expenses for the next fiscal year.

Approved March 18, 1983.

CHAPTER 61
(H.B. No. 158)

AN ACT
RELATING TO THE REQUIREMENT FOR CLAIMING PREVIOUSLY UNRECORDED WATER RIGHTS; AMENDING SECTION 42-243, IDAHO CODE, TO ALLOW THE FILING OF A LATE CLAIM IF AN INCREASED FEE IS PROVIDED; AND AMENDING SECTION 42-221, IDAHO CODE, TO ESTABLISH THE FEE FOR A LATE CLAIM.

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

SECTION 1. That Section 42-243, Idaho Code, be, and the same is hereby amended to read as follows:

42-243. FILING OF CLAIMS OF RIGHTS ESTABLISHED BY DIVERSION AND USE -- FORM AND CONTENT OF CLAIM. In order to allow for the recording of historic uses of the waters of this state, any person using or claiming rights to the use of water for uses other than domestic purposes as defined in section 42-230(d), Idaho Code, which have heretofore been established by diversion and application to a beneficial use shall file a claim of such right with the department of water resources not later than June 30, 1983, or if mailed, shall be postmarked not later than June 30, 1983. Such claim shall be in affidavit form on forms furnished by the department of water resources and shall set forth:

a. The name and post-office address of the claimant.
b. The quantity of water claimed to have been used.
c. The source of the water supply.
d. The location of the point or points of diversion.
e. The nature of the use and the period during each year when the water is used for such purposes.
f. The priority of the right claimed which shall be determined by the date when the water was first applied to a beneficial use provided there has been no period of abandonment or nonuse or forfeiture of the water right since that date.
g. If water is claimed for irrigation, the legal description of the lands irrigated.
h. Such other information as shall be required by the blank form furnished by the department.

Such claim may be accompanied by maps showing the place of use, affidavits of witnesses familiar with the uses claimed, measurements of the water diverted and used, and such other information as the
claimant may wish to submit.

If the claim is filed with the department of water resources later than June 30, 1983, or if it is mailed to the department of water resources and the postmark is later than June 30, 1983, the claim shall be classified as follows:

a. If the only use identified on the claim is domestic purposes as defined in subsection (d) of section 42-230, Idaho Code, then the claim will be considered to be filed in a timely manner.

b. If the use(s) identified on the claim includes other than domestic purposes as defined in subsection (d) of section 42-230, Idaho Code, then the claim shall be considered to be a late claim, with a unique filing fee as set forth in section 42-221, Idaho Code. Late claims shall not be accepted if filed with the department of water resources later than June 30, 1985, or if mailed to the department of water resources with a postmark later than June 30, 1985.

This section shall not apply to any water rights which are based on the authority of a permit or license issued by the department of water resources or one of its predecessors or water rights which have previously been adjudicated by a court having jurisdiction of such matters.

SECTION 2. 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 ................................................................. $30.00
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 ........................................ $45.00
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 ................................................................. $45.00 plus $20.00 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 ........................................ $425.00 plus $10.00 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 .......................... $1,225.00 plus $5.00 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.
feet.
6. For a quantity greater than 500 c.f.s., or for a storage volume greater than 50,000 acre feet ................ $3,225.00 plus $1.00 for each additional 1.0 c.f.s. or part thereof or 100 acre feet or part thereof over the first 500.0 c.f.s. or 50,000 acre feet.

B. For filing application for change of point of diversion, place, period, or nature of use of water 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 .................................. $30.00
   2. For all other amounts ................................ $50.00
   C. For filing application for amendment of permit .......... $20.00
   D. For filing claim to use right under section 42-243, Idaho Code .......................................................... $30.00

E. For filing a late claim to use a right under section 42-243, Idaho Code, where the date filed with the department of water resources, or if mailed to the department of water resources the postmark is:
   1. After June 30, 1983, but not later than June 30, 1984...... $100.00
   2. After June 30, 1984, but not later than June 30, 1985... $200.00

F. For readvertising application for permit, change, exchange, or extension to resume use .................................. $20.00

G. For certification, each document .......................... $1.00

H. For making photo copies of office records, maps and documents for public use .... A reasonable charge as determined by the department.

I. For filing request for extension of time within which to submit proof of beneficial use on a water right permit ........ $15.00

J. 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 account.

Approved March 18, 1983.

CHAPTER 62
(H.B. No. 182)

AN ACT
RELATING TO REIMBURSABLE DAMAGES FOR UNLAWFUL KILLING OF WILDLIFE; AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE FOR REIMBURSEMENT TO THE STATE FOR ILLEGALLY TAKEN CHINOOK SALMON.
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, 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, five hundred dollars ($500) per animal killed, 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, 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.
6. Chinook salmon, one hundred dollars ($100) 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, 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 ordering such reimbursement damages shall order 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 account.

Approved March 18, 1983.
AN ACT
RELATING TO THE IDAHO STATE POLICE; AMENDING SECTION 19-4803, IDAHO CODE, TO PROVIDE THAT AN IDAHO STATE POLICE OFFICER RETIRING AFTER TWENTY-FIVE YEARS' SERVICE SHALL RECEIVE AS PART OF HIS RETIREMENT SEVERANCE, HIS BADGE, SERVICE REVOLVER AND HANDCUFFS.

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

SECTION 1. That Section 19-4803, Idaho Code, be, and the same is hereby amended to read as follows:

19-4803. DUTIES OF SUPERINTENDENT. The superintendent, with the approval of the board of examiners and within the limits of any appropriation made available for such purposes, shall for such Idaho state police:

a. establish such ranks, grades and positions as shall appear advisable and designate the authority and responsibility in each such rank, grade and position;

b. for each such rank, grade and position set standards and qualifications and fix prerequisites of training, education and experience, prescribe the salaries to be paid and allowances to be granted, including uniform allowances, travel and subsistence allowances and allowances for removal of personal effects upon change of station pursuant to official orders from one post of duty to another;

c. appoint such personnel to such rank, grade and position as are deemed by him to be necessary for the efficient operation and administration of the Idaho state police and devise and administer examinations designed to test applicants for the position therein, and only those applicants shall be appointed or promoted, who best meet the prescribed standards and prerequisites; provided, however, that all employees shall be selected in the manner provided for by section 19-4805, Idaho Code, and shall be probationers and on probation for a period of one (1) year from date of appointment;

d. formulate and place in effect such rules for the Idaho state police as from time to time appear to him advisable;

e. discharge, demote or temporarily suspend for reasonable cause, any employee of the Idaho state police without a hearing; provided however, that such employee may request a hearing, as provided in section 19-4805, Idaho Code, to determine whether such action of the superintendent was justified under the circumstances shown to exist;

f. prescribe by official order the uniform and equipment of the employees in such Idaho state police;

g. charge against each employee the value of any property of the state lost or destroyed through the carelessness or neglect of such employee;

h. station employees in such localities as he shall deem advisable for the enforcement of the laws of the state;

i. have purchased, or otherwise acquired, by the purchasing agent of the state, motor equipment and all other equipment and commodities...
deemed by him essential for efficient performance of the duties of the Idaho state police and purchase and install approved mechanical devices and equipment for the rapid transmission and broadcasting of information relative to crime, apprehension of criminals and the administration of the business of the Idaho state police;

j. establish and maintain information, data, and fingerprint records for the identification of criminals as hereinafter provided, procure and maintain equipment therefor;

k. the superintendent shall cause a copy of the official order prescribing the uniform of the Idaho state police issued by him pursuant to subsection f of this section, together with a facsimile of such uniform and equipment, to be filed with the secretary of state. Any person who shall impersonate or hold himself out as a member of the Idaho state police without being a member of said Idaho state police or who shall without authority wear as clothing the prescribed uniform of the Idaho state police or any part thereof shall be guilty of a misdemeanor and 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.

l. provide, as a part of the retirement severance of an Idaho state police officer retiring after a minimum of twenty-five (25) years' service, the retiring officer's badge, service revolver and handcuffs.

m. (1) The personnel group insurance administrator in the department of administration shall continue, or procure, and administer a contract of group insurance on the lives of all eligible members of the Idaho state police.

(2) There shall be issued to every eligible member of the Idaho state police and pursuant to the contract provided for in subsection (1) thereof, a term group life insurance certificate in the face amount of ten thousand dollars ($10,000) on the life of such members. Said insurance certificate shall set forth the name or names of such beneficiary or beneficiaries as the insured may name or designate.

(3) Any eligible person entering the employ of the Idaho state police as an active police officer after the effective date of this act shall be insured as other members of said Idaho state police immediately upon taking the oath of office.

(4) Every member of the Idaho state police, upon termination of active duty or permanent release, may surrender said certificate to the head of the department, or, at his option, may convert the insurance in accordance with the provisions of the contract, and no further premiums shall be paid on said policy by the state of Idaho.

(5) The superintendent is hereby directed to hereafter include in the biennial budget of the Idaho state police an amount sufficient to pay the annual costs accruing with respect to policies of insurance purchased under the provisions of this act.

(6) The premiums on the insurance herein provided for are to be paid one-half (1/2) by the employee and one-half (1/2) by the state. The superintendent is hereby authorized to make a monthly deduction on the payroll of the amount due from each employee under this act.
(7) Participation in and recovery on the group life insurance policy hereinbefore provided shall act to prevent recovery by any member of the Idaho state police of any and all claims against the state of Idaho other than claims coming under the jurisdiction of the industrial accident board. No provisions of title 41, Idaho Code, shall be construed to prohibit the execution of a contract to that effect.

Approved March 21, 1983.

CHAPTER 64
(H.B. No. 21)

AN ACT
RELATING TO HORSE RACING AND LICENSING OF PARTICIPANTS; AMENDING SECTION 54-2506, IDAHO CODE, TO PROVIDE THAT OTHER THAN ANNUAL LICENSES MAY BE ISSUED BY THE COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2506, Idaho Code, be, and the same is hereby amended to read as follows:

54-2506. DUTIES OF COMMISSION AND LICENSEES -- LICENSE FEE. It shall be the duty of the commission, as soon as possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern race meets and the pari-mutuel system. It shall be the duty of each person holding a license under the authority of the act to comply with this act and with all the rules and regulations promulgated and all orders issued by the commission.

It shall be unlawful for any person, except race meet licensees coming within the provisions of section 54-2508, Idaho Code, to participate, directly or indirectly, in any race meet without first securing and having in full force and effect, an annual license therefor from the commission. The license fee for such annual license shall be set by the commission and which shall be paid to the commission.

The commission shall, by rule and regulation, determine which persons participating, directly or indirectly, in race meets shall require licenses.

SECTION 2. An emergency existing therefor, 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, 1983.
CHAPTER 65
(H.B. No. 64)

AN ACT
RELATING TO STATE HISTORICAL SOCIETY MONEYS; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4129A, IDAHO CODE, TO PROVIDE FOR AN HISTORICAL SOCIETY ACCOUNT, AND TO PROVIDE FOR THE USE OF MONEYS IN THE ACCOUNT, TRANSFERRING ASSETS FROM THE STATE HISTORICAL SOCIETY FOUNDATION FUND TO THE HISTORICAL SOCIETY ACCOUNT AND ABOLISHING THE STATE HISTORICAL SOCIETY FOUNDATION FUND.

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

SECTION 1. That Chapter 41, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4129A, Idaho Code, and to read as follows:

67-4129A. HISTORICAL SOCIETY ACCOUNT. The director of the Idaho state historical society may receive, on behalf of the society, any money or real or personal property donated, bequeathed, devised, or conditionally granted to the society. "Donated," as used in this section, shall include moneys paid by the public for admission to historical facilities operated by the society, and shall include moneys derived from retail sales related to the society's programs.

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 "Historical Society Account," which is hereby established, reserved, set aside and administered to carry out the terms or conditions of such donation, bequest, devise, or grant. Pending such expenditure or use, surplus moneys in the historical society 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 historical society account.

The director shall provide annually, to the legislative auditor, an accounting of the historical society account, setting forth the sources, applications and balance of moneys within the account.

SECTION 2. All moneys or real and personal property belonging to that particular fund or account recorded on the books of the state auditor and the state treasurer as the "State Historical Society Foundation Fund" are hereby transferred to and made a part of the historical society account, and the state historical society foundation fund is abolished.

Approved March 21, 1983.
CHAPTER 66
(S.B. No. 1036)

AN ACT
RELATING TO FEES PAID PURSUANT TO THE SECURITIES ACT; AMENDING SECTION 30-1437, IDAHO CODE, TO PROVIDE THAT WHEN AN APPLICATION FOR REGISTRATION OF A BROKER-DEALER, INVESTMENT ADVISER, OR SALESMAN IS DENIED OR WITHDRAWN THE DIRECTOR OF THE DEPARTMENT OF FINANCE SHALL RETAIN THE FEE.

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

SECTION 1. That Section 30-1437, Idaho Code, be, and the same is hereby amended to read as follows:

30-1437. FEES. The following fees shall be paid in advance under the provisions of this act:

(1) For the registration of securities by notification or coordination or qualification, there shall be paid to the director for the first year of registration a registration fee of one hundred dollars ($100) for the first one hundred thousand dollars ($100,000) of initial issue, or portion thereof in this state, based on offering price, plus one twentieth (1/20th) of one per cent (1%) for any excess over one hundred thousand dollars ($100,000), with a maximum of one thousand dollars ($1,000).

Each year thereafter that a registration remains in effect for securities with respect to which reports are required to be filed under subsections (1) or (2) of section 30-1430, Idaho Code, an additional registration fee shall be paid to the director to be computed at one twentieth (1/20th) of one per cent (1%) of the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year. In no event shall such additional registration fee be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). The registration statement for such securities may be amended to increase the amount of securities to be offered. When an application for registration of securities is denied or withdrawn the director shall retain the fee.

(2) For filing an annual statement the fee shall be ten dollars ($10).

(3) For registration of a broker-dealer or investment adviser the fee shall be one hundred dollars ($100) for original registration and one hundred dollars ($100) for each annual renewal thereof. When an application is denied or withdrawn the director shall retain one-half (1/2) of the fee.

(4) For registration of a salesman the fee shall be twenty dollars ($20) for the original registration with each employer and twenty dollars ($20) for each annual renewal. When an application is denied or withdrawn the director shall retain one-half--(1/2)--of the fee.

(5) For certified copies of any documents filed with the director the fee shall be the cost to the department as determined by the
director.
(6) For each examination covered by the director the fee shall be ten dollars ($10), which fee shall not be refundable.

Approved March 21, 1983.

CHAPTER 67
(S.B. No. 1156)

AN ACT
APPROPRIATING MONEYS TO THE SECRETARY OF STATE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 200, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 1, Chapter 200, Laws of 1982, there is hereby appropriated to the Secretary of State the following amount to be expended for the named program according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:
OPERATION OF THE SECRETARY OF STATE OFFICE:
FOR:
Operating Expenditures
FROM:
General Account

$46,000
$46,000

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 21, 1983.

CHAPTER 68
(S.B. No. 1109)

AN ACT
RELATING TO LEASING OF WATER RIGHTS BY IRRIGATION DISTRICTS; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-335, IDAHO CODE, TO ALLOW IRRIGATION DISTRICTS TO LEASE CERTAIN WATER RIGHTS; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-336, IDAHO CODE, TO PROVIDE FOR NOTIFICATION OF LANDOWNERS IN AN IRRIGATION DISTRICT OF THE DISTRICT'S INTENTION TO LEASE CERTAIN WATER RIGHTS; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-337, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE ELECTION BY LANDOWNERS NOT TO RECEIVE WATER FROM THE IRRIGATION SYSTEM OF THE IRRIGATION DIS-
TRICT; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-338, IDAHO CODE, TO ALLOW LEASING OF WATER RIGHTS BY AN IRRIGATION DISTRICT TO CERTAIN ENTITIES FURNISHING WATER SERVICE INSIDE THE DISTRICT; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-339, IDAHO CODE, TO PROVIDE THAT NO TOLLS OR ASSESSMENTS SHALL BE LEVIED AGAINST LANDS FOR WHICH WATER RIGHTS HAVE BEEN LEASED BY THE IRRIGATION DISTRICT; AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-340, IDAHO CODE, TO PROVIDE FOR USAGE OF MONEY RECEIVED BY THE IRRIGATION DISTRICT FOR LEASED WATER RIGHTS; AND AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-341, IDAHO CODE, TO PROVIDE THAT A LEASE OF WATER RIGHTS UNDER THIS ACT SHALL NOT CONSTITUTE ABANDONMENT, OR BE GROUNDS FOR FORFEITURE OR SHALL BE A CHANGE IN THE PLACE OF USE OR IN THE NATURE OF USE OF THE WATER AND TO PRESCRIBE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AND AMENDING CHAPTER 3, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-342, IDAHO CODE, TO PROVIDE CONDITIONS WHEN A LANDOWNER INSIDE AN IRRIGATION DISTRICT MAY NOT USE WATER FROM THE COMMUNITY DITCH AND TO PROVIDE REMEDIES IF THE LANDOWNER USES WATER FROM THE COMMUNITY DITCH.

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

SECTION 1. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-335, Idaho Code, and to read as follows:

43-335. LEASING OF WATER RIGHTS BY IRRIGATION DISTRICT. Any irrigation district which has within its boundaries residential, commercial or industrial lands, or any combination of those lands, and which holds water rights for those lands, shall have the right to lease, to any municipality, public utility or domestic water users organization which furnishes water service to those lands, those water rights which are held for any residential, commercial or industrial lands for which the owner has elected not to receive his proportionate share of the irrigation district's water through the irrigation system of the district; provided, however, that no water right under which water is delivered through a community ditch shall be leased without the written consent of the ditch users who do not elect not to receive water from the district.

SECTION 2. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-336, Idaho Code, and to read as follows:

43-336. NOTIFICATION OF LANDOWNERS REGARDING LEASE. Whenever the board of directors of an irrigation district resolves to lease all or any portion of any water right or water rights as authorized by section 43-335, Idaho Code, the district shall notify its landowners, by such method as the board shall order, that (1) the district intends
to lease the water right or water rights identified by priority date, quantity and source in the notice, (2) owners of residential, commercial or industrial lands for which the district holds water rights may elect not to receive water from the district for their lands, and (3) consent of other ditch owners who will continue receiving water is required for leasing water rights delivered through community ditches.

SECTION 3. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-337, Idaho Code, and to read as follows:

43-337. REQUIREMENTS OF ELECTION FOR LANDOWNERS. The election under section 43-335, Idaho Code, not to receive water shall be made in writing and shall state:

(a) The name and address of the landowner;
(b) The legal description of the land as to which the election is made;
(c) The date of the notification from the district pursuant to which the election is made;
(d) That the owner elects not to receive water from the irrigation system of the district under the water right held for the land described in the notification of election.

The written notification of election shall be signed by the landowner and shall be delivered to the district at its office. Signature by either spouse shall be sufficient for a valid election as to land which is community property.

SECTION 4. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-338, Idaho Code, and to read as follows:

43-338. LEASING OF WATER RIGHTS TO ENTITIES FURNISHING WATER SERVICE INSIDE THE DISTRICT. An irrigation district shall have the right to lease, to any municipality, public utility or domestic water users organization which furnishes water service to lands lying within the district, those water rights which are held for any lands which are not receiving water for the time being from the irrigation system of the district because the landowner has no ditch, pipeline or other transmission facility for carrying water from the district's system to his land.

SECTION 5. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-339, Idaho Code, and to read as follows:

43-339. NO LEVY AGAINST LANDS WHERE WATER RIGHTS ARE LEASED. After the effective date of a lease by which a water right or any portion thereof is leased by an irrigation district under the authority granted by section 43-335 or 43-338, Idaho Code, the district shall not levy tolls or assessments for any purpose against the lands for
which that water right is held by the district, so long as the lease remains in effect, and any toll or assessment levied in violation of this section shall be void and of no effect whatsoever.

SECTION 6. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-340, Idaho Code, and to read as follows:

43-340. USE OF MONEYS RECEIVED FOR LEASED WATER RIGHTS. All payments of rent received by an irrigation district under a lease of water rights authorized by section 43-335 or 43-338, Idaho Code, shall belong to the district, and it shall not be obligated to reimburse electing landowners for any such rental payments, and such payments shall be deemed to have been received by the district in lieu of tolls or assessments which otherwise would have been levied against the lands for which landowners have elected not to receive water or against the lands to which water cannot be delivered.

SECTION 7. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-341, Idaho Code, and to read as follows:

43-341. EFFECT ON WATER RIGHTS BY LEASING. Use of water under a lease authorized by this act shall not constitute abandonment, or be grounds for forfeiture, of the water right, and shall not be deemed a change in the place of use or in the nature of the use of the water. Any change in the point or points of diversion of water shall require approval of the director of the department of water resources as provided in section 42-222, Idaho Code, but the director shall not be required to determine whether a water right has been abandoned or forfeited, in whole or in part, before approving any change in the point of diversion.

SECTION 8. That Chapter 3, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-342, Idaho Code, and to read as follows:

43-342. LANDOWNER MAY NOT RECEIVE WATER FROM THE DISTRICT AFTER AGREEING TO LEASE WATER RIGHTS. After the effective date of any lease by an irrigation district under the authority granted by section 43-335, Idaho Code, no landowner who has elected not to receive water from the district and who owns land from which the water right has been leased and who has actual knowledge of the lease, shall use water from the community ditch, if any, by which water is carried from the district's system to his land. Any landowner violating this section shall be liable for all costs reasonably incurred by the district in enforcing the provisions of this section.

Approved March 21, 1983.
CHAPTER 69
(S.B. No. 1120)

AN ACT
RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1221, IDAHO CODE, TO PROVIDE THAT ANY COMMISSIONS OR CHARGES OR EXPENSES OF A BANK IN NEW YORK CITY, WHICH HAS BEEN APPOINTED AS THE FISCAL AGENT OF THE STATE OF IDAHO, SHALL BE A PROPER CHARGE AGAINST THE PROCEEDS OF ANY BOND OR NOTE SALE FOR WHICH THE FISCAL AGENT IS APPOINTED; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 67-1221, Idaho Code, be, and the same is hereby amended to read as follows:

67-1221. FISCAL AGENCY IN NEW YORK CITY. The state treasurer may appoint a reputable bank in the city of New York as fiscal agent of the state of Idaho. Such fiscal agent may, under the instructions of the state treasurer, receive and pay out moneys for the state of Idaho. The state treasurer shall, in selecting such fiscal agent, obtain the best terms possible for handling any business of the state which requires payment in the city of New York. Any commissions or charges or expenses for services shall be a proper charge, in the following order, against:

(1) The proceeds of any bond or note sale for which such fiscal agent is appointed, or
(2) The office appropriation of the state treasurer.

Upon formal application to the state treasurer by the holder of any bond or obligation of the state of Idaho, both principal and interest may be paid in the city of New York by such fiscal agent. In all other respects, the provisions of the state depository law must obtain.

SECTION 2. An emergency existing therefor, which 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 July 1, 1982.

Approved March 21, 1983.

CHAPTER 70
(S.B. No. 1039)

AN ACT
RELATING TO RECIPROCAL AGREEMENTS WITH NEIGHBORING STATES; AMENDING SECTION 36-1001, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION BY AGREEMENT TO CERTAIN LIMITATIONS; AND AMENDING SECTION 36-1003, IDAHO CODE, TO PROVIDE AUTHORITY FOR THE IDAHO FISH AND GAME COMMISSION
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TO ENTER INTO RECIPROCAL FISHING AGREEMENTS WITH THE STATES OF WASHINGTON AND OREGON.

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

SECTION 1. That Section 36-1001, Idaho Code, be, and the same is hereby amended to read as follows:

36-1001. IDAHO, OREGON, WASHINGTON BOUNDARY WATERS -- SNAKE RIVER -- RECIPROCITY. (a) Oregon, Idaho Boundary Waters. The right to fish, hunt, or trap in the waters or on the islands of the Snake River where said river forms the boundary line between the state of Oregon and the state of Idaho by the holder of either a valid Oregon or Idaho license therefor in accordance with the laws and rules of the respective state is hereby recognized and made lawful.

(b) Washington, Idaho Boundary Waters. The right to fish or hunt in the waters or on the islands of the Snake River where said river forms the boundary line between the state of Idaho and the state of Washington by the holder of a valid Idaho or Washington license therefor in accordance with the fish and game laws of the respective state is hereby recognized and made lawful.

(c) Purpose and Limitation. The purpose of this section is to avoid the conflict, confusion and difficulty of an attempt to find the exact locations of the state boundary in or on said waters and on said islands of the Snake River. Provided, however, nothing in this section shall be construed to authorize:

1. The holder of an Oregon or Washington license to fish, hunt or trap on the shoreline, sloughs or tributaries on the Idaho side of the Snake River, except by agreement as provided for in section 36-1003(b), Idaho Code.

2. The holder of an Idaho license to angle, hunt or trap on the shoreline, sloughs or tributaries on the Oregon or Washington side of the Snake River, except by agreement as provided for in section 36-1003(b), Idaho Code.

3. The holder of licenses for both Idaho and Oregon or for both Idaho and Washington to exercise the privileges of both such licenses at the same time.

SECTION 2. That Section 36-1003, Idaho Code, be, and the same is hereby amended to read as follows:

36-1003. BEAR LAKE, SNAKE RIVER -- RECIPROCAL RECOGNITION OF LICENSING RIGHTS -- IDAHO, WASHINGTON, OREGON AND UTAH. (a) Bear Lake. The Idaho-fish-and-game commission is authorized to enter into reciprocal agreements with the Utah fish and game commission for the purpose of recognizing license rights of both Idaho and Utah fishing license holders to fish in the waters of Bear Lake, whether or not the said waters are within the state of Idaho or the state of Utah.

(b) Snake River. 1. Oregon Fish and Game Commission. The commission is authorized to enter into reciprocal agreements with the Oregon fish and game commission for the purpose of recognizing license rights of Idaho and Oregon fishing license holders to fish in the waters of the Snake River where those waters form the boundary line between
Idaho and Oregon.

2. Washington Game Commission. The commission is authorized to enter into reciprocal agreements with the Washington game commissioner for the purpose of recognizing license rights of Idaho and Washington fishing license holders to fish in the waters of the Snake River where those waters form the boundary line between Idaho and Washington.

Approved March 21, 1983.

CHAPTER 71
(S.B. No. 1119)

AN ACT
RELATING TO ABSENTEE VOTING IN SCHOOL ELECTIONS; AMENDING SECTION 33-406, IDAHO CODE, TO PROVIDE FOR SCHOOL DISTRICTS TO SEND ABSENTEE BALLOTS BY MAIL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-406, Idaho Code, be, and the same is hereby amended to read as follows:

33-406. ABSENTEE VOTING. For the purposes of this section the term clerk shall mean the clerk of the board of county commissioners whenever an election involves changing the boundaries of school districts, or the creation of new school districts by consolidation of districts or division of a district. In all other school elections the term clerk shall mean the clerk of the board of trustees of the school district.

In any school election, a qualified school elector who expects to be absent from the district on the day of the election, or who will be unable, because of physical disability or blindness, to go to the polling place, may vote in such election in the manner herein provided.

Any such elector may make written application to the clerk for a ballot or ballots of the kind or kinds to be voted on at such election, which application shall contain the name of the elector, the trustee zone of the district in which he resides, and his present address.

The clerk receiving such application shall, not more than ten (10) days prior to the day of the election, deliver to said applicant elector personally or shall mail to him by registered mail at the mailing address given in the application, postage prepaid, a ballot or ballots, one (1) of each kind thereof, to be voted on in the election, and a form of oath of qualification.

The elector shall vote in secret and shall inclose his ballot or ballots together with the form of oath of qualification executed by him, in an envelope to be supplied by the clerk, seal the same, and place thereon his name and the date the vote was cast, and shall place the said envelope in another envelope and address and mail, or
deliver, the same to the clerk.

Any elector physically unable to mark his own ballot may receive assistance in marking his ballot from the officer delivering same or an available person of his own choosing. In the event the officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. No election officer or any other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

The written applications shall be kept by the clerk as a part of the records of the election and he shall, on the day of the election and before the polling places are closed, deliver to the proper board of election all such envelopes together with a list, compiled and signed by him, of the electors making application to vote in absentia.

The board of election shall verify all envelopes delivered to it by the clerk against the names appearing on the said list, open the envelopes and examine the elector's oath. If these are found to be in order, the ballots shall be removed from the envelopes and placed in the ballot box in the same manner as though the elector were personally present and voting; and the voter's name shall thereupon be subscribed in any polling book or other record kept at 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 23, 1983.

CHAPTER 72
(S.B. No. 1159)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 168, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 168, Laws of 1982, there is hereby appropriated to the Department of Labor and Industrial Services the following amounts to be expended for the named program according to the designated expense class from the listed accounts for the period July 1, 1982, through June 30, 1983:

ADMINISTRATION:
FOR:
Operating Expenditures $14,600
FROM:
Electrical Board Account $5,400
Idaho Building Code Account 4,500
Plumbing Board Account

TOTAL

<p>| | |</p>
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<td>4,700</td>
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<td>$14,600</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 23, 1983.
CHAPTER 73
(S.B. No. 1158)

AN ACT
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 1984; 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 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, 1983, through June 30, 1984:

OPERATION OF THE SECRETARY OF STATE OFFICE:

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<thead>
<tr>
<th>FOR</th>
<th>FROM</th>
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<tbody>
<tr>
<td>Personnel Costs</td>
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<td>TOTAL</td>
<td>$548,700</td>
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</table>

SECTION 2. 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, 1983, through June 30, 1984:

COMMISSION ON UNIFORM STATE LAWS:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM</th>
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<td>General Account</td>
</tr>
<tr>
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<td>$7,100</td>
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</tbody>
</table>

SECTION 3. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Commission on Arts and Humanities the following amounts, to be expended for the designated program according to designated expense classes from the listed accounts for the period July 1, 1983, through June 30, 1984:

ARTS AND HUMANITIES COMMISSION:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
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<tr>
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<td>$180,200</td>
<td>390,600</td>
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<td>TOTAL</td>
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<td>$209,500</td>
<td>$1,100</td>
<td>$180,200</td>
<td>$536,300</td>
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</table>

SECTION 4. 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 Secretary of State to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Secretary of State and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 23, 1983.
CHAPTER 74
(S.B. No. 1047)

AN ACT
RELATING TO LICENSES FOR OUTFITTERS AND GUIDES; AMENDING SECTION 36-2108, IDAHO CODE, TO INCREASE OUTFITTER'S AND GUIDE'S LICENSE FEES.

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

SECTION 1. That Section 36-2108, Idaho Code, be, and the same is hereby amended to read as follows:

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.
1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the big game hunting boundaries for which application is made for a license, if applying for an outfitter's license to hunt big game.
2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter by whom the applicant will be employed for the license year for which application is made.
(b) Applications shall be made to and filed with the board and accompanied by:
1. A statement by the appropriate Idaho department of fish and game district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the five (5) year period next preceding the application date.
2. A license fee as hereinafter provided, which will not be refunded, except where a license is denied to an applicant who had held during the preceding license year a license of the same kind for which application is made, in order that such fee may be used in investigation of the applicant, for enforcement of this act, and for the administration costs of the board.
3. The license fee for resident outfitters shall be one hundred seventy-five dollars ($175.00) and for resident guides fifty-six dollars ($56.00) and the license fee for nonresident outfitters shall be one two hundred seventy-five dollars ($175.00) and for nonresident guides one hundred seventy-five dollars ($175.00). A penalty fee in the amount of fifty dollars ($50.00) shall be charged in addition to the regular resident or nonresident outfitter's license fee for any such renewal applicant whose application is not complete by March 31 of the year in which application for such license is made; this does not apply to a new applicant for an outfitter's license. A ten dollar ($10.00) fee
shall be charged for every amendment to a license.

4. A bond to the state of Idaho for the benefit of person or persons employing the licensee and in a form approved by the board in the sum of five thousand dollars ($5,000) for outfitters, executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made shall not be later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or thirty (30) days from the date the board receives all such materials, whichever is later; and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same big game hunting area for which application is made, not later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

Approved March 23, 1983.

CHAPTER 75
(S.B. No. 1034, As Amended)

AN ACT
RELATING TO DOGS BEING TRAINED TO BECOME GUIDE DOGS FOR THE BLIND; AMENDING CHAPTER 58, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5812B, IDAHO CODE, TO PROVIDE THAT PERSONS SHALL NOT BE DENIED ACCESS TO PUBLIC PLACES BY REASON OF THE PERSON BEING ACCOMPANIED BY A DOG WHICH IS BEING SPECIALLY TRAINED AND SOCIALIZED FOR THE PURPOSE OF BEING A GUIDE DOG FOR THE BLIND, TO PROVIDE DUTIES OF THE PERSON TRAINING THE DOG, AND TO PROVIDE CRIMINAL PENALTIES FOR PERSONS OR ENTITIES VIOLATING THE PROVISIONS OF THIS SECTION; AMENDING CHAPTER 7, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-704A, IDAHO CODE, TO PROVIDE RIGHTS, DUTIES AND LIABILITIES OF PERSONS TRAINING OR SOCIALIZING A DOG FOR THE PURPOSE OF BEING A GUIDE DOG FOR THE BLIND AND TO PROVIDE LIABILITIES OF OWNERS, LESSORS OR MANAGERS OF PROPERTY; AND AMENDING SECTION 67-5407, IDAHO CODE, TO PROVIDE THAT THE COMMISSION FOR THE BLIND SHALL ISSUE TAGS AT NO CHARGE TO PERSONS TRAINING OR SOCIALIZING A DOG TO BECOME A GUIDE DOG FOR THE BLIND
AND FOR UTILIZATION AS A GUIDE DOG FOR THE BLIND FOR PURPOSES OF
IDENTIFICATION WHEN THE DOG IS IN PUBLIC PLACES.

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

SECTION 1. That Chapter 58, 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 18-5812B, Idaho Code, and to read as
follows:

18-5812B. PERSON MAY BE ACCOMPANIED BY A DOG BEING TRAINED TO
BECOME A GUIDE DOG FOR THE BLIND. (1) A person shall not be denied the
use of any common carrier or public transportation facility or admittance
to any hotel, motel, cafe, elevator, or any other public place
within the state of Idaho by reason of being accompanied by a dog
which is being specially trained and socialized for the purpose of
being a guide dog for the blind. Any dog being trained and socialized
to become a guide dog for the blind shall be properly harnessed or
leashed so that the person may maintain control of the dog and the dog
shall have attached to its collar a special and brightly colored
flourescent tag issued by the commission for the blind under the
provisions of subsection (1) of section 67-5407, Idaho Code. Addition­
ally, the dog shall be accompanying the person as part of its training
to become a guide dog for the blind.

(2) Any person, firm, association, partnership or corporation vio­
lating the provisions of this section shall be guilty of a mi­s­
demeanor.

SECTION 2. That Chapter 7, Title 56, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 56-704A, Idaho Code, and to read as
follows:

56-704A. PERSONS TRAINING DOGS TO BECOME GUIDE DOGS FOR THE BLIND
--RIGHTS -- LIABILITY. Every person who is specially training or
socializing a dog for the purpose of being a guide dog for the blind
shall have the right to be accompanied by the dog in any of the places
listed in section 56-703, Idaho Code, without being required to pay an
extra charge for the dog if the accompaniment is part of the dog's
training or socialization to become a guide dog and the dog has
attached to its collar the special and brightly colored flourescent
tag issued by the commission for the blind under the provisions of
subsection (1) of section 67-5407, Idaho Code. The person shall be
fully liable for any damages done to the premises or facilities by the
dog and no liability to other persons shall be attached to the owner,
lessor or manager of the property, arising out of activities permitted
by this act.

SECTION 3. That Section 67-5407, Idaho Code, be, and the same is
hereby amended to read as follows:

67-5407. DUTIES. The commission shall:
(a) Assist blind persons in achieving physical and psychological
orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, vocational and other rehabilitation training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

(c) Provide a business enterprise program including management, supervision and development services.

(d) Enter into such contracts with the United States library of congress division for the blind and physically handicapped as are necessary to be designated, the talking book machine lending agency, and shall distribute such machines to those individuals entitled to such services under such contracts.

(e) Provide a program for the prevention of blindness and sight restoration as designed in this act. The commissioner shall pay for all necessary expenses incurred in connection with the diagnosis, treatment or surgery to prevent blindness or restore vision. Necessary expenses include the cost of getting service, the cost of services, medical and physician fees, hospital services, nursing services, maintenance while the applicant or recipient is away from the home, transportation to the physician or hospital and return to his home, and the cost of nursing home care when such care is necessary. These services will be provided to individuals without financial resources to procure such services for themselves.

(f) Establish rules and regulations in accordance with the provisions of the administrative procedure act.

(g) On or before December first in 1968, and each year thereafter, render a report to the legislature and to the governor of its activities, including recommendations for improvements therein.

(h) Enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the commission shall receive federal grants or other benefits for the prevention of blindness or for services to the blind, including medical eye care, instruction in the home, social adjustment and vocational and other rehabilitations, and shall act as the official state agency to collaborate with the federal government in the administration of any present or subsequent programs that may be set up for the purposes of providing services to or rehabilitating the blind.

(i) Issue a special and brightly colored fluorescent tag at no charge to any person training and socializing a dog to become a guide dog for the blind, and for use at times when that person takes the dog into places listed in section 56-703, Idaho Code, as a necessary part of the dog's training to become or for utilization as a guide dog for the blind. The tags shall bear an identifying number.

Approved March 23, 1983.
CHAPTER 76
(H.B. No. 274)

AN ACT
APPROPRIATING MONEYS TO THE STATE TREASURER IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 199, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 1, Chapter 199, Laws of 1982, there is hereby appropriated to the State Treasurer the following amounts to be expended according to the designated expense classes from the listed accounts for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
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<tr>
<td>General Account</td>
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<td>$600</td>
<td>$2,200</td>
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<tr>
<td>Interagency Billing and</td>
<td></td>
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<tr>
<td>Receipts Account</td>
<td>18,000</td>
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<td>18,000</td>
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<tr>
<td>TOTAL</td>
<td>$19,600</td>
<td>$600</td>
<td>$20,200</td>
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</table>

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

Approved March 23, 1983.

CHAPTER 77
(H.B. No. 275)

AN ACT
APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 97, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 1, Chapter 97, Laws of 1982, there is hereby appropriated to the Lieutenant Governor the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

FOR: Personnel Costs $2,400
FROM:
General Account $2,400

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 March 23, 1983.

CHAPTER 78
(H.B. No. 235)

AN ACT
RELATING TO FEES FOR MOTOR VEHICLE REGISTRATION PLATES; AMENDING SECTION 49-157, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE ADDITIONAL FEE CHARGED FOR LICENSE PLATES FOR MOTOR VEHICLES.

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 plate or plates are issued for vehicle registration, there shall be charged a fee of ninety one dollar and ten cents ($1.10) 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 state highway account, any other provision of law notwithstanding.

Approved March 23, 1983.

CHAPTER 79
(H.B. No. 134)

AN ACT
RELATING TO LICENSE PLATES FOR THE HANDICAPPED; AMENDING SECTION 49-236, IDAHO CODE, TO EXPAND PROVISIONS FOR LICENSE PLATES FOR THE HANDICAPPED TO INCLUDE VEHICLES EIGHT THOUSAND POUNDS OR MORE GROSS WEIGHT.

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) Notwithstanding its gross weight, 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 any other license plates for noncommercial vehicles.

(2) A "handicapped person" means a person:
(a) Who has lost, or has lost the use of, one (1) or both lower extremities or both hands, or who has significant limitation in the use of lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistant device.
(b) Who is blind to such an extent that the person's central visual acuity does not exceed 20/200 in the better eye, with corrective lenses, as measured by the Snellen test, or visual acuity that is greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than twenty (20) degrees.
(c) Who suffers from lung disease to the extent that his forced (respiratory) expiratory volume for one (1) second when measured by spirometry is less than one (1) liter or his arterial oxygen tension (pO₂) is less than 60mm/Hg on room air at rest.
(d) Who is impaired by cardiovascular disease to the extent that his functional limitations are classified in severity as class III or class IV according to standards accepted by the American Heart Association.

(3) The department 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, for vehicles not in excess of eight thousand (8,000) pounds gross weight, and as provided in section 49-127(d)4, Idaho Code, for vehicles eight thousand (8,000) pounds or more gross weight. Nothing in this section shall be construed as abrogating provisions of section 49-2802, 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 department, but all such plates shall display the international handicapped symbol as shown herein.

(6) 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, and to park in any public parking space with metered parking without being required to pay any parking meter
fee. 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.

Approved March 23, 1983.

CHAPTER 80
(H.B. No. 93)

AN ACT
RELATING TO FEES FOR CERTIFICATES ISSUED BY THE BOARD OF EDUCATION;
AMENDING SECTION 33-1205, IDAHO CODE, TO PROVIDE THAT FOR EACH
APPLICATION FOR AN ORIGINAL CERTIFICATE AND FOR EACH RENEWAL A
NONREFUNDABLE FEE SHALL BE SET BY THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Section 33-1205, Idaho Code, be, and the same is hereby amended to read as follows:

33-1205. CERTIFICATE RECORDS AND FEES. The state board of education shall cause to be maintained a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor. For each application for an original certificate issued, and each renewal the state board shall set a nonrefundable fee, in an amount not to exceed twenty dollars ($20.00). The fee shall be used by the professional standards commission for payment of the reasonable expenses in performing its duties and responsibilities as approved by the state board of education and a portion of the fees shall be used by the state department of education to partially defray the cost of the office of certification.

Approved March 23, 1983.

CHAPTER 81
(H.B. No. 271)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION IN ADDITION TO
THE APPROPRIATION CONTAINED IN SECTION 2, CHAPTER 224, LAWS OF
1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation contained in Section 2, Chapter 224, Laws of 1982, there is hereby appropriated to the Department of Correction the following amounts to be expended for the
named programs according to the designated expense classes from the listed account for the period July 1, 1982, through June 30, 1983:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. INCARCERATION:</td>
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<tr>
<td>General Account</td>
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<td>B. IDAHO SECURITY MEDICAL FACILITY:</td>
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<td>$ 45,500</td>
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<td>GRAND TOTAL</td>
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</table>

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

Approved March 23, 1983.

CHAPTER 82
(S.B. No. 1005, As Amended, As Amended in the House)

AN ACT
RELATING TO CRIMES AGAINST AIRCRAFT; AMENDING SECTION 21-702, IDAHO CODE, TO PROVIDE THAT THROWING OBJECTS AT A MOVING AIRCRAFT OR DISCHARGING WEAPONS AT AN AIRCRAFT IS A FELONY.

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

SECTION 1. That Section 21-702, Idaho Code, be, and the same is hereby amended to read as follows:

21-702. STEALING FROM, INTERFERING WITH, OR DESTRUCTION OF AIRCRAFT OR AIR NAVIGATION FACILITIES. Any person who intentionally or with reckless disregard for the safety of human life:

(a) damages, destroys, disables, sets fire to, tampers with, or wrecks any aircraft, aircraft navigation facility, or aircraft engine, propeller, radio, antenna or spare part, or cuts any wire or removes, damages, or tampers with any functional part of any aircraft or air navigation facility, or,

(b) places or causes to be placed any destructive substance in, upon, or in proximity to, any such aircraft or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid or other material used or intended to be used in connection with the operation of any such aircraft or any cargo carried or intended to be carried on any such aircraft or otherwise makes or causes to be made any such aircraft, engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid or other mate-
(c) removes, steals, takes or carries away any part of an aircraft, aircraft engine, propeller, radio, air navigation facility or appliance used in connection with an aircraft, or
(d) throws an object at, or drops an object upon, a moving aircraft, such object having the apparent capability to do harm, or
(e) discharges an arrow, gun, airgun or firearm at or toward an aircraft,

shall be guilty of a felony and shall be punished by a fine of not more than ten thousand dollars ($10,000) or imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.

Approved March 26, 1983.

CHAPTER 83
(S.B. No. 1100, As Amended in the House)

AN ACT
RELATING TO RENEWAL OF CONTRACTS FOR PUBLIC SCHOOL PERSONNEL; AMENDING SECTION 33-513, IDAHO CODE, TO POSTPONE THE DATE FOR NOTICE OF RENEWAL OF CONTRACT OF EMPLOYEES IN THE FIRST THREE YEARS OF EMPLOYMENT; AMENDING SECTION 33-1212, IDAHO CODE, TO POSTPONE THE DATE OF NOTICE OF RENEWAL OF A RENEWABLE CONTRACT; AMENDING SECTION 33-1213, IDAHO CODE, TO POSTPONE THE DATE OF REQUIRED NOTICE OF INTENT NOT TO RENEW A CONTRACT OR TO REDUCE SALARY; AND AMENDING SECTION 33-1214, IDAHO CODE, TO POSTPONE THE DATE WHEN A CERTIFICATED EMPLOYEE MUST NOTIFY A DISTRICT OF INTENT NOT TO CONTINUE EMPLOYMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has delivered a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the date the contract is delivered, in which to sign the contract and return it to the board. Delivery of a contract may be made only in person or by certified mail, return
receipt requested. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made by certified mail, delivery must be acknowledged by the return of the certified mail receipt from the person to whom the contract was sent. Should the person refuse to sign a receipt for personal service or refuse or fail to sign for the certified mail, the contract may be served upon the person in accordance with rules 4(c) and 4(d) of the Idaho rules of civil procedure and a return of service prepared in accordance with rule 4(g) of the Idaho rules of civil procedure and such return of service filed with the clerk of the board of trustees.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time spent in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers' association; nor while school is closed as provided in section 33-1001, Idaho Code.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative.

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. To employ assistant superintendents and principals for a term not to exceed two (2) years. Service performed under such contract shall be included in meeting the provisions of section 33-1212, Idaho Code, as a teacher and persons eligible for a renewable contract as a teacher shall retain such eligibility.

5. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee, except the superintendent, shall be discharged during a contract term except under the following procedures:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any such employee by filing with the board of trustees written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board shall give the affected employee written notice of the allegations and the recommendation of discharge, along with written notice of a hearing before the board prior to any determination by the board of the truth of the allegations.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than twenty-one (21) days after receipt of
the notice by the employee. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be public unless the employee requests in writing that it be in executive session.

(e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board, may administer oaths to witnesses or affirmations by witnesses.

(f) The employee may be represented by legal counsel and/or by a representative of a local or state teachers association.

(g) The chairman of the board or the designee of the chairman shall conduct the hearing.

(h) The board shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board upon request of the employee.

(i) At the hearing the superintendent or other duly authorized administrative officer shall present evidence to substantiate the allegations contained in such notice.

(j) The employee may produce evidence to refute the allegations. Any witness presented by the superintendent or by the employee shall be subject to cross-examination. The board may also examine witnesses.

(k) The parties may file written briefs and arguments with the board within three (3) days or such other time as may be agreed on if requested by either party or the board before the close of the hearing.

(l) Within fifteen (15) days following the close of the hearing, the board shall determine and shall notify the employee in writing whether the evidence presented at the hearing established the truth of the allegations and whether the employee is to be discharged or retained.

6. To establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-1212, Idaho Code. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year, and when any such teacher's work is found to be unsatisfactory a probationary period shall be established which shall continue until the time for the reissuing of the yearly contract as provided in this paragraph. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the individual placed on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the teacher shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Until the third year of continuous employment by the same school district, including any specially chartered district, each such certificated employee shall be given notice, in writing, whether he will be reemployed for the next ensuing year. Such notice
shall be given by the board of trustees no later than the fifteenth day of May June of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees.

7. To request, under extenuating circumstances, special retirement consideration from the public employees retirement board on behalf of any employee on renewable contract under section 33-1212, Idaho Code, if such employee is fifty-five (55) years of age or older.

SECTION 2. That Section 33-1212, Idaho Code, be, and the same is hereby amended to read as follows:

33-1212. RENEWABLE CONTRACT. During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection 13 of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, having given notice of acceptance of renewal and upon signing a contract for a fourth full year, be placed on a renewable contract status with said school district, until the age of sixty-five (65) years is attained, and subject to the provisions included in this chapter.

Except as otherwise provided, each such certificated employee, school nurse, or school librarian shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the fifteenth day of May preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice hereinabove and that failure so to do may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the twentieth day of April, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by section 33-1213, Idaho Code.

Any contract automatically renewed under the provisions of this section shall be for the same length of the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, or service, or both.

Nothing herein shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, from reassigning administrative or supervisory employees to classroom teaching duties with appropriate reduction of salaries from pre-existing contracts.

Before a board of trustees can determine not to renew the contract of any certificated person whose contract would otherwise be automati-
cally renewed, or to renew the contract of any such person at a reduced salary, such person shall be entitled to a probationary period. This period of probation shall be preceded by a written notice from the board of trustees with reasons for such probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's renewable contract status.

If the board of trustees, for reasons other than unsatisfactory service, determines not to renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.

SECTION 3. That Section 33-1213, Idaho Code, be, and the same is hereby amended to read as follows:

33-1213. NOTICE OF INTENT NOT TO RENEW CONTRACT OR TO REDUCE SALARY. Upon receiving written notice from the superintendent or other duly authorized officer of the school district showing why the contract of any certificated employee whose contract would otherwise be automatically renewed should not be renewed, or that the contract of any such employee should be renewed but at a reduced salary, as provided in section 33-1212, Idaho Code, the board of trustees shall give a written notice of possible nonrenewal or salary reduction to such employee, along with written notice of the allegations and a hearing to be held before the board. This notice must be given to the affected employee not later than the twenty-fifth day of April preceding the expiration of the term of the employee's current contract. The hearing shall be scheduled to take place not less than thirty (30) days nor more than forty-five (45) days after the receipt of the notice by the employee. The procedures for the hearing itself and the decision of the board shall be consistent with the other procedures specified in section 33-513(4), Idaho Code.

SECTION 4. That Section 33-1214, Idaho Code, be, and the same is hereby amended to read as follows:

33-1214. RELEASE FROM CONTRACT. Should any certificated employee desire release from the ensuing contract after the first day of June, the board of trustees of any school district, including any specially chartered district, may at its discretion request a hearing before the professional standards commission, alleging that the certificated employee is guilty of unethical or unprofessional practice.

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 28, 1983.
AN ACT
RELATING TO THE STATE BUDGET LAW; AMENDING SECTION 67-3516, IDAHO CODE, TO PROVIDE THAT CASH RECEIPTS RECEIVED BY A STATE AGENCY FROM THE SALE OF CAPITAL ITEMS OR INSURANCE SETTLEMENTS MUST BE USED ONLY FOR LIKE KIND ITEMS, OR ANY OTHER EXPENSES NECESSARY TO CORRECT THE DAMAGES; AND AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE THAT RECEIPTS FROM THE SALE OF CAPITAL OUTLAY MAY BE INCLUDED IN AN AGENCY'S APPROPRIATION AND EXPENDED ONLY FOR LIKE KIND CAPITAL OUTLAY ITEMS.

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 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 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 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 legislature through an appropriation for the state operating and dedi-
cated 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 inter-agency 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) 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, 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 of capital outlay items, or any other expenses necessary to correct the damages.

SECTION 2. 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 department 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 department and the state board of education) and approval of the application by the administrator of the division of 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 may be included as an increase to an agency's appropriation and must be identified at a class code level. Expenditure of such receipts must be for like kind capital outlay items.

Approved March 28, 1983.

CHAPTER 85
(S.B. No. 1057, As Amended)

AN ACT
RELATING TO THE TRANSFER OF PUPILS; REPEALING SECTION 33-1402A, IDAHO CODE; AMENDING SECTION 33-1404, IDAHO CODE, TO REQUIRE DISTRICTS TO RECEIVE AND ADMIT NONRESIDENT PUPILS WHO ARE PLACED BY COURT ORDER UNDER YOUTH REHABILITATION OR CHILD PROTECTIVE ACTS AND RESIDE IN LICENSED GROUP HOMES, AGENCIES AND INSTITUTIONS; AMENDING SECTION 33-1406, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES AND TO PERMIT CREDITOR DISTRICTS TO RECEIVE TUITION-EQUIVALENCY ALLOWANCES FOR COURT PLACED NONRESIDENT PUPILS THROUGH PROCEDURES ESTABLISHED IN SECTION 33-1002, IDAHO CODE; AND AMENDING SECTION 33-1002, IDAHO CODE, TO ESTABLISH A DISTRICT TUITION-EQUIVALENCY ALLOWANCE FOR NONRESIDENT PUPILS RESIDING IN LICENSED GROUP HOMES, AGENCIES AND INSTITUTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1402A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-1404, Idaho Code, be, and the same is hereby amended to read as follows:

33-1404. DISTRICTS TO RECEIVE PUPILS. Every school district shall receive and admit pupils transferred thereto, where payment of their tuition is to be paid by the home district, parent or guardian or waived by the receiving district, except when any such transfer would work a hardship on the receiving district; but no district shall be required to accept and admit secondary school pupils who have not completed the grades given in their home districts, nor pupils who have failed in any of their home district classes in the year preceding the proposed transfer. Nonresident pupils who are placed by court order under provisions of the Idaho youth rehabilitation or child protective acts and reside in licensed group homes, agencies and institutions shall be received and admitted by the school district in which the facility is located.

SECTION 3. That Section 33-1406, Idaho Code, be, and the same is
hereby amended to read as follows:

33-1406. BILLS OF TUITION. Bills of tuition for nonresident pupils shall be rendered by each creditor district and for nonresident pupils attending any school of the creditor district under the provisions of sections 33-1402A, 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to the home district of such pupils. In all other cases, the creditor district may submit to the parent or guardian of any nonresident pupil attending school in its district a bill of tuition of such pupil, and such parent or guardian shall be liable for the payment of said tuition, if so billed. Tuition reimbursement for nonresident pupils who are placed by court order under provisions of the Idaho youth rehabilitation or child protective acts may be obtained by the creditor district through procedures established in section 33-1002, Idaho Code, for nonresident tuition-equivalency allowance.

Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state board of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended 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. Without including any allowance as a credit for prepaid taxes, as provided by section 63-1607, Idaho Code, the local districts' contribution shall be twenty-five hundredths percent (.25%) of the total state adjusted market value for assessment purposes for the previous year and twenty-five hundredths percent (.25%) the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.

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 deter­
mine average daily attendance and the time for, and method of, submis­
sion 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 deter­
mind by using the tables set out hereafter called computation of
elementary support units, computation of secondary support units, com­
putation 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

<table>
<thead>
<tr>
<th>28 Weeks ADA</th>
<th>ADA Per Unit</th>
<th>Units Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 or more</td>
<td>40</td>
<td>1 or more as computed</td>
</tr>
<tr>
<td>31 - 40.99 ADA</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>26 - 30.99 ADA</td>
<td></td>
<td>.85</td>
</tr>
<tr>
<td>21 - 25.99 ADA</td>
<td></td>
<td>.75</td>
</tr>
<tr>
<td>16 - 20.99 ADA</td>
<td></td>
<td>.6</td>
</tr>
<tr>
<td>8 - 15.99 ADA</td>
<td></td>
<td>.5</td>
</tr>
<tr>
<td>1 - 7.99 ADA</td>
<td></td>
<td>count as elementary</td>
</tr>
</tbody>
</table>

COMPUTATION OF ELEMENTARY SUPPORT UNITS

<table>
<thead>
<tr>
<th>28 Weeks ADA</th>
<th>ADA Per Unit</th>
<th>Minimum Units Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 or more ADA</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>110 - 299.99 ADA</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>1 - 109.99 ADA</td>
<td></td>
<td>Units allowed as follows:</td>
</tr>
<tr>
<td>90 - 109.99 ADA</td>
<td>90 - 109.99 ADA</td>
<td>6</td>
</tr>
<tr>
<td>70 - 89.99 ADA</td>
<td>70 - 89.99 ADA</td>
<td>5</td>
</tr>
<tr>
<td>51 - 69.99 ADA</td>
<td>51 - 69.99 ADA</td>
<td>4</td>
</tr>
<tr>
<td>31 - 50.99 ADA</td>
<td>31 - 50.99 ADA</td>
<td>3</td>
</tr>
<tr>
<td>16 - 30.99 ADA</td>
<td>16 - 30.99 ADA</td>
<td>2</td>
</tr>
<tr>
<td>1 - 15.99 ADA</td>
<td>1 - 15.99 ADA</td>
<td>1</td>
</tr>
</tbody>
</table>

COMPUTATION OF SECONDARY SUPPORT UNITS

<table>
<thead>
<tr>
<th>28 Weeks ADA</th>
<th>ADA Per Unit</th>
<th>Minimum Units Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 or more ADA</td>
<td>18.5</td>
<td>47</td>
</tr>
<tr>
<td>400 - 749.99 ADA</td>
<td>16</td>
<td>28</td>
</tr>
</tbody>
</table>
300 - 399.99 ADA 14.5 22
200 - 299.99 ADA 13.5 17
100 - 199.99 ADA 12 9
99.99 or fewer Units allowed as follows:
- Grades 7-12
- Grades 9-12
- Grades 7-9
- Grades 7-8

Grades 7-12
Grades 9-12
Grades 7-9
Grades 7-8

Computations of Exceptional Education Support Units

28 Weeks ADA ADA Per Unit Units Allowed
14 or more... 14.5 1 or more as computed
12 - 13.99.... 1.8
8 - 11.99.... 0.75
4 - 7.99.... 0.5
1 - 3.99.... 0.25

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. Without including any allowance as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, the district contribution calculation shall be twenty-five hundredths percent (.25%) of the district's adjusted market value for assessment purposes for the previous year and twenty-five hundredths percent (.25%) of the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.
   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. Nonresident Pupil Tuition-Equivalency Allowance. Districts which educate nonresident pupils placed by Idaho court order in licensed group homes, agencies or institutions shall be eligible for an allowance equivalent to the previous year's certified local annual tuition rate per pupil. This district allowance shall be in addition to support unit funding and included in district apportionment payments, subject to approval of district applications by the state department of education.

f. 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.

fg. 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.

gh. Exceptional Child Tuition-Equivalency Allowance. Districts which educate school age exceptional children residing in state institutions, licensed and certified intermediate care facilities,
or licensed private nonprofit residential facilities shall be eli­
gible for an allowance equivalent to the previous year's certified
local annual tuition rate per child. This district allowance shall
be in addition to exceptional child unit funding and included in
district apportionment payments, subject to approval of district
applications by the state department of education.

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 28, 1983.

CHAPTER 86
(S.B. No. 1143)

AN ACT
RELATING TO PUBLICATION OF RULES AND REGULATIONS; AMENDING SECTION
67-5205, IDAHO CODE, TO REMOVE FROM THE LIST OF LIBRARIES RECEIVING
RULES THE GRANGEVILLE LIBRARY AND INSERT IN LIEU THEREOF THE
IDAHO COUNTY COURT HOUSE LAW LIBRARY.

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. Compila­
tions 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 offi­
cials of this state free of charge, and to other persons at prices
fixed by each agency to cover mailing and publication cost.

(c) Each agency shall provide a complete set of rules, and fur­
nish materials to keep the rules current, to the following libraries:
Boise public library, Boise State University library, Bonners Ferry
public library, Burley public library, College of Idaho library, Col­
lege of Southern Idaho library, Grangeville-public Idaho County Cour­
thouse law library, Hailey public library, Idaho Falls public library,
Idaho State law library, Idaho State University library, Lewis-Clark
State College library, McCall public library, Mountain Home public
library, North Idaho College library, Northwest Nazarene College
library, Pocatello public library, Ricks College library, Salmon
public library, Sandpoint public library, Soda Springs public library,
University of Idaho law library, University of Idaho library, Wallace
public library and the Weiser public 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, con­
stitute 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 28, 1983.

CHAPTER 87
(S.B. No. 1135)

AN ACT
RELATING TO NONCLASSIFIED STATE EMPLOYEES; AMENDING SECTION 59-1607, IDAHO CODE, TO ADD AGRICULTURAL EMPLOYEES FOR THE DEPARTMENT OF CORRECTION TO THOSE EMPLOYEES INELIGIBLE FOR CASH COMPENSATION OR COMPENSATORY TIME FOR OVERTIME WORK.

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

SECTION 1. That Section 59-1607, Idaho Code, be, and the same is hereby amended to read as follows:

59-1607. HOURS OF WORK -- OVERTIME. (1) It is the policy of the legislature of the state of Idaho that all nonclassified officers and employees of state government shall be treated equally with reference to hours of employment, holidays and vacation leave in the same manner as classified employees, except as provided in this chapter. The policy of this state shall not restrict the extension of regular work hour schedules on an overtime basis, which shall be the same as for classified employees, in those activities and duties where such extension is necessary and authorized by the appointing authority.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible nonclassified officers and employees.

(3) Nonclassified officers and employees who fall within one or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:
   (a) If he holds an elective office;
   (b) If he holds an office or position for which confirmation by the senate is required;
   (c) If he is a departmental director, or equivalent;
   (d) If he is a division administrator, or equivalent;
   (e) If he is included in the definition of section 67-5303(i), Idaho Code;
   (f) If he is an emergency or "pick up" fire fighter;
   (g) If he is an agricultural employee for the department of correction.

(4) Nonclassified officers and employees who fall within the definition of executive, administrative or professional as provided in
section 67-5302, Idaho Code, and who are not included in the definition of subsection (3) above, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such nonclassified officers and employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(5) Nonclassified officers and employees who do not meet the definition of executive, administrative or professional as provided in section 67-5302, Idaho Code, and are not included in the definition of subsection (3) above, shall be eligible for cash compensation or compensatory time off from duty for overtime work. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

Approved March 28, 1983.

CHAPTER 88
(S.B. No. 1147)

AN ACT
RELATING TO THE RESPONSIBILITIES OF COUNTY WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-3018, IDAHO CODE, TO PROVIDE THAT COUNTY WIDE HIGHWAY DISTRICTS SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 65, TITLE 67, IDAHO CODE, AND TO EXPAND AND CLARIFY THE PLANNING FUNCTION OF COUNTY WIDE HIGHWAY DISTRICTS CONCERNING THE ADMINISTRATION OF AND PLANNING FOR PROPOSED SUBDIVISIONS WITHIN THE DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 40-3018, Idaho Code, be, and the same is hereby amended to read as follows:

40-3018. RESPONSIBILITIES OF SINGLE COUNTY WIDE HIGHWAY DISTRICTS WITHIN CITIES -- FINAL DECISION ON URBAN RENEWAL PROJECTS -- SETTLEMENT OF QUESTIONS. (1) The responsibility of highway districts organized under the provisions of this chapter, within the limits of any city shall be the design, construction, reconstruction and maintenance
of city rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads and retaining walls. Within city rights of way, such design, construction, reconstruction and maintenance shall include:

(a) traffic and safety engineering for both motorist and pedestrian traffic;
(b) procurement and installation of street lighting where such is primarily of benefit to the motorist; energy costs and maintenance shall thereafter be a function of the city;
(c) procurement, installation, operation and maintenance of traffic control devices where such is primarily of benefit to the motorists;
(d) drainage where such is necessary for the benefit of the motorist's safety or necessary for right of way maintenance.

2) Acquisition and acceptance of rights of way shall be the responsibility of the highway district.

3) In matters of urban renewal projects, the city involved shall make the final decision concerning approval of such project based on the overall plan of the city, provided, however, that prior to its approval of an urban renewal project, the city shall submit such plan to the highway district for review and recommendations concerning matters referred to in subsection (1) of this section. The highway district shall submit its written recommendations with respect to the proposed urban renewal plan to the city within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the highway district, or if no recommendations are received within said thirty (30) days, then without such recommendations, the city may proceed with the hearing on the proposed urban renewal project, and thereupon the highway district shall be responsible, as between the city and the highway district, for funding that portion of the project dealing with matters referred to in subsection (1) of this section. Agreements entered into by a city pursuant to an urban renewal project prior to dissolution of the city street system and organization of the successor highway district shall be to the benefit of and binding upon the highway district.

4) The highway district shall be responsible for planning and location of rights of way. In planning for and determining location of rights of way, the highway district shall submit to the appropriate planning agency the proposed location for the recommendation of the agency. In locating rights of way, the highway district shall take into consideration the comprehensive general plan of the appropriate county or city planning agency. In planning for the location of rights of way, the highway district shall comply with all appropriate provisions of chapter 65, title 67, Idaho Code.

5) The city shall retain jurisdiction and responsibility as to all matters pertaining to outstanding local improvement district bonds or warrants sold or issued by the city prior to dissolution of the city street system and organization of the successor highway district.

6) All subdivision plats required to be submitted for acceptance and approval to the city and the county under the provisions of chapter 13, title 50, Idaho Code, shall be submitted to—accepted and approved—by the highway district for consideration for acceptance and approval as to continuity of street pattern, street widths, drainage
provisions, right of way construction standards, traffic flow, the traffic volume demand occasioned by the proposed subdivision either within or without the boundaries of the proposed subdivision, and other matters pertaining to the function of the highway district.

(7) Within the limits of any city, the city may expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants, which are located within the rights of way of any road, street or highway of the county wide highway district.

(8) Within the limits of any city, the city, after advising the board of highway district commissioners of its intent to so do, shall be responsible for the placement, care and removal of any parking meters, and for the enforcement of ordinances regulating the use of parking meters, which are located within the rights of way of any road, street or highway of the county wide highway district; and the city shall be entitled to all of the revenues received from parking meters.

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

Approved March 29, 1983.

CHAPTER 89
(S.B. No. 1016, As Amended)

AN ACT
RELATING TO PURCHASES BY COUNTIES, HIGHWAY DISTRICTS AND CITIES;
AMENDING SECTIONS 31-4003, 40-1003, AND 50-341, IDAHO CODE, TO INCREASE THE BID LIMITS ON EQUIPMENT PURCHASES.

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

SECTION 1. That Section 31-4003, Idaho Code, be, and the same is hereby amended to read as follows:

31-4003. EXPENDITURES FOR WHICH BIDS REQUIRED. When the expenditure contemplated exceeds five thousand dollars ($5,000), or ten thousand dollars ($10,000) if for equipment, it shall be contracted for and let to the lowest responsible bidder.

SECTION 2. That Section 40-1003, Idaho Code, be, and the same is hereby amended to read as follows:

40-1003. BIDS REQUIRED. When the expenditure contemplated exceeds five thousand dollars ($5,000), or ten thousand dollars ($10,000) if for equipment, it shall be contracted for and let to the lowest responsible bidder.

SECTION 3. That Section 50-341, Idaho Code, be, and the same is hereby amended to read as follows:
50-341. COMPETITIVE BIDDING -- APPLICATION OF LAW. A. The following provisions relative to competitive bidding apply to all cities of the state of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract, purchase or acquisition of any commodity or thing by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any statute, nor preventing the city from doing any work by its own employees.

B. The word "expenditure" shall mean the granting of a contract, franchise or authority to another by the city, and every manner and means whereby the city disburses funds or obligates itself to disburse funds; provided, however, that "expenditure" does not include disbursement of funds to any city employee, official or agent or for the performance of personal services to the city.

C. When the expenditure contemplated exceeds five thousand dollars ($5,000), or ten thousand dollars ($10,000) if for equipment, the expenditure shall be contracted for and let to the lowest responsible bidder.

D. The notice inviting bids shall set a date and place for the opening of bids. The first publication of the notice shall be at least two (2) weeks before the date of opening the bids. Notice shall be published at least twice, not less than one (1) week apart, in the official newspaper of the city. The notice shall succinctly set forth the project to be done. Any of the following documents shall be made available, upon reasonable deposit, to any interested bidder: bid form, bidder's instructions, contract documents, general and special instructions, drawings and specifications.

E. All bids shall be presented or otherwise delivered under sealed cover to the city clerk, or other bonded agent of the city designated by the city council to receive specific bids, with a concise statement marked on the outside generally identifying expenditure to which the bid pertains. All bids shall contain one (1) of the following forms of bidder's security:
   a. Cash;
   b. Cashier's check made payable to the city;
   c. A certified check made payable to the city;
   d. A bidder's bond executed by a qualified surety company, made payable to the city.

F. The security shall be an amount equal to at least five percent (5%) of the amount bid. A bid shall not be considered unless one (1) of the forms of bidder's security is inclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the city.

G. Any bid received by the city may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids.

H. If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the city and the proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of costs and publication of notice are paid.
I. The city may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest responsible bidder, the amount of the lowest responsible bidder's security shall be applied by the city to the difference between the lowest responsible bid and the next lowest responsible bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used.

J. In its discretion, the city council may reject any bids presented and readvertise. If two (2) or more bids are the same and the lowest responsible bids, the city council may accept the one it chooses. If no bids are received, the council may make the expenditure without further compliance with this section.

K. After rejecting bids, the city council may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this section.

L. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the mayor or city manager may declare that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon making the declaration, any sum required in the emergency may be expended without compliance with this section.

Approved March 29, 1983.

CHAPTER 90
(S.B. No. 1027)

AN ACT
RELATING TO THE FIREMAN'S RETIREMENT FUND; AMENDING SECTION 72-1428, IDAHO CODE, TO STRIKE THE MAXIMUM AGE REQUIREMENT FOR HIRING PAID FIREMEN; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1428, Idaho Code, be, and the same is hereby amended to read as follows:

72-1428. MINIMUM MEDICAL AND HEALTH STANDARDS FOR PAID FIREMEN. (1) The term "minimum medical and health standards" means minimum medical and health standards adopted by the 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 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 public employees 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 public employee retirement system board.
(5) By October 1, 1980, the public employee retirement system board shall adopt minimum medical and health standards for employment as a paid fireman, and shall select an examining physician for each city, county and fire district. In adopting such standards the board shall consider existing standards recommended by the Idaho state council of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this section. The standards when adopted shall be published and distributed to each employer. The cost of the medical examination contemplated by this section is to be paid by the employer.
(6) Nothing in this section shall apply to paid firemen who are employed as such on or before October 1, 1980, as long as they continue in such employment; nor to promotional appointments after becoming a member of a fire department of any employer; nor to the reemployment of a paid fireman by the same or a different employer within 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 supervisor 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 board, make contributions to and receive benefits under the provisions of chapter 14, title 72, Idaho Code, and, in such event, the employing fire department shall be required to make contributions 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 under the provisions of chapter 14, title 72, Idaho Code, and, in that event, the employing fire depart-
ment shall not be required to make contributions 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 chapter, make contributions in an amount equal to the sum of the amounts that would have been contributed by the fire chief in accordance with section 72-1411, Idaho Code, and by the employing fire department in accordance with section 72-1412, Idaho Code, for each year of the fire chief's age at the time of employment beyond thirty-three (33) years of age; or
(b) Enroll the fire chief in the public employees retirement system under the conditions of chapter 13, title 59, Idaho Code, and the rules and regulations established thereunder by the retirement board of such system.

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

Approved March 29, 1983.

CHAPTER 91
(S.B. No. 1049, As Amended in the House)

AN ACT
RELATING TO TAXES ON MOTOR FUELS; REPEALING SECTION 49-126B, CHAPTER 12, TITLE 49, AND CHAPTER 24, TITLE 63, IDAHO CODE; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 24, TITLE 63, IDAHO CODE, TO PROVIDE A RECODIFICATION OF FUELS TAXATION LAWS; AND AMENDING SECTIONS 40-3006, 40-3012A AND 57-1801, IDAHO CODE, TO CORRECT CODE SECTION REFERENCES.

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

SECTION 1. That Section 49-126B, Chapter 12, Title 49, and Chapter 24, Title 63, Idaho Code, be, and the same are hereby repealed.

SECTION 2. 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 24, Title 63, Idaho Code, and to read as follows:

CHAPTER 24
FUELS TAX

63-2401. DEFINITIONS. As used in this chapter:
(1) "Aircraft engine fuel" means any substance, the primary use of which is fuel for the propulsion of aircraft.

(2) "Bond" means:
(a) A surety bond, in an amount required by this chapter, duly executed by a surety company licensed and authorized to do business in this state conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties and other obligations arising out of the provisions of this chapter; or
(b) A deposit with the commission by any person required to be licensed pursuant to this chapter under terms and conditions as the commission 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 the state.

(3) "Bulk storage tank" means a tank of more than sixty (60) gallons capacity which meets any of the following criteria:
(a) It is physically attached to the real property of a purchaser of special fuels which are delivered into the tank.
(b) It is primarily used to store special fuels which are used by the purchaser of the special fuels for purposes other than propelling a motor vehicle on a highway.

(4) "Commercial motor boat" means any boat, equipped with a motor, which is wholly or partly used in a profit-making enterprise or in an enterprise conducted with the intent of making a profit.

(5) "Commission" means the state tax commission of the state of Idaho.

(6) "Distributor" means any person who receives gasoline and/or aircraft fuel in this state.

(7) "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 those products.

(8) "Gasoline" means a mixture of volatile hydrocarbons suitable as a fuel for the propulsion of motor vehicles or motor boats. "Gasoline" also means aircraft engine fuel when used for propulsion of motor vehicles or motor boats and includes gasohol, but does not include special fuels.

(9) "Highways" mean all roads, streets, alleys and bridges laid out or established for the public, or dedicated or abandoned to the public.

(10) "Licensed distributor" means any distributor who has obtained a license under the provisions of section 63-2409, Idaho Code.

(11) "Licensed special fuels dealer" means any special fuels dealer licensed under the provisions of section 63-2419, Idaho Code.

(12) "Motor vehicle" means every self-propelled vehicle designed for operation or required to be licensed for operation upon a highway.

(13) "Person" means any individual, firm, fiduciary, copartnership, association, corporation, governmental instrumentality including the state and all of its agencies and political subdivisions, or any 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. Whenever used in any clause prescribing
and imposing a fine or imprisonment, or both, the term "person" as applied to an association means the partners or members, and as applied to corporations, the officers.

(14) "Recreational vehicle" means a snowmobile as defined in section 49-2603, Idaho Code; a motorbike as defined in section 49-2702, Idaho Code; and any vehicular type unit either as an integral part of, or required for the movement of, units defined in section 39-4105(15), Idaho Code.

(15) "Retail dealer" means any person engaged in the retail sale of gasoline and/or aircraft engine fuel to the public or for use in the state.

(16) "Special fuels" means all fuel suitable as fuel for diesel engines, or a compressed or liquified gas obtained as a byproduct in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures, and includes natural gas, either liquid or gas, and hydrogen, used for the generation of power for propulsion of motor vehicles. It does not include fuels used in motor vehicles paying a use fee under schedule "B" of section 49-127(d)17., Idaho Code, nor does it include fuels for off-road agricultural use, domestic heating or other nonhighway use, nor does it include fuels used in motor vehicles over sixteen thousand (16,000) pounds maximum gross weight owned or leased and operated by an instrumentality of the federal government or of the state of Idaho including the state and all of its political subdivisions.

(17) "Special fuels dealer" means any person in the business of handling special fuels and delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him.

(18) "Special fuels user" means any person who consumes special fuels for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(19) "Use" means either:
   (a) The receipt, delivery or placing of fuels by a licensed distributor or a special fuels dealer into the fuel supply tank or tanks of any motor vehicle not owned or controlled by him while the vehicle is within this state; or
   (b) The consumption of fuels in propulsion of a motor vehicle on the highways of this state.

63-2402. IMPOSITION OF TAX UPON USE. (1) A tax is hereby imposed for the privilege of using the public highways upon the use or possession for use of gasoline, and the tax shall be imposed without regard to whether use is on a governmental basis or otherwise.

(2) The tax imposed in this section shall be at the same rate as specified in section 63-2405, Idaho Code, upon each gallon of gasoline used or possessed for use. This tax shall be subject to the deductions and refunds set forth in this chapter.

(3) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of gasoline for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(4) This use tax shall be a debt owing from the user to the state
63-2403. RECEIPT OF GASOLINE AND/OR AIRCRAFT ENGINE FUEL -- DETERMINATION. Gasoline and/or aircraft engine fuel is deemed to be received as follows:

1. Gasoline and/or aircraft engine fuel produced, refined, manufactured, blended or compounded by any person or stored at a pipeline terminal in this state by any person is received by that person when it is loaded 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, the gasoline and/or aircraft engine fuel is shipped or delivered to another person licensed as a distributor under this chapter, then it is received by the first licensed distributor. When the gasoline and/or aircraft engine fuel is shipped or delivered to another person not licensed as a distributor under this chapter for the account of a person that is so licensed, it is received by the distributor for whose account it is shipped.

2. Notwithstanding the provisions of subsection (1) above, when gasoline and/or aircraft engine fuel is shipped or delivered from a refinery or pipeline terminal to another refinery or pipeline terminal, that gasoline and/or aircraft engine fuel is not received by reason of that shipment or delivery.

3. Any product other than gasoline or aircraft engine fuel that is blended to produce gasoline 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 of the fuel at the time and place the blending is completed.

4. Gasoline 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 fuels arrive in this state and by the person who is the owner of the gasoline and/or aircraft engine fuel when the fuels arrive in this state. Where gasoline 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 fuels shall be deemed to be received by the licensed distributor importing those fuels into this state.

63-2404. METHOD OF MEASUREMENT OF GALLONS RECEIVED. Gasoline and/or aircraft engine fuel received by distributors shall be reported under rules and regulations prescribed by the commission, and be based upon consistent methods, generally recognized and accepted for gasoline and/or aircraft engine fuel tax accounting purposes, in respect to gallonage, stock transfers and stock accounting records.

63-2405. IMPOSITION OF TAX. An excise tax is hereby imposed on all gasoline and/or aircraft engine fuel received. The tax is to be paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of twelve and one-half cents (12 1/2¢) per gallon. From May 1, 1981, to April 30, 1986, the rate of the excise tax to be imposed on gasohol, shall be four cents (4¢) per gallon less than the amount of the excise tax that is imposed on gaso-
line and/or aircraft engine fuel by this section. On and after May 1, 1986, the same amount of excise tax shall be imposed on gasohol as is imposed on gasoline and/or aircraft engine fuels. That tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

63-2406. DISTRIBUTOR REPORTS. (1) Each distributor shall, not later than the last day of each calendar month or for such other reporting period as the commission may authorize, render to the commission an accurate report of all gasoline and/or aircraft engine fuel received by him in this state during the preceding reporting period. The report shall be made in the manner and on forms required by the commission.

(2) The distributor's report shall include:
(a) An itemized statement of the total number of gallons of gasoline received during the preceding calendar month;
(b) An itemized statement of the total number of gallons of aircraft engine fuel received during the preceding calendar month; and
(c) Other information as the commission may require for the proper administration of this chapter.

63-2407. DEDUCTIONS AUTHORIZED. Each licensed distributor shall deduct from his monthly report:
(1) Gasoline and/or aircraft engine fuel exported from this state other than in the supply tanks of motor vehicles, motor boats or aircraft when supported by proper documents approved by the commission.
(2) Gasoline and/or aircraft engine fuel returned to a licensed distributor's refinery or pipeline terminal storage when supported by proper documents approved by the commission.
(3) Gasoline and/or aircraft engine fuel lost or destroyed by fire, lightning, flood, tornado, windstorm, explosion, or other accidental casualty, after presenting to the commission satisfactory proof of loss.
(4) The number of gallons which would be equal to one per cent (1%) of the total number of gallons received during the reporting period, less the total number of gallons deducted under subsections (1) through (3) of this section, which credit is granted to the licensed distributor to reimburse him for the expense incurred on behalf of the state of Idaho in collecting and remitting gasoline and/or aircraft engine fuel tax moneys, maintaining necessary records for the state, preparing necessary reports and remittances in compliance with this chapter, and for loss from evaporation, handling, spillage and shrinkage, except losses caused by casualty as provided in subsection (3) of this section. The licensed distributor may in addition to the above, deduct the number of gallons equal to one per cent (1%) of the total number of gallons received during the preceding calendar month, less the total number of gallons deducted under subsections (1) through (3) of this section, to cover shrinkage, evaporation, spillage and handling losses of a retail dealer. The latter deductions are to be allowed only upon filing with the commission satisfactory evidence as may be prescribed by it indicating the credit allowance has been made in favor of the retail dealer or paid to him. The evidence shall
be submitted together with the report wherein this portion of the deduction is claimed. A licensed distributor who sells and delivers gasoline directly to the consumer and not for resale shall, with respect to those sales, be deemed a retail dealer for the purposes of this section. Credit granted by the provisions of this section shall not be allowed unless the tax is duly and punctually paid and reported as provided in this chapter or as determined by the commission.

(5) When aircraft engine fuel is sold for use in aircraft and the tax imposed by section 63-2408, Idaho Code, is paid to the commission, the total number of gallons sold shall be deducted from the total gallons of gasoline and/or aircraft engine fuel received.

(6) Gasoline and/or aircraft engine fuel sold to the Idaho national guard for use in aircraft and in vehicles used off public highways provided, however, such deduction is supported by an exemption certificate signed by an authorized officer of the Idaho national guard.

63-2408. AIRCRAFT ENGINE FUEL TAX. An excise tax is hereby imposed on all aircraft engine fuel sold in this state. The tax is to be paid by the distributor, and measured by the total number of gallons sold by him, at the rate of three and one-half cents (3 1/2¢) per gallon. The tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

63-2409. LICENSE OF DISTRIBUTORS. It is unlawful for a person to act as a distributor without a license. The license shall be obtained by application to the commission upon a form furnished by it, accompanied by a fee of fifty dollars ($50.00) and a bond in the amount required by section 63-2428, Idaho Code. The distributor license shall be nonassignable and shall continue in force until surrendered or canceled. The commission shall furnish each licensed distributor with a list of all distributors licensed pursuant to this section. The list shall be supplemented by the commission from time to time to reflect additions and deletions.

63-2410. REFUND OF GASOLINE TAX PROCEDURE. (1) Any person who shall purchase fifty (50) gallons or more, and use the gasoline in motor vehicles operated on highways outside of the state of Idaho where a duplicate tax is assessed for the same gasoline, shall be entitled to refund when a claim is presented to the commission within one (1) year from date of purchase. Claimant shall present to the commission a statement accompanied by a verification of the use determined by an audit of his operations conducted as prescribed by the tax commission; or his claim may be verified by the filing of a receipt or proof showing the payment of tax on the gasoline used in any other state.

(2) Any person who shall purchase within any one (1) calendar year fifty (50) gallons or more of gasoline used for the purposes described in this subsection shall be entitled to be refunded the amount of gasoline tax previously paid on that gasoline. Exempt uses are:

(a) Operating stationary gasoline engines;
(b) Propelling equipment or vehicles, other than motor vehicles, which are not operated on a highway; and
(c) Operating commercial motor boats.
(3) No refund of gasoline tax shall be allowed for any gasoline:
(a) Used in motor vehicles required to be licensed or used in any motor vehicle exempt from registration by reason of the ownership or residence; or
(b) Aircraft engine fuel placed in aircraft; or
(c) Gasoline used in recreational vehicles; or
(d) Gasoline used in noncommercial motor boats.
(4) Any licensed distributor paying the gasoline tax and/or aircraft engine fuel tax to the state of Idaho erroneously shall be allowed a credit or refund of the amount of tax paid by him if a written claim for refund is filed with the commission within three (3) years after the date those taxes were paid.
(5) (a) All claims for refund of gasoline taxes arising under subsection (2) of this section shall be filed in conjunction with the claimant's income tax return due pursuant to chapter 30, title 63, Idaho Code. The gasoline tax refund claimed shall be tax paid on gasoline actually purchased during the taxable year to which the income tax return relates. The gasoline tax refund due shall be offset against any other taxes, penalties or interest due before any balance is refunded by the commission to the claimant. Subject to a limitation as to the amount of refund to be claimed as the commission may provide by regulation, refund claims may be submitted and paid on a quarterly basis and reconciled on the income tax return when it is filed.
(b) If a claimant is not required to file an income tax return, the refund claim shall be made on forms and in the manner as the commission may provide. The claim shall relate to taxes paid on gasoline actually purchased in the calendar year preceding the filing and the claim shall be filed on or before April 15 following the close of the calendar year.
(c) All claims shall be accompanied by the original signed invoice or invoices issued to the claimant, showing the total amount of gasoline on which a refund is claimed and the reason, the amount of the tax and any additional information required by the commission. Each separate delivery shall constitute a purchase and a separate invoice shall be prepared, at least in duplicate, to cover the delivery. All invoices, except those prepared by a computer or similar machine, shall be prepared in ink or double-spaced carbon shall be used between the original and first duplicate.
(6) (a) Should the commission find that the claim contains errors, it may correct the claim and approve it as corrected, or the commission may require the claimant to file an amended claim. The commission may require any person who makes a claim for refund to furnish a statement under oath, giving his occupation, description of the machine or equipment in which the gasoline was used, the place where used and any other information as the commission may require. If the commission determines that any claim has been fraudulently presented, or is supported by an invoice or invoices fraudulently made or altered, or that any statement in the claim
or affidavit is willfully false and made for the purpose of misleading, the commission may reject the claim in full. If the claim is rejected, the commission may suspend the claimant's right to any refund for purchases made during a period not to exceed one (1) year beginning with the date the rejected claim was filed, and it shall take all other action deemed appropriate.

(b) The commission has authority, in order to establish the validity of any claim, to examine the books and records of the claimant for that purpose, and failure of the claimant to accede to the demand for the examination may constitute a waiver of all rights to the refund claimed.

(7) In the event of the loss or destruction of the original invoice or invoices, the person claiming a refund may submit a duplicate copy of the invoice certified by the vendor, but payment based on the duplicate invoice shall not be made until one (1) year after the date on which the gasoline was purchased.

63-2411. PURCHASE OF GASOLINE BY RETAIL DEALERS. It shall be unlawful for any retail dealer in gasoline or aircraft engine fuel or for any person in the state of Idaho other than a licensed distributor to purchase, receive or accept any gasoline from any other person, unless that person is a licensed distributor. Any person in violation of these provisions shall be guilty of a misdemeanor.

63-2412. DISTRIBUTION OF TAX REVENUES. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2405, 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 gasoline tax requirements by the commission, as determined by the commission and certified quarterly to the state auditor, shall be transferred back to the commission. The amount transferred back to the commission shall not exceed the amount authorized to be expended by appropriation by the legislature.

(b) An amount of money shall be transferred to the gasoline refund account, which is hereby created in the dedicated fund, sufficient to pay current refund claims. All refunds authorized to be paid shall be paid from the gasoline refund account and sufficient amounts to pay those refunds are hereby continuously appropriated for that purpose.

(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 paragraphs (a), (b), (c) and (d) of subsection (1) of this section:

1. One per cent (1%) shall be transferred to the waterways improvement account, as created in chapter 15, title 57, Idaho Code;
2. One per cent (1%) shall be transferred to the off-road motor vehicle account as created in section 57-1901, Idaho Code; and
3. Ninety-eight per cent (98%) shall be transferred to the state highway account, created in section 40-2210, Idaho Code.

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be transferred to the aircraft engine fuel tax refund account, which is hereby created in the dedicated fund, sufficient to pay current refund claims. All refunds authorized to be paid shall be paid from the aircraft engine fuel tax refund account, and sufficient amounts to pay those refunds are hereby continuously appropriated for that purpose.

(b) The balance remaining of all the taxes collected shall be paid over to the state treasurer by the commission to be deposited in the state aeronautics account, as provided in section 21-211, Idaho Code.

63-2413 -- 63-2415. [RESERVED]

63-2416. TAX IMPOSED. (1) For the privilege of using the public highways, an excise tax is hereby imposed on all special fuels used for the propulsion of any motor vehicle operated on a highway in this state. The tax shall apply at the same rate as the tax imposed by section 63-2405, Idaho Code. The tax shall attach and be collected at the time of delivery into the motor fuel supply tank of a motor vehicle. Special fuels dealers shall collect the tax and pay it over to the commission.

(2) When the motor vehicle to which the special fuel is delivered displays a valid special fuels permit and is subject to a fuels tax prescribed in section 49-127(d)7, Idaho Code, the tax imposed by subsection (1) of this section shall not be collected by the special fuels dealer.

(3) Special fuels delivered into a bulk storage tank shall be presumed to be fuel consumed for nonhighway use and therefore not subject to the tax imposed in subsection (1) of this section.

63-2417. USE TAX IMPOSED. For the privilege of using the public highways, an excise tax is hereby imposed on the use or possession for use of all special fuels, including special fuel delivered into a bulk storage tank, used or consumed in the propulsion of a motor vehicle on a highway unless that fuel has been taxed under provisions of section 63-2416, Idaho Code, or is subject to the tax imposed by schedule "B" in section 49-127(d)7, Idaho Code. The tax imposed by this section shall be payable to the state of Idaho by the user or consumer of the
fuels and shall be a debt owing to the state until it is paid.

63-2418. DISTRIBUTION OF TAX REVENUES. The revenues received from the tax imposed by sections 63-2416 and 63-2417, Idaho Code, and any penalties, interest, or deficiency additions, shall be paid to the state treasurer by the commission, to be distributed as follows:

(1) An amount of money equal to the actual cost of collecting, administering and enforcing the special fuels tax provisions by the commission, as determined by it and certified quarterly to the state auditor, shall be transferred back to the commission. The amount transferred back shall not exceed the amount authorized to be expended by appropriation by the legislature.

(2) An amount of money shall be transferred to the special fuels refund account, which is hereby created in the dedicated fund, sufficient to pay current refund claims. All refunds of special fuels taxes authorized to be paid by this chapter shall be paid from the special fuels refund account, the money being hereby continuously appropriated for that purpose.

(3) The balance remaining with the state treasurer after transferring the amounts specified in subsections (1) and (2) of this section shall be transferred to the state highway account, created in section 40-2210, Idaho Code.

63-2419. SPECIAL FUELS DEALERS' LICENSES. (1) It shall be unlawful for any person to act as a special fuels dealer in this state unless the person is the holder of a valid special fuels dealer's license issued to him by the commission. Application for a special fuels dealer's license shall be made upon a form and in a manner provided by the commission, shall contain information as it deems necessary, and be accompanied by a bond in the amount required in section 63-2428, Idaho Code.

(2) Upon receipt of the application and bond in proper form the commission shall issue to the applicant a special fuels dealer's license unless the applicant:

(a) Is a person who formerly held a license under the provisions of this chapter or any predecessor statute which license, prior to the time of filing the application, had been revoked for cause; or

(b) Who is not the real party in interest and the real party in interest is a person described in subsection (2)(a) of this section.

(3) A special fuels dealer's license shall be valid until suspended or revoked for cause, for failure to maintain the bond required in section 63-2428, Idaho Code, or otherwise canceled.

(4) No special fuels dealer's license shall be transferable.

63-2420. RETURNS, PAYMENTS AND DEDUCTIONS BY SPECIAL FUELS DEALERS. (1) For the purpose of reporting the amount of tax due and payable under section 63-2416, Idaho Code, each special fuels dealer shall file with the commission in the manner and form prescribed by it a quarterly tax return or a return for any other reporting period as may be directed by the commission. The return shall include:

(a) An itemized statement of the total number of gallons of special fuels held in inventory by the dealer at the beginning of the
period to which the return relates;
(b) An itemized statement of all special fuels received by the dealer during the period of time to which the return relates;
(c) An itemized statement of the number of gallons of special fuels sold or delivered by the dealer during the period to which the return relates which are not subject to tax imposed by this chapter;
(d) The total number of gallons of special fuels delivered into the fuel tank of motor vehicles in this state subject to tax under this chapter during the period to which the return relates;
(e) The total number of gallons of special fuels remaining in inventory at the end of the period to which the return relates; and
(f) Any other information the commission may require.
(2) The amount of tax due shall be computed by multiplying the taxable gallons determined under subsection (1)(d) of this section by the tax rate established in section 63-2405, Idaho Code, and deducting from the result two percent (2%) of the result. The two percent (2%) deduction authorized herein may be retained by the special fuel dealer filing the return to reimburse him for the expenses incurred by him on behalf of the state of Idaho in collecting and remitting the tax.
(3) The return shall be accompanied by a remittance of the tax shown to be due on the return together with any applicable interest and penalty.

63-2421. RETURNS AND PAYMENT OF USE TAX BY CONSUMERS. (1) Any person who consumes special fuels in a motor vehicle licensed or required to be licensed by the laws of this state and is subject to the tax imposed by section 63-2417, Idaho Code, shall report the amount of tax liability and pay the taxes due in conjunction with his income or franchise tax return due under the provisions of chapter 30, title 63, Idaho Code, in the manner and form prescribed by the commission. Payment of special fuels taxes shall be made in conjunction with any other taxes due on that return and special fuels taxes due may be offset against refunds of any other taxes shown on the return to be due the taxpayer.
(2) In the case of a person not required to file a return under chapter 30, title 63, Idaho Code, who is subject to the tax imposed by section 63-2417, Idaho Code, the tax shall be paid annually, on a calendar year basis, in the manner and form required by the commission. The return and payment for each calendar year shall be due on or before April 15 of the immediately succeeding calendar year.

63-2422. CREDITS AND REFUNDS TO DEALERS. Any licensed special fuels dealer having remitted any special fuels tax to the commission in excess of that which is required to be remitted under this chapter shall be allowed a credit or refund for the amount of tax paid by him if a written claim for refund is filed with the commission within three (3) years after the date the taxes to which the claim relates were paid. If the claim relates to taxes actually collected by the dealer from a person to whom the special fuels were sold or delivered, no refund shall be paid unless the commission finds that the taxes have been or will be refunded by the dealer to the person from whom
they were erroneously collected.

63-2423. CREDITS AND REFUNDS TO CONSUMERS. (1) Any person who has paid his special fuels tax directly to the vendor from whom it was purchased shall be refunded the amount of:
   (a) Any tax paid on special fuels used for purposes other than propulsion of motor vehicles upon the highways in the state of Idaho;
   (b) Any tax paid on special fuels exported for use outside the state of Idaho. Special fuel carried from the state in the fuel tank of a motor vehicle will not be deemed to be exported from the state unless it is subject to a like or similar tax in the state to which it is taken and that tax is actually paid to the other state; and
   (c) Any tax, penalty or interest erroneously or illegally paid or collected.
(2) No refund shall be paid on special fuels used in a recreational vehicle.
(3) Refunds authorized in this section shall be claimed in the same manner as applies to refunds of gasoline tax under section 63-2410, Idaho Code.

63-2424. GASEOUS FUELS. In the case of special fuels which are in a gaseous form, the commission shall provide by regulation the method to be used for converting the measurement of the fuel to the equivalent of gallons for the purpose of applying tax rates. The method provided shall cause the tax rate provided in section 63-2405, Idaho Code, to apply to an amount of gaseous fuels having energy equal to one (1) gallon of gasoline.

63-2425 -- 63-2426. [RESERVED]

63-2427. ADMINISTRATION. The commission shall enforce the provisions of this chapter and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement of those provisions.

63-2428. BONDING. (1) At the time an application for a distributor's license under section 63-2409, Idaho Code, or a special fuels dealer's license under section 63-2419, Idaho Code, is submitted to the commission, the applicant shall file a bond with the commission conditioned upon faithful performance of all of the requirements of this chapter. The total amount of the bond shall be fixed by the commission and shall be equivalent to at least twice the estimated average tax liability for the reporting period for which the applicant will be required to file either a distributor's report under section 63-2406, Idaho Code, or a special fuels dealer's return under section 63-2420, Idaho Code, or both. If a person is both a licensed distributor and a licensed special fuels dealer, the bonding requirements in regard to each may be consolidated into a single bond. The bond required by this section shall in no case be less than one thousand dollars ($1,000) nor more than two hundred thousand dollars ($200,000). Based on prior years' experience, the total amount
required to be secured by the bond may be increased or reduced by the commission at any time. Any bond given in conjunction with this chapter shall be a continuing instrument, and shall cover the period during which the license in connection with which the bond is given is in effect, unless the surety on the bond is released or discharged by the commission. Any surety on any bond furnished by a licensee shall be discharged and released from any and all liability to the state accruing on the bond after the expiration of thirty (30) days from the date upon which the surety shall have lodged with the commission a written request to be released and discharged. The request shall not operate to relieve, release or discharge the surety from any liability accrued, or which will accrue, before the expiration of the thirty (30) day period. The commission shall promptly, upon receipt of the notice of the request, notify the licensee and require him to furnish a new bond. Unless the licensee files a new bond with the commission in the amount provided in this section before the expiration of the thirty (30) day period, the commission shall immediately cancel the licensee's license.

(2) In the event that any taxes due under the provisions of this chapter are not paid by a licensed distributor or a licensed special fuels dealer, and the unpaid taxes are assessed by the commission, and after all avenues for appeal of the assessment have been exhausted, the commission may apply the unpaid tax liability against the bond required by this section.

63-2429. REQUIRED RECORDS. (1) Every distributor and every special fuels dealer and every person reporting, manufacturing, refining, dealing, transporting or storing gasoline, aircraft engine fuel or special fuels in this state shall keep records, receipts, invoices and other pertinent records as the commission may require. Records required and all other relevant books and records shall be available for inspection by the commission at all times during regular record keeper's business hours.

(2) Records required in subsection (1) of this section shall be kept for a period of three (3) years from the date on which the distributor's report or special fuels dealer's return to which they relate was required to be filed with the commission.

63-2430. REVOCATION OR CANCELLATION OF LICENSE. (1) The commission may revoke the license of a distributor or a special fuels dealer in any of the following circumstances:

(a) The licensee refuses or neglects to comply with the provisions of this chapter or rules and regulations of the commission promulgated pursuant to this chapter;

(b) When, upon investigation, the commission ascertains or finds that the person to whom the license was issued is no longer engaged in business as a distributor or special fuels dealer and has not been so engaged for a period of six (6) months prior to the cancellation; or

(c) The licensee files a written request with the commission asking that the license be revoked and the commission determines upon investigation, that the licensee is no longer a person required to be a licensed distributor or a licensed special fuels dealer.
(2) In the case of a cancellation under paragraph (c) of subsection (1) of this section, the cancellation shall not be effective nor shall the licensee's surety be discharged from any bond unless the licensee has paid to the state of Idaho all taxes imposed under this chapter together with all penalties, interest and additional amounts which have accrued.

(3) In the case of revocation of a license under paragraph (a) or (b) of subsection (1) of this section, prior to revoking the license the commission shall notify the licensee to show cause within thirty (30) days of the date of the notice why the license should not be revoked. Revocation shall be by certified mail addressed to the licensee at his last known address and shall state the reasons for the cancellation. The cancellation shall become effective without further notice or hearing if, within thirty (30) days from the mailing date of the notice, the licensee has not made good the default or delinquency or has not requested a hearing on the cancellation. If within the thirty (30) day period the licensee requests a hearing on the cancellation, the commission shall schedule a hearing and provide the licensee with at least ten (10) days' notice of the time and place of the hearing. The provisions of chapter 52, title 67, Idaho Code, shall apply to hearings.

63-2431. TAX IN LIEU OF ALL OTHER TAXES IMPOSED. The taxes imposed by this chapter shall be in lieu of all other excise taxes, license fees or property taxes imposed upon gasoline, aircraft engine fuel or special fuels by this state or any political subdivision of this state.

63-2432. CIVIL ACTION TO PREVENT DOING BUSINESS WITHOUT LICENSE -- INJUNCTION. If the commission determines that any person is engaged in business as a distributor or special fuels dealer without holding a valid license, it may proceed by injunction or other legal process to prevent the continuance of the business, and an injunction enjoining the continuance of the business by any unlicensed person may be granted without bond by any court or judge authorized by law to grant injunctions.

63-2433. DOING BUSINESS WITHOUT A LICENSE -- PENALTIES. Any person who engages in the business as a distributor or a special fuels dealer without being the holder of a valid license shall be guilty of a misdemeanor. Each day of business without a valid license shall constitute a separate offense.

63-2434. ENFORCEMENT PROVISIONS. For the purpose of carrying out its duties to enforce or administer the provisions of this chapter, the commission shall have the powers and duties provided by sections 63-3038, 63-3039, 63-3042 through 63-3066, 63-3068, 63-3071, and 63-3074 through 63-3078, Idaho Code, which sections are incorporated by reference herein as though set out verbatim.

63-2435. TAXES ARE STATE MONEY. When a distributor sells gasoline or aircraft engine fuel subject to tax under this chapter or a special fuels dealer sells special fuels subject to tax under this chapter, a
portion of the receipts from those sales equal to the amount of tax required to be paid upon the fuels sold shall, immediately upon receipt by the distributor or special fuels dealer, be state money and shall be held in trust for the state of Idaho and for payment to the commission in the manner and at the times required by this chapter. This tax money shall not, for any purpose, be considered to be a part of the proceeds of the sale to which the tax relates and shall not be subject to encumbrance, security interest, execution of seizure on account of any debt owed by the distributor or the special fuels dealer to any creditor other than the commission.

63-2436. REPORTS OF IMPORTATIONS BY CARRIER -- CONTENTS. Any railroad or other common carrier, or contract carrier, or any person, other than a licensee, who makes delivery in this state of any gasoline, aircraft engine fuel or special fuels shall report in writing to the commission, not later than the last day of each calendar month, all the deliveries for the preceding calendar month. The reports shall include the place of origin and place of destination of the gasoline, aircraft engine fuel or special fuels delivered, the names and addresses of consignors and consignees, loading ticket numbers, number of gallons delivered, and any other information the commission may require.

63-2437. INSTATE PIPELINE TERMINAL AND STORAGE REPORTS. A monthly report for each pipeline terminal located in this state shall be submitted to the commission not later than the last day of the same calendar month. The report shall include the date of withdrawal, bill of lading number, manifest number, or loading ticket number and the origin, consignee, consignor, transportation company, and number of gallons separately indicated of gasoline, aircraft engine fuel and special fuels and any other information as the commission may require.

SECTION 3. That Section 40-3006, Idaho Code, be, and the same is hereby amended to read as follows:

40-3006. CITY'S PORTION OF STATE HIGHWAY FUNDS PAID TO AUDITOR -- FISCAL ASSISTANCE FUNDS. (1) Any city which maintains roads and streets on the effective date [March 17, 1973] of this act shall continue to receive their proportionate share of moneys distributed under sections 40-405(a) to 49-1218(a) and 49-12318(a) 63-2418, Idaho Code, but such moneys shall be paid to the county auditor for the benefit of the county-wide highway district.

(2) Any city or county which receives moneys under the provisions of the state and local fiscal assistance act of 1972 after January 1, 1972, may utilize such funds for any purposes that were solely the responsibility of that city or county prior to the effective date of chapter 273, laws of 1971, and which responsibility was transferred to a county-wide highway district by chapter 273, laws of 1971. Any city or county which receives moneys under the provisions of the state and local fiscal assistance act of 1972 after January 1, 1972, may utilize such funds for the design, construction, reconstruction and maintenance of sidewalks, when deemed to be for public safety. Utilization of such fiscal assistance funds may be accomplished by a transfer of
the funds to a county-wide highway district, and the provisions of sections 67-2326 through and including 67-2333, Idaho Code, may be utilized for such transfer, provided that the provisions of the state and local fiscal assistance act of 1972 are adhered to.

SECTION 4. That Section 40-3012A, Idaho Code, be, and the same is hereby amended to read as follows:

40-3012A. HIGHWAY USERS' FUND BONDS DEFINED. "Highway users' fund bonds" are defined as those bonds issued for and on behalf of dissolved city street systems, highway or good roads districts, and the funds out of which such bonds are repayable shall be the moneys received as provided by sections 40-405; 49-1210A and 49-1231A 63-2418, Idaho Code.

SECTION 5. That Section 57-1801, Idaho Code, be, and the same is hereby amended to read as follows:

57-1801. CREATION OF PARK AND RECREATION CAPITAL IMPROVEMENT FUND ACCOUNT -- PURPOSE. (1) There is hereby created and established in the state treasury a fund an account to be known as the "park and recreation capital improvement fund account" to which shall be credited or deposited all moneys accruing for the purposes of the fund account. The purposes for which moneys in the fund account may be used shall be to acquire, purchase, maintain, improve, repair, furnish, and equip parks and recreation facilities and sites in the state of Idaho. The park and recreation board is charged with the administration of the fund account for the purposes specified herein. The provisions of section 67-4228, Idaho Code, are made applicable for the provisions of this section. All claims against the fund account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state.

(2) During each fiscal year, the balance of moneys exceeding the sum of three hundred thousand dollars ($300,000) transferred to the waterways improvement fund account under the provisions of section 63-2432(i)(e)(i)12(1)(e)1, Idaho Code, shall be paid into the park and recreation capital improvement fund account.

Approved March 29, 1983.

CHAPTER 92
(S.B. No. 1141)

AN ACT
RELATING TO JUNIOR COLLEGE TUITION; AMENDING SECTION 33-2110, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE MAXIMUM TUITION THAT MAY BE IMPOSED BY THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE FOR STUDENTS WHO ARE RESIDENTS OF THE JUNIOR COLLEGE DISTRICT.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 33-2110, Idaho Code, be, and the same is hereby amended to read as follows:

33-2110. TUITION. All students of a junior college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full-time students taking normal academic courses provided by the college, who are residents of the district, shall be fixed at not less than one hundred twenty-five dollars ($125) per annum, and may be increased—by annual increments—of not more than twenty-five dollars ($25.00) to a maximum tuition of two hundred thirty-five dollars ($235.00) per annum; for all other students taking such courses the tuition shall be, as nearly as is practicable, the annual costs of all elements of providing the courses of instruction, including interest on general obligation bonds, teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation incurred in providing courses by the junior college, provided that the tuition of students residing outside the district but within the county or counties wherein the district is located shall be fixed after taking into account moneys received by the junior college district from any funds allocated to the junior college from the educational funds of the state of Idaho, other than allocations for vocational education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account moneys received from educational funds other than vocational moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, as hereinafter provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of the tuition. A student in a junior college shall not be deemed a resident of the district or of the county or of the state of Idaho, unless that student is deemed a resident as defined by section 33-2110B, Idaho Code, for the district, county or state prior to the date of his first enrollment in the junior college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in that the junior college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit tuition to be paid in instalments. The board of trustees shall also fix fees for laboratory and other special services provided by the junior college and for special courses, including, but not limited to, night school, off-campus courses, summer school, vocational courses, as otherwise provided in this chapter, and other special instruction provided by the junior college and nothing in this chapter shall be deemed to control the amount of tuition for special courses or fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of all elements of providing courses as above defined.

Approved March 29, 1983.
CHAPTER 93
(S.B. No. 1148)

AN ACT
RELATING TO CLAIMS FOR DAMAGES AGAINST A CITY; AMENDING SECTION 50-219, IDAHO CODE, TO CONFORM WITH THE PROVISIONS OF THE TORT CLAIMS ACT.

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

SECTION 1. That Section 50-219, Idaho Code, be, and the same is hereby amended to read as follows:

50-219. DAMAGE CLAIMS. All claims for damages against a city must be filed with the city clerk within sixty (60) days after the time when such claim for damages shall have occurred; specifying the time, place and probable cause of said damage. No action shall be maintained against the city for any claim for damages until the same has been presented to the city council, and until sixty (60) days shall have elapsed after such presentation. The payment of any and all damage claims by the city shall be by resolution; and not otherwise as prescribed by chapter 9, title 6, Idaho Code.

Approved March 29, 1983.

CHAPTER 94
(H.B. No. 75, As Amended, As Amended)

AN ACT
RELATING TO LIMITATIONS OF INSURANCE COVERAGE FOR ELECTIVE ABORTIONS; AMENDING CHAPTER 21, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2142, IDAHO CODE, TO PROVIDE THAT ALL POLICIES, CONTRACTS, PLANS OR CERTIFICATES OF DISABILITY INSURANCE SHALL EXCLUDE COVERAGE FOR ELECTIVE ABORTIONS; AMENDING CHAPTER 22, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2210A, IDAHO CODE, TO PROVIDE THAT ALL POLICIES, CONTRACTS, PLANS OR CERTIFICATES OF GROUP OR BLANKET DISABILITY INSURANCE SHALL EXCLUDE COVERAGE FOR ELECTIVE ABORTIONS; AMENDING CHAPTER 34, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3439, IDAHO CODE, TO PROVIDE THAT ALL HOSPITAL OR PROFESSIONAL SERVICE CORPORATION CONTRACTS, PLANS OR CERTIFICATES SHALL EXCLUDE COVERAGE FOR ELECTIVE ABORTIONS; AND AMENDING CHAPTER 39, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-3934, IDAHO CODE, TO PROVIDE THAT ALL HEALTH MAINTENANCE ORGANIZATION POLICIES, CONTRACTS, PLANS OR CERTIFICATES SHALL EXCLUDE COVERAGE FOR ELECTIVE ABORTIONS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Chapter 21, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-2142, Idaho Code, and to read as follows:

41-2142. LIMITATION OF BENEFITS FOR ELECTIVE ABORTIONS. All policies, contracts, plans or certificates of disability insurance delivered, issued for delivery or renewed in this state after the effective date of this section shall exclude coverage for elective abortions. Such exclusion may be waived by endorsement and the payment of a premium therefor. Availability of such coverage shall be at the option of the insurance carrier. For purposes of this section, an "elective abortion" means an abortion for any reason other than to preserve the life of the female upon whom the abortion is performed.

SECTION 2. That Chapter 22, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-2210A, Idaho Code, and to read as follows:

41-2210A. LIMITATION OF BENEFITS FOR ELECTIVE ABORTIONS. All policies, contracts, plans or certificates of group or blanket disability insurance delivered, issued for delivery or renewed in this state after the effective date of this section shall exclude coverage for elective abortions. Such exclusion may be waived by endorsement and the payment of a premium therefor. Availability of such coverage shall be at the option of the insurance carrier. For purposes of this section, an "elective abortion" means an abortion for any reason other than to preserve the life of the female upon whom the abortion is performed.

SECTION 3. That Chapter 34, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-3439, Idaho Code, and to read as follows:

41-3439. LIMITATION OF BENEFITS FOR ELECTIVE ABORTIONS. All individual nongroup or subscriber's policies, contracts, plans or certificates delivered, issued for delivery or renewed in this state after the effective date of this section shall exclude coverage for elective abortions except. Such exclusion may be waived by endorsement and the payment of a premium therefor. Availability of such coverage shall be at the option of the service corporation. For purposes of this section, an "elective abortion" means an abortion for any reason other than to preserve the life of the female upon whom the abortion is performed.

SECTION 4. That Chapter 39, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-3934, Idaho Code, and to read as follows:

41-3934. LIMITATION OF BENEFITS FOR ELECTIVE ABORTIONS. All
health maintenance organization policies, contracts, plans or certificates delivered, issued for delivery or renewed in this state after the effective date of this section shall exclude coverage for elective abortions. Such exclusion may be waived by endorsement and the payment of a premium therefor. Availability of such coverage shall be at the option of the contractor. For purposes of this section, an "elective abortion" means an abortion for any reason other than to preserve the life of the female upon whom the abortion is performed.

Approved March 29, 1983.

CHAPTER 95
(H.B. No. 147)

AN ACT
RELATING TO THE VACCINATION OF CALVES AGAINST BRUCELLOSIS; AMENDING SECTION 25-613A, IDAHO CODE, TO PROVIDE THAT FEMALE CATTLE BORN AFTER JULY 1, 1983, SHALL BE OFFICIALLY CALFHOOD VACCINATED AGAINST BRUCELLOSIS.

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

SECTION 1. That Section 25-613A, Idaho Code, be, and the same is hereby amended 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.

Approved March 29, 1983.
CHAPTER 96
(H.B. No. 103)

AN ACT
RELATING TO DAYS OF SALE OF LIQUOR; AMENDING SECTION 23-307, IDAHO CODE, TO REMOVE THE RESTRICTION OF THE SALE OF LIQUOR ON ANY LEGAL HOLIDAY AND TO PROVIDE THAT PACKAGE LIQUOR SHALL NOT BE SOLD OR DELIVERED ON ANY THANKSGIVING, CHRISTMAS, OR MEMORIAL DAY.

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

SECTION 1. That Section 23-307, Idaho Code, be, and the same is hereby amended to read as follows:

23-307. DAYS WHEN SALES ARE PROHIBITED. It shall be unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of any state liquor store or distribution station:
(a) After the closing hours as established by the dispensary.
(b) On any legal-holiday Thanksgiving, Christmas or Memorial Day.
(c) On any Sunday.
(d) On any national or state election day.
(e) On any municipal election day held in the municipality in which a store or distributing station may be situated during the time the polls are open.
(f) During such other periods or days as may be designated by the dispensary.

Approved March 29, 1983.

CHAPTER 97
(H.B. No. 62, As Amended in the Senate)

AN ACT
RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO INCORPORATE AMENDMENTS MADE TO THE FEDERAL INTERNAL REVENUE CODE BY CONGRESS IN 1982; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE EFFECTIVE DATES.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. The term "Internal Revenue Code" means the Internal Revenue Code of 1954 of the United States, as amended, and in effect on the first day of January, 1982, except that

SECTION 2. An emergency existing 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, 1983; provided, however, that the amendment made to the Internal Revenue Code by the Tax Equity and Fiscal Responsibility Act of 1982, the Subchapter "S" Revision Act of 1982 (P.L. 97-354), the Miscellaneous Revenue Act of 1982 (P.L. 97-362) and the Technical Corrections Bill of 1982 (P.L. 97-448) shall be in full force and effect in defining the term "Internal Revenue Code" on and after the dates provided in those acts.

Approved March 29, 1983.

CHAPTER 98
(H.B. No. 213)

AN ACT
RELATING TO PUBLIC OBLIGATIONS; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 57, IDAHO CODE, TO ESTABLISH AUTHORITY FOR THE ISSUANCE BY PUBLIC ENTITIES OF REGISTERED PUBLIC OBLIGATIONS, TO PROVIDE A SHORT TITLE; TO DEFINE TERMS; TO MAKE FINDINGS; TO PROVIDE FOR ESTABLISHMENT AND MAINTENANCE OF SYSTEMS OF REGISTRATION; TO PROVIDE FOR EXECUTION OF AND SEALS ON REGISTERED PUBLIC OBLIGATIONS; TO PROVIDE FOR APPOINTMENTS OF CORPORATE OR AUTHENTICATING AGENTS; TO PROVIDE FOR PAYMENT OF COSTS OF REGISTRATION SYSTEMS; TO PROVIDE FOR USE OF REGISTERED PUBLIC OBLIGATIONS FOR PUBLIC DEPOSITORY PURPOSES; TO PROVIDE FOR CONFIDENTIALITY OF RECORDS; TO PROVIDE FOR REGISTRATION OF PREVIOUSLY VOTED OBLIGATIONS; TO PROVIDE FOR CONSTRUCTION AND COVENANTS AGAINST REPEAL; TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 57, Idaho Code, and to read as follows:

CHAPTER 9
PUBLIC OBLIGATIONS REGISTRATION ACT
57-901. SHORT TITLE. This act may be cited as the "Registered Public Obligations Act of Idaho."

57-902. DEFINITIONS. As used in this chapter:
(1) "Authorized officer" means any individual required or permitted, alone or with others by any provision of law or by an issuing public entity to execute a certificated registered public obligation or any writing relating to an uncertificated registered public obligation.
(2) "Certificated registered public obligation" means a registered public obligation which is represented by an instrument.
(3) "Code" means the Internal Revenue Code of 1954, as amended.
(4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or other means of the seal of the issuer, official or official body.
(5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping, or other means of a manual signature.
(6) "Financial intermediary" means a bank, broker, clearing corporation or other person, or the nominee of any of them, which in the ordinary course of its business maintains registered public obligation accounts for its customers, when so acting.
(7) "Issuer" means a public entity which issues an obligation.
(8) "Obligation" means an agreement of a public entity to pay principal and any interest thereon, whether in the form of a contract to repay borrowed money, a lease, an installment purchase agreement, or otherwise, and includes a share, participation, or other interest in any such agreement.
(9) "Official actions" mean the actions by statute, order, ordinance, resolution, contract, or other authorized means by which an issuer provides for issuance of a registered public obligation.
(10) "Official or official body" means an officer or board that is empowered under the laws of one or more states including this state to provide for original issuance of an obligation of the issuer, by defining the obligation and its terms, conditions and other incidents, the successor or successors of any such official or official body, and such other person or group of persons as shall be assigned duties of such official or official body with respect to a registered public obligation under applicable law from time to time.
(11) "Public entity" means any entity, department, or agency which is empowered under the laws of one or more states, territories, possessions of the United States or the District of Columbia, including this state, to issue obligations any interest with respect to which may, under any provision of law, be provided an exemption from the income tax referred to in the code. The term "public entity" may thus include this state, a political subdivision, a municipal corporation, a state university or college, a school or other special district, a joint agreement entity, a public authority, a public trust, a nonprofit corporation, and other organizations.
(12) "Registered public obligation" means an obligation issued by a public entity which is issued pursuant to a system of registration.
(13) "System of registration" and its variants means a plan that provides:
(a) With respect to a certificated registered public obligation,
that (i) the certificated registered public obligation specify a person entitled to the registered public obligation and the rights it represents, and (ii) transfer of the certificated registered public obligation and the rights it represents may be registered upon books maintained for that purpose by or on behalf of the issuer; and

(b) With respect to an uncertificated registered public obligation, that (i) books be maintained by or on behalf of the issuer for the purpose of registration of the transfer of a registered public obligation that specify the person entitled to the public obligation and the rights evidenced thereby, and (ii) the transfer of the uncertificated registered public obligation and the rights evidenced thereby be registered upon such books.

(14) "Uncertificated registered public obligation" means a registered public obligation which is not represented by an instrument.

57-903. FINDINGS OF STATE INTERESTS -- PURPOSES. (1) The code provides that interest with respect to certain obligations may not be exempt from federal income taxation unless they are in registered form. It is therefore a matter of state concern that public entities be authorized to provide for the issuance of obligations in such form. It is a purpose of this act to empower all public entities to establish and maintain a system pursuant to which obligations may be issued in registered form within the meaning of the applicable provisions of the code.

(2) Obligations have traditionally been issued in bearer rather than in registered form, and a change from bearer to registered form may affect the relationships, rights and duties of issuers of and the persons that deal with obligations, and by such effect, the costs. Such effects will impact the various issuers and varieties of obligations differently depending on their legal and financial characteristics, their markets and their adaptability to recent and prospective technological and organizational developments. It is, therefore, a matter of state concern that public entities be provided flexibility in the development of such systems and control over system incidents, so as to accommodate such differing impacts. It is a purpose of this act to empower the establishment and maintenance, and amendment from time to time, of differing systems of registration of obligations, including system incidents, so as to accommodate the differing impacts upon issuers and varieties of obligations. It is further a purpose of this act to authorize systems that will facilitate the prompt and accurate transfer of registered public obligations and develop practices with regard to the registration and transfer of registered public obligations.

57-904. SYSTEMS OF REGISTRATION. (1) Each issuer is authorized to establish and maintain a system of registration with respect to each obligation which it issues. The system may either be (a) a system pursuant to which only certificated registered public obligations are issued, or (b) a system pursuant to which only uncertificated registered public obligations are issued, or (c) a system pursuant to which both certificated and uncertificated registered public obligations are issued. The issuer may amend, discontinue and reinstitute any system,
from time to time, subject to covenants.

(2) The system shall be established, amended, discontinued, or reinstituted for the issuer by, and shall be maintained for the issuer as provided by, the official or official body.

(3) The system shall be described in the registered public obligation or in the official actions which provide for original issuance of the registered public obligation, and in subsequent official actions providing for amendments and other matters from time to time. Such description may be by reference to a program of the issuer which is established by the official or official body.

(4) The system shall define the method or methods by which transfer of the registered public obligation shall be effective with respect to the issuer, and by which payment of principal and any interest shall be made. The system may permit the issuance of registered public obligations in any denomination to represent several registered public obligations of smaller denominations. The system may also provide for the form of any certificated registered public obligation or of any writing relating to an uncertificated registered public obligation, for identifying numbers or other designations, for a sufficient supply of certificates for subsequent transfers, for record and payment dates, for varying denominations, for communications to holders or owners of obligations, and for accounting, cancelled certificate destruction, registration and release of security interests and other incidental matters. Unless the issuer otherwise provides, the record date for interest payable on the first or fifteenth days of a month shall be the fifteenth day or the last business day of the preceding month, respectively, and for interest payable on other than the first or fifteenth days of a month, shall be the fifteenth calendar day before the interest payment date.

(5) Under a system pursuant to which both certificated and uncertificated registered public obligations are issued, both types of registered public obligations may be regularly issued, or one type may be regularly issued and the other type issued only under described circumstances or to particular described categories of owners and provision may be made for registration and release of security interests in registered public obligations.

(6) The system may include covenants of the issuer as to amendments, discontinuances, and reinstatements of the system and the effect of such on the exemption of interest from the income tax provided for by the code.

(7) Whenever an issuer shall issue an uncertificated registered public obligation, the system of registration may provide that a true copy of the official actions of the issuer relating to the uncertificated registered public obligation be maintained by the issuer and by the person, if any, maintaining the system on behalf of the issuer, so long as the uncertificated registered public obligation remains outstanding and unpaid. A copy of the official actions, verified by an authorized officer, shall be admissible before any court of record, administrative body or arbitration panel without further authentication.

(8) Nothing in this chapter shall preclude a conversion from one of the forms of registered public obligations provided for by this chapter to a form of obligation not provided for by this chapter if
interest on the obligation so converted will continue to be exempt from the income tax provided for by the code.

(9) The rights provided by other laws with respect to obligations in forms not provided for by this chapter shall, to the extent not inconsistent with this chapter, apply with respect to registered public obligations issued in forms authorized in this chapter.

57-905. CERTIFICATED REGISTERED PUBLIC OBLIGATION -- EXECUTION -- AUTHENTICATION. (1) A certificated registered public obligation shall be executed by the issuer by the manual or facsimile signature or signatures of authorized officers. Any signature of an authorized officer may be attested by the manual or facsimile signature of another authorized officer.

(2) In addition to the signature referred to in subsection (1) of this section any certificated registered public obligation or any writing relating to an uncertificated registered public obligation may include a certificate or certificates signed by the manual or facsimile signature of an authenticating agent, registrar, transfer agent or the like.

(3) At least one (1) signature of an authorized officer or other person required or permitted to be placed on a certificated registered public obligation shall be a manual signature.

57-906. CERTIFICATED REGISTERED PUBLIC OBLIGATION -- SIGNATURES. (1) Any certificated registered public obligation signed by the authorized officers at the time of the signing thereof shall remain valid and binding, notwithstanding that before the issuance thereof any or all of such officers shall have ceased to fill their respective offices.

(2) Any authorized officer empowered to sign any certificated registered public obligation may adopt as and for the signature of such officer the signature of a predecessor in office in the event that such predecessor's signature appears on such certificated registered public obligation. An authorized officer incurs no liability by adoption of a predecessor's signature that would not be incurred by the authorized officer if the signature were that of the authorized officer.

57-907. CERTIFICATED REGISTERED PUBLIC OBLIGATION -- SEAL. When a seal is required or permitted in the execution of any certificated registered public obligation, an authorized officer may cause the seal to be printed, engraved, stamped, or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

57-908. AGENTS -- DEPOSITORIES. (1) An issuer may appoint for such term as may be agreed, including for so long as a registered public obligation may be outstanding, corporate or other authenticating agents, transfer agents, registrars, paying or other agents and specify the terms of their appointment, including their rights, their compensation and duties, limits upon their liabilities and provisions for their payment of liquidated damages in the event of breach of certain of the duties imposed, which liquidated damages may be made pay-
able to the issuer, the owner or a financial intermediary. None of such agents need have an office or do business within this state.

(2) An issuer may agree with custodian banks and financial intermediaries, and nominees of any of them, in connection with the establishment and maintenance by others of a central depository system for the transfer or pledge of registered public obligations. Any such custodian banks and financial intermediaries, and nominees, may, if qualified and acting as fiduciaries, also serve as authenticating agents, transfer agents, registrars, paying or other agents of the issuer with respect to the same issue of registered public obligations.

(3) Nothing shall preclude the issuer from itself performing, either alone or jointly with other issuers, any transfer, registration, authentication, payment or other function described in this section.

57-909. COSTS -- COLLECTION. (1) An issuer, prior to or at original issuance of registered public obligations, may provide as part of a system of registration that the transferor or transferee of the registered public obligations pay all or a designated part of the costs of the system as a condition precedent to transfer, that costs be paid out of proceeds of the registered public obligations, or that both methods be used. The portion of the costs of the system not provided to be paid for by the transferor or transferee or out of proceeds shall be the liability of the issuer.

(2) The issuer may as a part of a system of registration provide for reimbursement or for satisfaction of its liability by payment by others. The issuer may enter into agreements with others respecting such reimbursement or payment, may establish fees and charges pursuant to such agreements or otherwise, and may provide that the amount or estimated amount of such fees and charges shall be reimbursed or paid from the same sources and by means of the same collection and enforcement procedures and with the same priority and effect as with respect to the obligation.

57-910. DEPOSITS FOR SECURITY. Obligations issued by public entities under the laws of one or more states, territories, possessions, or the District of Columbia, which are in registered form, whether or not represented by an instrument, and which, except for their form, satisfy the requirements with regard to security for deposits of moneys of public agencies prescribed pursuant to any law of this state, shall be deemed to satisfy all such requirements even though they are in registered form if a security interest in such obligations is perfected on behalf of the public agency whose moneys are so deposited.

57-911. PUBLIC RECORDS -- LOCATIONS. (1) Records, with regard to the ownership of or security interests in registered public obligations, are not subject to inspection or copying under any law of this state relating to the right of the public to inspect or copy public records, any other law to the contrary notwithstanding.

(2) Registration records of the issuer may be maintained at such locations within or without this state as the issuer shall determine.
57-912. APPLICABILITY -- ELECTION -- RECESSION. (1) Unless at any time prior to or at original issuance of a registered public obligation the official or official body of the issuer determines otherwise, this chapter shall be applicable to such registered public obligation, notwithstanding any provision of law to the contrary. When this chapter is applicable, the provisions of this chapter shall prevail over any inconsistent provision of any other law.

(2) Nothing in this chapter limits or prevents the issuance of obligations in any other form or manner authorized by law.

(3) Unless determined otherwise pursuant to subsection (1) of this section, the provisions of this chapter shall be applicable with respect to obligations which have heretofore been approved by vote, referendum or hearing, authorizing or permitting the authorization of obligations in bearer and registered form, or in bearer form only, and such obligations need not be resubmitted for a further vote, referendum or hearing, for the purpose of authorizing or permitting the authorization of registered public obligations pursuant to this chapter.

57-913. CONSTRUCTION. This chapter shall be construed in conjunction with the uniform commercial code and the principles of contract law relative to the registration and transfer of obligations.

57-914. AMENDMENT OR REPEAL -- EFFECT. The state hereby covenants with the owners of any registered public obligations that it will not amend or repeal this chapter if the effect may be to impair the exemption from income taxation of interest on registered public obligations.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

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

Approved March 29, 1983.
CHAPTER 99
(H.B. No. 279)

AN ACT
AMENDING CHAPTER 227, LAWS OF 1982, RELATING TO THE APPROPRIATION TO
THE PUBLIC SCHOOL SUPPORT PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 227, Laws of 1982, be, and the same is
hereby amended to read as follows:

SECTION 1. It is legislative intent that the following amounts shall be expended from
state sources for the designated programs for public schools for the period July 1, 1982,
through June 30, 1983:

<table>
<thead>
<tr>
<th>FOR PUBLIC SCHOOL SUPPORT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' UNEMPLOYMENT INSURANCE</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td>$188,748,700</td>
<td>$24,219,500</td>
<td>$1,200,900</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$17,065,000</td>
<td>$35,208,600</td>
<td>$18,143,600</td>
<td>20,000,000</td>
</tr>
<tr>
<td>Vocational Education</td>
<td>2,126,600</td>
<td>2,126,600</td>
<td>275,879,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$232,315,500</td>
<td>$25,589,000</td>
<td>$662,888</td>
<td>$275,879,500</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated out of the accounts enumerated the following moneys, to be deposited in the public school income fund for the designated programs for the period July 1, 1982, through June 30, 1983:

| FOR:                      | Public School Foundation Program       | $188,748,700                                   |
| Public School Employees' Retirement Program | $25,589,000 | $24,219,500 |
| Public School Employees' Unemployment Insurance Program | $662,888 | $214,169,100 |
| TOTAL                      | $214,169,100                             |
| FROM:                     | General Account                        | $214,169,100                                   |

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, 1982, through June 30, 1983.

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

Approved March 29, 1983.
CHAPTER 100
(H.B. No. 230)

AN ACT
RELATING TO USE OF UNUSED SICK LEAVE UPON RETIREMENT FROM EMPLOYMENT WITH A JUNIOR COLLEGE DISTRICT; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 33-2109A, IDAHO CODE, TO PROVIDE THE APPLICATION OF UNUSED SICK LEAVE UPON RETIREMENT AND TO PROVIDE FOR CONTRIBUTIONS TO THE SICK LEAVE ACCOUNT MAINTAINED BY THE PUBLIC EMPLOYEE RETIREMENT SYSTEM.

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

SECTION 1. That Chapter 21, 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 33-2109A, Idaho Code, and to read as follows:

33-2109A. USE OF UNUSED SICK LEAVE. Upon separation from employment with the junior college district by retirement, in accordance with chapter 13, title 59, Idaho Code, an employee shall be accorded credit for unused sick leave as provided in section 67-5339, Idaho Code. Each junior college district shall contribute to the sick leave account for the purposes of this section, as provided in subsection (3) of section 67-5339, Idaho Code.

Approved March 29, 1983.

CHAPTER 101
(H.B. No. 44)

AN ACT
RELATING TO THE REGISTRATION OF MOTOR VEHICLES AND GROSS WEIGHTS OF VEHICLES; AMENDING SECTION 49-107, IDAHO CODE, TO BRING THE GROSS WEIGHT CLASSIFICATIONS INTO CONFORMITY WITH SECTION 49-127, IDAHO CODE.

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

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

49-107. OWNER TO SECURE REGISTRATION IN COUNTY OF RESIDENCE OR FROM BOARD. a. Every owner of a motor vehicle, trailer or semi-trailer who intends to operate the same upon any highway in this state shall before the same is so operated, apply to the assessor of the county in which he resides and obtain the registration thereof, except the owner of any vehicle which is exempted by section 49-108, Idaho Code, and excepting, also, when an owner is permitted to operate a vehicle under
the special provisions relating to lien holders, manufacturers, dealers, and vehicles registered in a foreign country, state, territory, or federal district, contained in sections 49-117(c), 49-118, 49-120 and 49-206--49-211, Idaho Code, provided that the registration for commercial vehicles or commercial combinations having a maximum gross weight in excess of sixteen thousand (16,000) pounds and noncommercial vehicles or noncommercial combinations having a maximum gross weight in excess of thirty-sixteen thousand (3016,000) pounds shall be procured from, and the registration and use tax fees therefor paid to, the board, except as hereinafter provided.

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

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

(2) Any farm vehicle or combination of vehicles where each vehicle or combination of vehicles shall not exceed a gross weight of thirty-eight sixty thousand (3860,000) pounds, and utility farm trailers for the unladen gross weight as shown in section 49-127(f), Idaho Code.

c. Nonresident trucks vehicles or combination of vehicles owned by transient labor used in hauling unprocessed agricultural products for hire and not exceeding thirty-eight sixty thousand (3860,000) pounds gross weight shall register their vehicle for the appropriate gross weight scale for the annual fee if registered on or before June 30, and for one-half (1/2) the annual fee if not registered until on or after July 1 of any year, with the county assessor of the county in which the owner resides.

Approved March 29, 1983.

CHAPTER 102
(H.B. No. 227)

AN ACT
RELATING TO TAX ANTICIPATION FINANCING OF THE STATE; REPEALING CHAPTER 32, TITLE 63, IDAHO CODE, RELATING TO TAX ANTICIPATION FINANCING; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 63, IDAHO CODE, TO ESTABLISH PROVISIONS FOR BORROWING BY THE STATE BY THE ISSUANCE OF TAX ANTICIPATION NOTES; TO PROVIDE AUTHORITY FOR THE STATE TREASURER, UPON APPROVAL OF THE STATE BOARD OF EXAMINERS, TO BORROW MONEY ON BEHALF OF THE STATE IN ANTICIPATION OF NOT TO EXCEED SEVENTY-FIVE PER CENT OF THE INCOME OR REVENUES FROM TAXES FOR THE CURRENT FISCAL YEAR BY THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE STATE; TO PROVIDE THE PROCEDURE FOR ISSUANCE OF TAX ANTICIPATION NOTES, INCLUDING PLANS OF FINANCING PROVIDING DETAILS OF PUBLIC ISSUANCE AND PUBLIC SALE OF TAX ANTICIPATION NOTES; TO PROVIDE FOR CREATION OF A TAX ANTICIPATION NOTE REDEMPTION FUND FOR PAYMENT OF TAX ANTICIPATION NOTES, FOR
DETAILS IN THE ADMINISTRATION OF THE REDEMPTION FUND AND AUTHORITY FOR THE STATE TREASURER TO COVENANT IN CONNECTION THEREWITH; TO PROVIDE APPROPRIATION OF PROCEEDS OF TAX ANTICIPATION NOTES TO PAY ISSUANCE COSTS; TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 32, Title 63, Idaho Code, be, and the same is hereby repealed, except that such repeal shall not adversely affect in any way the rights of the holders of any tax anticipation notes of the state which are outstanding on the effective date of this act.

SECTION 2. That Title 63, Idaho Code, be, and the same is hereby amended by the addition of a NEW CHAPTER, to be known and designated as Chapter 32, Title 63, Idaho Code, and to read as follows:

63-3201. BORROWING OF MONEY IN ANTICIPATION OF INCOME OR REVENUE.--LIMIT OF BORROWING -- ISSUANCE OF NOTES. The state treasurer, on approval of the state board of examiners, is hereby authorized and directed to borrow money from time to time for the state of Idaho, in anticipation of income or revenue from taxes, whether such taxes are specific, ad valorem, excise, income, franchise or license, for the current fiscal year, or that portion of such taxes not collected on or before the time of borrowing, in a principal amount not greater than seventy-five per cent (75%) of income or revenue from such taxes which the state tax commission or any other tax collecting agency certifies to the state treasurer are to be reasonably anticipated to be collected during the current fiscal year. The provisions of section 67-1212, Idaho Code, shall not limit the authority of the state treasurer to issue and sell tax anticipation notes under the authority of this chapter. Said loan shall be evidenced by the issuance and sale of tax anticipation notes of the state of Idaho, for fixed periods, not greater than twelve (12) months or the end of the current fiscal year, whichever is shorter.

63-3202. PROCEDURE FOR ISSUANCE OF NOTES. (1) 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, the state treasurer shall make written application to the state board of examiners, stating the amount of state of Idaho tax anticipation notes the state treasurer deems advisable to issue. Upon approval of the state board of examiners by order or resolution duly entered on the minutes of the state board of examiners, the state treasurer shall issue the tax anticipation notes in accordance with the provisions of this chapter.

(2) Prior to the public issuance and public sale of any tax anticipation note, the state treasurer shall prepare a written plan of financing which shall be filed in the office of the governor. The plan of financing shall provide for the terms and conditions under which the tax anticipation notes shall be issued, sold and delivered, the taxes to be anticipated, the maximum amount of tax anticipation notes;
which may be outstanding at any one time under the plan of financing, the sources of payment of the tax anticipation notes issued pursuant to the plan of financing, which may include the proceeds of sale of notes issued to refund outstanding tax anticipation notes and to pay accrued interest thereon, and all other details necessary in connection with the issuance, sale and delivery of the tax anticipation notes. The plan of financing shall specify a method pursuant to which the interest rate or rates on the tax anticipation notes may be determined during the time the tax anticipation notes are outstanding and shall also set forth the maximum interest rate which the tax anticipation notes may bear.

(3) The tax anticipation notes shall bear interest, shall be in the form, shall be executed in the manner, shall be payable, shall be sold in the manner and at prices, either at, in excess of, or below the face value thereof, and generally shall be issued in the manner and with the details as shall be set forth in an order of the state treasurer, all in conformity with any applicable plan of financing and with this chapter.

(4) Each tax anticipation note shall recite that it is a valid and binding obligation of the state of Idaho and that the faith and credit of the state of Idaho is solemnly pledged for the payment of the principal of and interest thereon in accordance with its terms and the constitution and laws of the state of Idaho.

(5) Each tax anticipation note shall be registered prior to issuance in the office of the state auditor and a legend to that effect shall appear on each tax anticipation note.

(6) Immediately upon the completion of any sale, the state treasurer shall make a verified return of said sale to the state auditor, specifying the amount of notes sold, the person or persons to whom said notes were sold and the price, terms and conditions of the sale. Immediately upon the sale of any tax anticipation notes, the state treasurer shall credit the proceeds of sale, other than accrued interest, to the general account of the state operating fund of the state.

63-3203. TAX ANTICIPATION NOTE REDEMPTION FUND. To provide for the payment of the principal of and interest on tax anticipation notes there is hereby created a special fund to be known as the "Tax Anticipation Note Redemption Fund." Whenever any tax anticipation notes have been issued in anticipation of income or revenue from taxes as authorized and directed by this chapter, all income or revenue realized from the taxes which were specified in the approved plan of financing to be anticipated shall be placed in the tax anticipation note redemption fund until such time as the funds accumulated therein shall be sufficient to pay the principal amount of all such notes outstanding, together with interest thereon until paid; and the funds so accumulated in the redemption fund are hereby appropriated and set aside solely for such purposes; provided, however, except as otherwise provided in the constitution of the state of Idaho nothing in this chapter shall be construed to limit the payment of the principal and interest of tax anticipation notes solely to the income and revenues from the specific taxes in anticipation of which the notes were issued. Accrued interest received upon the sale of the tax anticipation notes shall be deposited by the state treasurer in the redemption
fund. The state treasurer is authorized to invest all moneys from time to time in the redemption fund in any authorized investment of the state treasurer maturing at a time or times which will permit payment of the principal of and interest on the tax anticipation notes in a timely manner when due. The state treasurer is authorized to covenant with the purchasers of the tax anticipation notes as to the manner of holding moneys in the redemption fund, the investments of moneys in the redemption fund and the disposition of any investment income therefrom either by retaining investment income in the redemption fund to be used to pay principal of and interest on tax anticipation notes when due or by paying the investment income to the state treasurer for deposit into the general account in the operating fund of the state; provided, however, whenever there is sufficient money in the redemption fund to pay all principal of and interest on all outstanding tax anticipation notes payable therefrom, all investment income thereon must be paid to the state treasurer for deposit into the general account in the state operating fund of the state.

63-3204. EXPENSES OF NEGOTIATING LOAN AND ISSUING NOTES. Any and all expenses incident to the issuance of tax anticipation notes authorized and directed by this chapter, shall be paid from the proceeds of sale of the tax anticipation notes credited to the general account in the state operating fund of the state and there is hereby appropriated all sums necessary for the payment of the expenses of issuance when due.

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

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

Approved March 29, 1873.

CHAPTER 103
(H.B. No. 257)

AN ACT
RELATING TO ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-440, IDAHO CODE, TO REQUIRE DISCLOSURE OF INFORMATION IN ANY ELECTION WHICH WOULD AUTHORIZE BONDED INDEBTEDNESS.

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

SECTION 1. That Chapter 4, Title 34, Idaho Code, be, and the same
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is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-440, Idaho Code, and to read as follows:

34-440. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. Notwithstanding any other provision of law, any taxing district including, but not limited to, any city, county, highway district, special improvement district, school district or hospital district, which proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief statement setting forth in simple, understandable language, information on the proposal substantially as follows:

1) The total existing indebtedness, including interest accrued, of the taxing district;

2) The interest rate which is anticipated on the proposed bond issue, the range of anticipated rates, and the maximum rate if a maximum is specified in the submission of the question; and

3) The total amount to be repaid over the life of the bond issue based on the anticipated interest rate, if the bond election is approved.

The information prepared by the taxing district shall be submitted to the treasurer of the county for review against information submitted pursuant to section 57-301, Idaho Code, and independently verified by the treasurer. The verified, official statement shall be returned to the taxing district and be made a part of the official ballot and be included in the official notice of the election.

Approved March 29, 1983.

CHAPTER 104
(H.B. No. 13)

AN ACT
RELATING TO TAX COMMISSION RULES AND REGULATIONS; AMENDING SECTION 63-3039, IDAHO CODE, TO ALLOW THE STATE TAX COMMISSION TO INCLUDE THE COST OF POSTAGE IN THE PRICE FOR WHICH COPIES OF ITS RULES AND REGULATIONS ARE SOLD; AND AMENDING SECTION 63-514, IDAHO CODE, TO REMOVE CONFLICTING LANGUAGE AND CONFORM THE CONFLICTING SECTIONS.

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

SECTION 1. That Section 63-3039, Idaho Code, be, and the same is hereby amended to read as follows:

63-3039. RULES AND REGULATIONS -- PUBLICATION OF STATISTICS AND LAW. (a) The state tax commission shall prescribe all needful rules and regulations for the enforcement of this act (which shall be deemed to include all interpretations and constructions of this act, which must be uniformly made, by the state tax commission) and shall prepare all forms which may be required of taxpayers. All rules or regulations
and forms shall be printed for general distribution and the state tax commission is hereby authorized to contract for such printing. The state tax commission may make a charge for each copy of rules and regulations which charge shall not exceed the actual cost of printing the same plus ten-per-cent-10%-to-cover the actual expense of the state tax commission for postage or other handling costs but no charge shall be made for any form required of taxpayers. No rule or regulation shall become effective until thirty (30) days after the rule or regulation as published is made available to the public and each rule or regulation requiring compliance by a taxpayer shall have an effective date. The state tax commission is authorized to establish an annual charge for all rules, regulations and other publications of the commission and to receive subscriptions therefor which shall entitle the subscriber to delivery of such publications by mail as soon as the same are published.

(b) The state tax commission shall as soon as practicable after the effective date of this act adopt rules and regulations as provided herein. Such rules and regulations shall conform wherever practicable to the regulations promulgated by the commissioner for the Internal Revenue Code.

(c) Any law to the contrary notwithstanding, the state tax commission shall prepare and publish annually such statistics as are reasonably available with respect to the operation of the commission including pertinent statistics of the income reported, taxes collected, and such other matters as may be deemed valuable information for the public and also such information and statistics as the governor and/or the legislature may require from time to time.

(d) The state tax commission shall cause this act to be published in pamphlet form together with such amendments as may from time to time be made, which pamphlet shall include any rules or regulations then in effect and shall provide for the sale of the same to the public at a uniform price not to exceed the cost of printing plus ten per-cent-10%-of-such the actual cost for postage and other handling charges incurred by the state tax commission.

SECTION 2. That Section 63-514, Idaho Code, be, and the same is hereby amended to read as follows:

63-514. PROCESS AND PROCEDURE BEFORE COMMISSION -- RULES AND REGULATIONS -- DISTRIBUTION. Process and procedure before the state tax commission shall be as summary and simple as reasonably may be, and, as far as possible, in accordance with the rules of equity. The tax commission shall cause its rules and regulations to be printed in pamphlet form and shall cause a reasonable supply of the same to be delivered into the hands of the assessors of the several counties and copies-of-the-same-to-be-made-available-to-the-public; without charge; upon-request. The state tax commission may make a charge to all others for each copy of the rules and regulations which charges shall not exceed the actual cost of printing the same plus the actual expense of the state tax commission for postage or other handling costs.

Approved March 29, 1983.
CHAPTER 105  
(H.B. No. 91)

AN ACT
RELATING TO LOBBYISTS; AMENDING SECTION 67-6619, IDAHO CODE, TO REQUIRE AN ANNUAL REPORT, TO REQUIRE PERIODIC REPORTS DURING A LEGISLATIVE SESSION BE MADE WITHIN TEN DAYS OF THE FIRST OF THE MONTH, AND TO REDUCE THE NUMBER OF COPIES OF WRITTEN MATERIALS REQUIRED TO BE FILED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6619, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619. REPORTING BY LOBBYISTS. (a) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state periodic an annual reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the secretary of state—they shall be due quarterly and shall be filed within thirty-(30)—days after the end of the calendar-quarter-covered-by-the-report on January 31. In addition to the quarterly annual reports, while the legislature is in session, any every registered lobbyist who lobbies with respect to any legislation shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed within five (5) days of the first day of the month for the activities of the month just past. In addition, each lobbyist shall within five (5) days after delivery of any written or printed statement, argument or brief to the legislature or any committee thereof or the members thereof, file three-(3)—copies one (1) copy with the secretary of state.

(b) Each such quarterly annual and monthly periodic report shall contain:

(1) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer (not including payments made directly to the lobbyist), during the period covered by the report, which totals shall be segregated according to financial category, including, for example, entertainment, food and refreshments; advertising; providing, however, that reimbursed personal living and travel expenses of a lobbyist incurred directly or indirectly for any lobbying purpose need not be reported. The total of each expenditure of more than fifty dollars ($50.00) shall be identified by date, place, amount, and the names of all members of the state legislature or holder of public office in the group partaking in or of such financial category including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category
incurred on behalf of each of his employers.

(3) An itemized listing of each such expenditure made by the lobbyist or by the lobbyist’s employer in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator, exempting only those contributions that are required to be reported under other provisions of law, shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(c) Each such quarterly annual and monthly periodic report shall contain the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided, that in the case of appropriations bills the lobbyists shall enumerate the specific section or sections which he supported or opposed.

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

Approved March 29, 1983.

CHAPTER 106
(H.B. No. 212)

AN ACT
APPROPRIATING MONEYS FROM THE PUBLIC UTILITIES COMMISSION ACCOUNT AND TRANSFERRING SUCH MONEYS TO THE GENERAL ACCOUNT.

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

SECTION 1. Notwithstanding any other provisions of law, there is hereby appropriated from the Public Utilities Commission Account and transferred to the General Account the sum of $134,500 for fiscal year 1984 only.

Approved March 29, 1983.

CHAPTER 107
(H.B. No. 118)

AN ACT
RELATING TO LIBRARY DISTRICTS; AMENDING SECTION 33-2709, IDAHO CODE, TO PROVIDE THAT IF TRUSTEE ZONES HAVE BEEN ESTABLISHED IN LIBRARY DISTRICTS, TRUSTEES SHALL BE A RESIDENT OF THE TRUSTEE ZONE;
AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2710B, IDAHO CODE, TO PROVIDE FOR CREATION OF TRUSTEE ZONES IN LIBRARY DISTRICTS, TO ALLOW FOR REJECTION OF TRUSTEE ZONES, TO PROVIDE FOR CHANGE IN BOUNDARIES OF TRUSTEE ZONES, TO PROVIDE FOR APPOINTMENT OF TRUSTEES FROM TRUSTEE ZONES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2709, Idaho Code, be, and the same is hereby amended to read as follows:

33-2709. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS -- TERM -- OATH -- APPOINTMENT OF FIRST BOARD. Each library district shall be governed by a board of trustees of five (5) members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and be representative of the several areas of the district if trustee zones have been established under section 33-2710B, Idaho Code, shall be a resident of the trustee zone. One (1) trustee shall be elected at each annual trustee election. The regular term of a trustee shall be for five (5) years, or until his successor has been elected and qualified. Within ten (10) days after his election or appointment a trustee shall qualify and assume the duties of his office as of the date of such qualification which shall be by taking the oath of office required of state officers, to be administered by one (1) of the present trustees or by a trustee retiring.

Following the initial establishment of a library district, the board of county commissioners of the home county within five (5) days shall appoint the members of the first board of trustees, who shall serve until the next annual election of trustees or until their successors are elected and qualified. Addition of new territory to an existing library district shall not be considered an initial establishment. Said first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

At its first meeting, and after each trustee election, the board shall organize and elect from its membership a chairman and such other officers as may be deemed necessary to conduct the affairs of the district.

Members of the board shall serve without salary but shall receive their actual and necessary expenses while engaged in business of the district.

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 33-2710B, Idaho Code, and to read as follows:

33-2710B. CREATION OF TRUSTEE ZONES. Each library district may be divided into five (5) trustee zones with each zone having approximately the same population. In order for a library district to be divided into trustee zones, the board of trustees shall pass a motion declaring the district to be divided into trustee zones and present a
The board of trustees shall transmit the motion along with the legal description of the trustee zones to the board or boards of county commissioners in the county or counties where the library district is contained. The board or boards of county commissioners shall have forty-five (45) days from the receipt of the motion and legal description to reject, by adoption of a motion, the establishment of trustee zones proposed by formal motion of the board of trustees of the library district. If the board or boards of county commissioners do not reject the establishment of the trustee zones within the time limit specified, they shall be deemed to be in full force and effect. If a library district is contained in more than one (1) county, a motion of rejection adopted by one (1) board of county commissioners shall be sufficient to keep the trustee zone plan from going into effect. A board of county commissioners shall notify the board of trustees in writing if a proposal is rejected.

If a proposal for the establishment of trustee zones is rejected by a board of county commissioners, the boundaries of the trustee zones, if any, shall return to the dimensions they were before the rejection. Trustee zones may be redefined and changed, but not more than once every two (2) years after a new set of trustee zones are formally established and in full force and effect.

At the next regular meeting of the board of trustees of the library district following the approval of a trustee zone proposal by the board or boards of county commissioners, the board shall appoint from its membership or from patrons resident in each trustee zone, a person from that zone to serve as a trustee until the next regularly scheduled trustee election from that zone. All other matters relating to library district trustee zones shall be as provided in chapter 4 and 5, title 33, Idaho Code, relating to school district trustee zones.

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

Approved March 29, 1983.

CHAPTER 108
(H.B. No. 289)

AN ACT
APPROPRIATING MONEYS TO THE AGENCIES LISTED IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Purpose</th>
<th>Account Details</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. STATE ATHLETIC DIRECTOR:</strong></td>
<td>Supervision of Boxing and Wrestling</td>
<td>Athletic Account $ 13,900</td>
<td>$ 13,900</td>
</tr>
<tr>
<td><strong>B. BOARD OF PHARMACY:</strong></td>
<td>Protecting Public Health and Controlled Substances Act</td>
<td>Pharmacy Board Account $ 187,200</td>
<td>$ 93,100</td>
</tr>
<tr>
<td><strong>C. BOARD OF ACCOUNTANCY:</strong></td>
<td>Licensing and Enforcing</td>
<td>State Board of Accountancy Account $ 62,700</td>
<td>$ 108,600</td>
</tr>
<tr>
<td><strong>D. BOARD OF DENTISTRY:</strong></td>
<td>Enforcing the Dental Practice Act</td>
<td>State Board of Dentistry Account $ 58,200</td>
<td>$ 48,800</td>
</tr>
<tr>
<td><strong>E. BOARD OF ENGINEERING EXAMINERS:</strong></td>
<td>Licensing and Enforcement</td>
<td>Professional Engineers Account $ 72,700</td>
<td>$ 75,600</td>
</tr>
<tr>
<td><strong>F. BOARD OF MEDICINE:</strong></td>
<td>Licensing and Enforcement</td>
<td>State Board of Medicine Account $ 108,600</td>
<td>$ 57,600</td>
</tr>
<tr>
<td><strong>G. BOARD OF NURSING:</strong></td>
<td>Education, Licensure and Discipline</td>
<td>State Board of Nursing Account $ 161,100</td>
<td>$ 99,400</td>
</tr>
<tr>
<td><strong>H. BUREAU OF OCCUPATIONAL LICENSES:</strong></td>
<td>Licensing and Enforcing</td>
<td>Occupational License Account $ 274,800</td>
<td>$ 164,000</td>
</tr>
<tr>
<td><strong>I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</strong></td>
<td>Licensing and Enforcing</td>
<td>Public Works Contractors State License Board Account $ 87,500</td>
<td>$ 73,500</td>
</tr>
<tr>
<td><strong>J. IDAHO REAL ESTATE COMMISSION:</strong></td>
<td>Administration and Education</td>
<td>Idaho Real Estate Brokers</td>
<td></td>
</tr>
</tbody>
</table>
K. PROFESSIONAL GEOLOGISTS BOARD:
FOR: Professional Geologists Board
FROM:
Professional Geologists Account $ 12,100 $ 11,800 $ 23,900

L. BOARD OF OPTOMETRY:
FOR: Administration
FROM:
State Board of Optometry Account $ 2,500 $ 5,900 $ 8,400

M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:
FOR: Idaho Certified Shorthand Reporters Board
FROM:
State Certified Shorthand Reporters Account $ 5,400 $ 11,400 $ 16,800

N. OUTFITTERS AND GUIDES BOARD:
FOR: Outfitters and Guides Board
FROM:
Outfitters and Guides Board Account $ 112,700 $ 62,200 $ 174,900

GRAND TOTAL $1,584,100 $1,112,100 $66,300 $2,762,500

Approved March 29, 1983.

CHAPTER 109
(H.B. No. 108, As Amended)

AN ACT
RELATING TO THE REAL ESTATE COMMISSION; AMENDING SECTION 54-2026, IDAHO CODE, TO CHANGE THE NAME OF THE EXECUTIVE SECRETARY TO EXECUTIVE DIRECTOR; AMENDING SECTION 54-2029, IDAHO CODE, TO INCREASE THE LATE RENEWAL FEE; AMENDING SECTION 54-2036, IDAHO CODE, TO INCREASE FEES; REPEALING SECTION 54-2046, IDAHO CODE; AMENDING SECTION 54-2053, IDAHO CODE, TO CHANGE THE NAME OF THE EXECUTIVE SECRETARY TO EXECUTIVE DIRECTOR; AMENDING SECTION 55-1809, IDAHO CODE, TO INCREASE THE REGISTRATION FEE AND TO ESTABLISH FEES.

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

SECTION 1. That Section 54-2026, Idaho Code, be, and the same is hereby amended to read as follows:
54-2026. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF COMMISSION. All members of the commission shall be licensed real estate brokers who have not had less than five (5) years experience in the real estate business in Idaho. On July 1, 1976, appointments to the commission shall be made so as to appoint a commission member from the northern district for a three (3) year term and a commission member from the south central district for a four (4) year term. Each regular appointment thereafter, other than an appointment to fill an unexpired term, shall be for a term of four (4) years, and each commission member shall hold office until his successor is appointed and qualified. Upon the death, resignation or removal of any member of the commission, the governor shall appoint a qualified licensed real estate broker to fill out the unexpired term. Appointments to fill any vacancy, other than that resulting from the expiration of a term, shall be made for the unexpired term. The governor may remove any member from the commission for neglect of duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

Within fifteen (15) days after the appointment of the members of the commission, the commission shall call a meeting and organize by the election of a chairman and an executive secretary director. Thereafter the chairman may call meetings of the commission whenever he deems it advisable, but if he refuses to call a meeting upon written demand of the other three (3) members of the commission, then such members may call such meeting. Reasonable notice shall be given in writing by mail of such meeting. The executive secretary director and such other assistants as the commission may require may be selected either from within or without the commission, and shall be paid such compensation as the commission shall determine.

SECTION 2. 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 complied with the educational requirements as provided for in subsection C of this section 54-20229; Idaho Code; the real estate education course requirements set forth in subsection C of this section 54-20229; 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;
(6) If the application is for a real estate broker's license, the applicant must have been actively engaged as a licensed real estate salesman in this state as provided for in subsection B(3) of this section 54-20229; 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) In addition to subsection B(1), 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, that the applicant has successfully completed the pre­
scribed 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 comple­
tion of a course of study.

D. 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 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 this section 54-2929,-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 fifteen dollars
($15.00); provided that between the last day of the month of his
birthdate and the date of renewal of the license, the rights of the
licensee under such license shall be suspended, and during such period of suspension it shall be unlawful for any licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions of a real estate broker or real estate salesman in section 54-2022, Idaho Code, in consideration of compensation of any kind or expectation thereof.

A new license or renewal issued after January 1, 1975, shall be for the term of the months up to and including the month of the birthdate of the licensee. 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 3. 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 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 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 $15.00 for each reexamination.

d. A change of address fee of $5.00 for each license requiring the change of address.

e. A fee of $20.00 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 4. That Section 54-2046, Idaho Code, be, and the same is
hereby repealed.

SECTION 5. That Section 54-2053, Idaho Code, be, and the same is hereby amended to read as follows:

54-2053. WITNESSES -- DEPOSITIONS -- FEES -- SUBPOENAS. A. The commission, or any member thereof, the executive secretary director of the commission, or such other person so designated by the commission by rule, shall have power to administer oaths, certify to all official acts, issue subpoenas for attendance of witnesses and the production of books and papers, take the testimony of any person by deposition in the manner prescribed for in the rules of procedure of the district court of this state, in civil cases, in any investigation or hearing in any part of the state.

B. Each witness who appears pursuant to a subpoena shall receive for his attendance the fees and mileage allowed to a witness in civil cases in the district court. Witness fees shall be paid by the party at whose request the witness is subpoenaed.

C. If a witness, who has not been required to attend at the request of any party, is subpoenaed by the commission or executive secretary director, his fees and mileage shall be paid from funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid.

SECTION 6. That Section 55-1809, Idaho Code, be, and the same is hereby amended to read as follows:

55-1809. NOTICE OF FILING -- REGISTRATION -- FEES. 1. Upon receipt of the application for registration in proper form and of a registration fee of one two hundred fifty dollars ($2,500), the commission shall issue a notice of filing to the applicant. In addition to the application for registration fee, the following fees are payable prior to issuance of an order of registration; five dollars ($5.00) per lot, parcel, unit or interest numbering fifty (50) to two hundred fifty (250); four dollars ($4.00) per lot, parcel, unit or interest numbering two hundred fifty-one (251) to five hundred (500); three dollars ($3.00) per lot, parcel, unit or interest numbering five hundred one (501) to seven hundred fifty (750); and two dollars and fifty cents ($2.50) for each lot, parcel, unit or interest numbering in excess of seven hundred fifty (750). The maximum application and registration fee is twenty-five hundred dollars ($2,500). Within ninety (90) days from the date of the notice of filing, the commission shall enter an order registering the subdivided lands or rejecting the registration. If no order of rejection is entered within ninety (90) days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay.

2. If the commission affirmatively determines, upon inquiry and examination, that the requirements of section 55-1808, Idaho Code, have been met, it shall enter an order registering the subdivided lands and shall designate the form of the public offering statement.

3. If the commission determines, upon inquiry and examination, that any of the requirements of section 55-1808, Idaho Code, have not been met, the commission shall notify the applicant that the
application for registration must be corrected in the particulars specified within ten (10) days. If the requirements are not met within the time allowed, the commission shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty (20) days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

4. Registration under this act shall be effective as of the date of the registration order for a period of one (1) year and may be renewed for additional periods of one (1) year by filing, not later than fifteen (15) days prior to the expiration of a registration, a renewal application in such form and containing such information as the commission shall prescribe, together with the payment of a renewal fee of one two hundred fifty dollars ($250), plus one dollar ($1.00) for each lot, parcel, unit or interest. A late renewal fee of twenty-five dollars ($25.00) per day will be charged for each day the renewal application is late, with a maximum late fee of five hundred dollars ($500). Each amendment to the original registration requires a twenty-five dollar ($25.00) fee. The initial registration and any renewal fees shall not be returned or refunded for any reason.

5. All fees collected by the commission under this act 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. All funds so deposited are hereby appropriated to the commission for the purpose of carrying out the provisions of this act. All expenditures from said fund 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 purpose of carrying out the objects of this act and in the exercise of the powers herein granted, the commission shall have powers to make orders concerning the disbursement of the moneys in said special real estate fund, including the payment of compensation and expenses of its members, clerks and employees and for the payment of printing and for such other expenses as deemed necessary.

Approved March 29, 1983.

CHAPTER 110
(S.B. No. 1020, As Amended in the House)

AN ACT
RELATING TO CRIMES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 18, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE; TO PROVIDE THAT MALICIOUS HARASSMENT IS A CRIME; TO PROVIDE CRIMINAL PENALTIES; AND TO PROVIDE SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. It is not the intent of the legislature that this chapter be construed or used to support ratification by the United States Senate of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

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 79, Title 18, Idaho Code, and to read as follows:

CHAPTER 79
MALICIOUS HARASSMENT

18-7901. PURPOSE. The legislature finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals. It is not the intent of this act to interfere with the exercise of rights protected by the constitution of the United States. The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The legislature further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

18-7902. MALICIOUS HARASSMENT DEFINED -- PROHIBITED. It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

(a) Cause physical injury to another person; or

(b) Damage, destroy, or deface any real or personal property of another person; or

(c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

For purposes of this section, "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

18-7903. PENALTIES -- CRIMINAL. (a) Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars ($5,000) or by both.

(b) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

18-7904. EFFECT OF INVALIDITY OF PART OF THIS ACT. If a court of
competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

Approved March 30, 1983.

CHAPTER 111
(H.B. No. 95)

AN ACT RELATING TO THE ACQUISITION, USE OR DISPOSAL OF REAL OR PERSONAL PROPERTY BY SCHOOL DISTRICTS; AMENDING SECTION 33-601, IDAHO CODE, TO CORRECT REFERENCES REGARDING PUBLICATION OF NOTICE TO BIDDERS AND TO ADD PROVISIONS FOR OPEN PURCHASES BY SCHOOL DISTRICTS IN EMERGENCIES.

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 construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

No such contract shall be executed which entails the expenditure of ten thousand dollars ($10,000) or more without notice first being given by publishing twice in the manner required by subsections g and h of section 33-4042, 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 real property necessary for school purposes or in the operation of the district, the provisions of subsection 2 of this section notwithstanding, or remove any building, or dispose of any real property. 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 dis-
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 33-4042, 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. 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.

(9) If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the board of trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with this section.

Approved March 30, 1983.
MAY ACT AS DEPUTY BRAND INSPECTORS, AND TO ALLOW THE BRAND BOARD TO CONTRACT WITH SHERIFFS AS TO COMPENSATION FOR SUCH SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-1103, Idaho Code, be, and the same is hereby amended to read as follows:

25-1103. OFFICERS, DEPUTIES AND ASSISTANTS. The state brand inspector, with the approval of the state brand board, and within the limits of any appropriation made available for such purposes, shall appoint, fix the compensation, determine the tenure of office, and prescribe the duties and powers of such officers, deputies, and assistants as may be necessary for the performance of the duties of his office, and shall station deputies and assistants in such localities as he shall deem advisable for the performance of his duties, and the sheriff and his deputies in the counties of the state shall may perform the duties of deputy brand inspectors under the guidelines set forth by the state brand board. When the sheriff or his deputies act in the capacity of deputy brand inspector as provided herein, they shall collect all brand inspection fees and other fees as provided by law and remit the same to the state brand inspector. Compensation for the sheriff and his deputies when acting as deputy brand inspectors may be fixed by contract between the state brand board and the sheriff in accordance with section 31-3101, 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 30, 1983.

CHAPTER 113
(H.B. No. 179, As Amended)

AN ACT
RELATING TO JUNIOR COLLEGE DISTRICTS; AMENDING SECTION 33-2110A, IDAHO CODE, TO PROVIDE COUNTY LIABILITY FOR OUT OF DISTRICT TUITION AS LONG AS A STUDENT IS DULY ENROLLED AND ATTENDING THE COLLEGE SUBJECT TO CERTAIN LIMITATIONS; AND AMENDING SECTION 33-2110B, IDAHO CODE, TO PROVIDE A CHANGE IN RESIDENCY REQUIREMENTS FOR A STUDENT TO QUALIFY AS A RESIDENT STUDENT.

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

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

33-2110A. TUITION OF OUT OF DISTRICT IDAHO STUDENTS, COUNTY
TAXES AND OTHER FINANCIAL SUPPORT. (1) Any student residing in the area of a county outside of a junior college district or in a county without a junior college district, who has been a resident of the county and state as defined by section 33-2110B, Idaho Code, immediately prior to the date of his first enrollment in a junior college, which residence may not be acquired while attending and enrolled in a junior college, may enroll in any junior college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. The tuition which shall be paid by the resident county shall be that portion of the tuition uniformly established by a junior college district for all out of district students, both in state as well as out of state, pursuant to section 33-2110, Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at the junior college; however, the liability of the resident county shall not exceed two-thirds (2/3) the total tuition and fees charged and in no instance shall it exceed five hundred dollars ($500) each semester for a two-semester year for a full-time student. The student shall pay the tuition and fees charged a student resident in the district, and the balance, if any, of the nonresident student tuition above the maximum liability of the county of his residence. No county shall be liable for out of district tuition unless the board of county commissioners of that county has first verified to the junior college in writing the fact that the student is a resident of the county. The verification shall be made to the college not less than ten (10) days prior to the first day of enrollment. The county shall thereafter be liable for the out of district tuition so long as the student is duly enrolled and attending the college subject to the following limitations:

(a) Liability shall be for six (6) semesters or the term of the curriculum for which the student is enrolled, whichever is lesser.

(b) Liability shall terminate if the student's domiciliary residence changes and that change continues for twelve (12) months.

(2) The nonresident tuition shall be established annually not later than August 1st and shall be forthwith filed with the state board of education, together with a statement supporting the computation thereof. Each junior college, by September 30 and March 1 of each year, shall bill the county of residence of each nonresident student enrolled at the commencement of each semester, and each board of county commissioners shall allow and order paid any bill for tuition at the first regular meeting following receipt of the bill, but not exceeding forty-five (45) days after receipt. Upon failure of a county to pay the tuition, a junior college district may commence action in the district court of the state of Idaho for the county to collect the same.

(3) For the payment of tuition of nonresident students as herein provided, there shall be allocated in each county without a junior college district to a county junior college fund, and paid to the county treasurer to be held in that fund, fifty per cent (50%) of all moneys apportioned to the county out of liquor funds of the state of Idaho as set forth in chapter 4, title 23, Idaho Code, and that amount shall be deducted from the amount that would otherwise be allocated to the county; and if liquor funds are not sufficient to pay the tuition, commencing for the calendar year 1966, the board of county commission-
ers shall levy upon the taxable property within each county without a junior college district, and, in a county with such a district, upon the taxable property within the county lying outside of the junior college district, an ad valorem tax not to exceed six hundredths per cent (.0600%) of market value for assessment purposes, to be certified as set out in section 33-2111, Idaho Code. The proceeds of the levy shall be placed in the county junior college fund. Apportionment of liquor funds herein provided shall commence for the fiscal quarter ending September 30, 1965, and accruing during that quarter.

(4) Based upon the enrollment established by the first semester's tuition bills received by September 30, the board of county commissioners shall establish immediately a total junior college annual tuition budget for two (2) semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten per cent (10%). This budget shall be adjusted after March 1 based on any change of enrollment shown by the second semester tuition bills. If enrollment is from none to not more than four (4) students, a minimum budget of five (5) students at five hundred dollars ($500) each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of the budget, to the extent of that excess shall not be paid over to the county treasurer to be held in the junior college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of the budget after the application of liquor funds thereto, to the extent of that excess shall not be paid over to the junior college fund. Excess liquor funds shall be paid pursuant to law as if this section were not applicable and excess funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county junior college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which deficiency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized to pay any deficiency at the earliest time. If the deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized shall have been made, for the next fiscal year thereafter the number of students from that county shall be limited by the board of county commissioners to the extent necessary to pay the deficiency not later than the end of the following year. Provided nevertheless, for the two (2) semesters commencing September, 1965 the board of county commissioners shall limit the junior college budget and total students to estimated liquor funds available on quarterly disbursements through June 30, 1966. Any limitation of students authorized shall be accomplished (a) on the basis of student grades and financial need, and (b) by each junior college notifying the county of residence of each student's application and the county shall accept or reject the application at least five (5) days prior to the tuition billing dates set out herein. A junior college shall nevertheless have a right to require any student residing outside the district to pay nonresident tuition if the county of his residence is more than twenty-five per cent (25%) in arrears of
a total county tuition bill for one (1) year as of the beginning of
the subsequent semester, but tuition shall be refunded to such stu-
dents when paid by the county.

SECTION 2. That Section 33-2110B, Idaho Code, be, and the same is
hereby amended to read as follows:

33-2110B. RESIDENCY -- RULES -- APPEAL -- STANDARDS FOR NONRESI-
DENTS. (1) For purposes of this chapter, a resident student is:
(a) Any student whose parents or court-appointed guardians are
domiciled in the junior college district and provide more than
fifty percent (50%) of his support. Domicile means an individual's
true, fixed and permanent home and place of habitation. It is the
place where he intends to remain, and to which he expects to
return when he leaves without intending to establish a new domi-
cile elsewhere. To qualify under this section the parents or
guardian must **have resided continuously in the junior
college district for twelve (12) months next preceding the
opening day of the term for which the student matriculates.
(b) Any student who receives less than fifty percent (50%) of his
support from parents or legal guardians who are not residents of
the junior college district for voting purposes and who has con-
tinuously resided in the junior college district for twelve (12)
months next preceding the opening day of the period of instruction
during which he proposes to attend the junior college.
(c) The spouse of a person who is classified, or is eligible for
classification, as a resident of the junior college district for
the purposes of attending that junior college.
(d) A member of the armed forces of the United States, stationed
in the junior college district on military orders.
(e) A student whose parents or guardians are members of the armed
forces and stationed in the junior college district on military
orders and who receives fifty percent (50%) or more of support
from parents or legal guardians. The student, while in continuous
attendance, shall not lose his residence when his parents or
guardians are transferred on military orders.
(f) A person separated, under honorable conditions, from the
United States armed forces after at least two (2) years of active
service, who at the time of separation designates the junior col-
lege district as his intended domicile or who has the district as
the home of record in service and enters the junior college
within one (1) year of the date of separation.
(g) Any individual who has been domiciled in the junior college
district, has qualified and would otherwise be qualified under the
provisions of this statute, and who is away from the district for
a period of less than one (1) calendar year and has not estab-
lished legal residence elsewhere provided a twelve (12) month
period of continuous residence has been established immediately
prior to departure.
(2) A junior college board of trustees shall adopt rules and
regulations applicable to their college now or hereafter established
to determine residence status of any student and to establish proce-
dures for review of that status.
(3) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected junior college is located. An appeal from the district court shall lie as in all civil actions.

(4) Nothing contained herein shall prevent a junior college board of trustees from waiving tuition to be paid by nonresident students.

(5) Nothing contained herein shall prevent a junior college board of trustees from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of the first two (2) years of postsecondary education.

Approved March 30, 1983.

CHAPTER 114
(H.B. No. 129)

AN ACT
RELATING TO RECREATION DISTRICTS; AMENDING SECTION 31-4305, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DIRECTORS OF A RECREATION DISTRICT MAY INCREASE THE SIZE OF THE BOARD FROM THREE MEMBERS TO FIVE MEMBERS, AND PROVIDING FOR APPOINTMENT TO THE NEWLY CREATED POSITIONS; AND AMENDING SECTION 31-4306, IDAHO CODE, TO PROVIDE FOR DESIGNATION OF SUBDISTRICTS FOR ELECTION OF DIRECTORS.

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

SECTION 1. That Section 31-4305, Idaho Code, be, and the same is hereby amended to read as follows:

31-4305. DIRECTORS -- QUALIFICATIONS -- VACANCY -- COMPENSATION -- TERM. Each district shall be governed by a board of three (3) directors who shall manage and conduct the business and affairs of such district and all powers granted to such district by this act shall be exercised by such board or its duly authorized officers and agents.

At any time after the creation of the district, the board of directors may, by resolution duly adopted, increase the size of the board from three (3) members to five (5) members. The resolution shall provide for the designation of five (5) director's subdistricts. A qualified elector shall be appointed by the board to each of the newly created director's positions, one (1) of whom shall serve until the first district election thereafter held, and one (1) of whom shall serve until the second district election thereafter held.

Every director appointed or elected shall be a qualified elector and a resident of such district. Not more than one (1) director shall reside in the same director's sub-district. Each director shall take and subscribe an oath of office before assuming any duties which oath shall be filed in the records of the board. Any vacancy occurring in the office of director, other than by expiration of the term of
office, shall be filled by appointment by the board for the unexpired term. The directors shall receive no compensation for their services as a director but shall be entitled to reimbursement for the amount of their actual and necessary expenses incurred in the performance of their official duties. **As the term of each director appointed expires** following the term of the initial appointment, a director shall be elected for a term of four (4) years which shall begin on the first Monday of January of the year following such election and shall continue until a successor is elected and has qualified.

**SECTION 2.** That Section 31-4306, Idaho Code, be, and the same is hereby amended to read as follows:

> 31-4306. ELECTION OF DIRECTORS. An election of directors shall be held in each district on the Tuesday succeeding the first Monday of November of each even numbered year. Such election shall be held as nearly as practicable in conformity with the general election laws of the state. No prior registration shall be required but each person offering to vote shall be required to sign an elector's oath in the usual form but shall have added thereto the words "and I have been a resident within the boundaries of such recreation district for thirty (30) or more days next preceding the election." The polls at such election shall be open from 12:00 o'clock noon to 8:00 o'clock p.m. The board shall have power to make such rules and regulations for the conduct of such election as are not inconsistent with such general election laws and the provisions of this act. Before the notice of such election is given, the board shall divide the district into **three (3)** subdivisions as nearly equal in population as possible to be designated as director's sub-district one (1), two (2) and three (3), or director's sub-district 1, 2, 3, 4 and 5, depending upon the number of subdistricts in the district. Nominations at such election shall be made in writing, shall state the name of the nominee, shall state the director's sub-district for which such nominee is nominated, shall be signed by not less than five (5) nor more than ten (10) qualified electors of the district, and shall be filed with the secretary at least ten (10) days prior to the date of such election.

Approved March 30, 1983.
CERTAIN CAPACITY OVER PRIVATE REAL PROPERTY ACTIVELY DEVOTED TO AGRICULTURE AND TO PROVIDE THAT EVIDENCE OF COSTS MAY INCLUDE THE CUMULATIVE EFFECTS OF FARMING AROUND OTHER ELECTRICAL TRANSMISSION LINES IF THE PRIVATE REAL PROPERTY ACTIVELY DEVOTED TO AGRICULTURE HOLDS OTHER ELECTRICAL TRANSMISSION LINE STRUCTURES.

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

SECTION 1. That Section 7-704, Idaho Code, be, and the same is hereby amended to read as follows:

7-704. FACTS PREREQUISITE TO TAKING. Before property can be taken it must appear:
1. That the use to which it is to be applied is a use authorized by law.
2. That the taking is necessary to such use.
3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use.
4. In addition, for an electrical transmission line with a capacity in excess of two hundred thirty (230) KV (kilovolts), to be constructed over private real property actively devoted to agriculture, that a public meeting shall have been held following ten (10) days' notice, as provided by section 60-109, Idaho Code, being published in a newspaper of general circulation in each county or counties in which the transmission line is proposed to be located with the last publication of the legal notice having occurred prior to the public meeting at which testimony from interested persons regarding the transmission line location is received.

SECTION 2. That Section 7-711, Idaho Code, be, and the same is hereby amended to read as follows:

7-711. ASSESSMENT OF DAMAGES. The court, jury or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:
1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed.
2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.
3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be specially and directly benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed, under subdivision two 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only
damages allowed in addition to the value.

4. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad, and the cost of cattle guards where fences may cross the line of such railroad.

5. As far as practicable, compensation must be assessed for each source of damages separately.

6. If the property sought to be condemned is private real property actively devoted to agriculture, the damages which will accrue because of the costs, if any, of farming around electrical transmission line structure(s) for a transmission line with a capacity in excess of two hundred thirty (230) KV (kilovolts). If the property sought to be condemned has been the subject of a previous condemnation proceeding or proceedings for electrical transmission line structure(s) and at the time of condemnation the field holds other electrical transmission line structure(s), such evidence of costs referred to above may also include the cumulative effects, if any, of conducting farming operations around other electrical transmission line structure(s) in the same field, whether such structure(s) are of the condemnor or not.

Approved March 30, 1983.

CHAPTER 116
(H.B. No. 24, As Amended)

AN ACT
RELATING TO COMMODITY DEALERS; AMENDING SECTION 69-502, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 69-503, IDAHO CODE, TO STRIKE CERTAIN ITEMS AS LICENSE REQUIREMENTS; AMENDING SECTION 69-504, IDAHO CODE, TO CHANGE TERMS OF LICENSE RENEWAL AND EXPIRATION; AMENDING SECTION 69-506, IDAHO CODE, TO GRANT THE DIRECTOR THE RIGHT TO WAIVE A CANCELLATION PERIOD; AMENDING SECTION 69-507, IDAHO CODE, TO STRIKE REFERENCE TO AGENT; AMENDING SECTION 69-510, IDAHO CODE, TO STRIKE SELLER AND INSERT IN LIEU THEREOF OWNER OR AGENT; AMENDING SECTION 69-512, IDAHO CODE, TO STRIKE PROVISIONS FOR MISDEMEANOR AND INSERT IN LIEU THEREOF PROVISIONS FOR FELONY; AMENDING SECTION 69-514, IDAHO CODE, TO STRIKE CANCELLATION; AMENDING SECTION 69-515, IDAHO CODE, TO STRIKE REFERENCE TO RELEASE OF RECORDS TO A BONDING COMPANY; AMENDING SECTION 69-517, IDAHO CODE, TO ADD CRIMINAL OR ADMINISTRATIVE ACTION TO DIRECTOR'S DISCRETION AS TO PROSECUTION; AMENDING SECTION 69-519, IDAHO CODE, TO PROVIDE TERMS FOR LICENSE DENIAL FOR CLAIM AGAINST THE BOND; AMENDING SECTION 69-520, IDAHO CODE, TO STRIKE BONDED WAREHOUSE OR AGENT; AMENDING CHAPTER 5, TITLE 69, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 69-521, IDAHO CODE, TO PROVIDE FOR SUBMISSION OF FINANCIAL STATEMENTS; AMENDING CHAPTER 5, TITLE 69, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 69-522, IDAHO CODE, TO PROVIDE FOR ACTION ON BOND BY PERSONS INJURED; AMENDING CHAPTER 5, TITLE 69, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 69-523, IDAHO CODE,
TO PROVIDE FOR PUBLICATION OF REPORTS; AMENDING CHAPTER 5, TITLE 69, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 69-524, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS; AND AMENDING CHAPTER 5, TITLE 69, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 69-525, IDAHO CODE, TO PROVIDE FOR A DUTY TO PROSECUTE.

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

SECTION 1. That Section 69-502, Idaho Code, be, and the same is hereby amended to read as follows:

69-502. DEFINITIONS. As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

1) "Agent" means any person who contracts for or solicits any agricultural product from a producer or warehouseman, or negotiates the consignment or purchase of any agricultural product, or receives for sale, resale or shipment for storage, processing or reconditioning any agricultural product on behalf of any commodity dealer.

2) "Agricultural product" means any grain, dry peas, dry beans, leguminous or other small seeds.

3) "Commodity dealer or dealer" means any person who contracts for any agricultural product from a producer or negotiates the consignment or purchase of any agricultural product, or receives for sale, resale or shipment for storage, processing, cleaning or reconditioning any agricultural product or who buys or handles for a commission, during any calendar year, at least ten thousand dollars ($10,000) worth of agricultural products from the producer or producers of the commodity. Commodity dealer or dealer shall not mean a person who purchases agricultural products for his own use as seed or feed.

4) "Consignee" means any person who receives for sale, resale, storage, processing or reconditioning for the account of the producer, warehouseman, or consignor, in a warehouse or elevator, agricultural products from the producer, warehouseman or consignor.

5) "Consignor" means any person or warehouseman who ships or delivers to any commodity dealer any agricultural products for sale, resale, storage, processing or reconditioning.

6) "Credit-sale contract" means a contract for the sale of an agricultural product pursuant to which the sale price is to be paid at a date subsequent to the delivery of the agricultural product to the buyer and includes, but is not limited to, those contracts commonly referred to as deferred payment contracts, deferred pricing contracts and price-later contracts.

7) "Department" means the department of agriculture of the state of Idaho.

8) "Director" means the director of the department of agriculture.

9) "Person" means any individual, firm, association, partnership or corporation.

10) "Producer" means the owner, tenant or operator of land in this state who has an interest in and receives all or part of the proceeds from the sale of agricultural products produced on that land.

11) "Warehouseman" means any person, lessee, trustee or receiver
who-owns; Controls; operates; manages; any; building; or; structure
where; agricultural-products; are; stored; within; this; state; or; where
agricultural-products; are; cleaned; for; compensation; in; connection; with
or; to; facilitate; the; transportation; of; such; products; by; a; common;
carrier; or; vessel; -or; the; loading; or; unloading; of; the; same; other; than; a
dock; -or; wharf; -or; structure; owned; -operated; -controlled; or; managed; -by; a
wharfinger;

(8) "Public warehouse or warehouse" means any elevator, mill,
warehouse, subterminal warehouse or other structure or facility in
which agricultural products are received for storage, shipment, proc-
essing, reconditioning or handling.

(9) "Suspension" means the temporary removal of a commodity
dealer license by the department pending a hearing for violations of
the provisions of this chapter. Correction of the violations prior to
a hearing may result in the reinstatement of a license without a hear-
ing.

(10) "Revocation" means the permanent removal of a commodity
dealer license following a hearing on violations of the provisions of
this chapter by the hearing officer or director.

(11) "Termination" means the expiration of a commodity dealer li-
cense due to failure to meet minimum licensing requirements, failure
to renew a commodity dealer license or as requested by the licensee
according to the terms of section 69-504 (4), Idaho Code.

SECTION 2. That Section 69-503, Idaho Code, be, and the same is
hereby amended to read as follows:

69-503. LICENSE REQUIREMENTS -- FINANCIAL RESPONSIBILITY. (1) A
person shall not engage in the business of a commodity dealer in this
state without having obtained a license issued by the department.

(2) The type of license required shall be determined as follows:
(a) A class 1 license is required if the commodity dealer pur-
chases any agricultural products by credit-sale contract or if the
value of the agricultural products purchased by the commodity
dealer from producers during the previous twelve (12) month period
exceeds two hundred and fifty thousand dollars ($250,000), or if
the value of the agricultural products expected to be purchased by
the commodity dealer from the producers during the succeeding
twelve (12) month period will exceed two hundred and fifty thou-
sand dollars ($250,000). Any other commodity dealer may elect to
be licensed as a class 1 commodity dealer.
(b) A class 2 license is required for any commodity dealer if the
value of the agricultural products purchased by the commodity
dealer from producers during the previous twelve (12) month period
exceeds ten thousand dollars ($10,000) and is less than two hun-
dred and fifty thousand dollars ($250,000), and if the value of
the agricultural products expected to be purchased by the com-
modity dealer from producers during the succeeding twelve (12)
month period will be more than ten thousand dollars ($10,000) but
less than two hundred and fifty thousand dollars ($250,000). A
class 2 licensee whose purchases from producers exceed two hundred
and fifty thousand dollars ($250,000) in value during any twelve
(12) month shall immediately apply for a class 1 license. If a
class 1 license is denied, the person shall immediately cease doing business as a commodity dealer.

(3) An application for a license to engage in business as a commodity dealer shall be filed with the department and shall be on a form prescribed by the department. A separate license is required for each location at which records are maintained for transactions of the commodity dealer.

(4) A license application shall include the following:
(a) The name of the applicant;
(b) The names of the officers and directors if the applicant is a corporation;
(c) The names of the partners if the applicant is a partnership;
(d) The location of the principal place of business; and
(e) A sufficient and valid bond as specified in section 69-506, Idaho Code; Any other reasonable information the department finds necessary to carry out the provisions and purposes of this chapter.

(5) A license applicant shall further provide a sufficient and valid bond as specified in section 69-506, Idaho Code.

(g6) A license applicant shall further provide a complete financial statement setting forth the applicant's assets, liabilities and net worth. This financial statement must be prepared by a licensed accountant according to generally accepted accounting principles. The commodity dealer shall have and maintain current assets equal to or greater than current liabilities. Assets shall be shown at original cost less depreciation. Upon written request filed with the department, the director may allow asset valuations in accordance with a competent appraisal.

The applicant shall submit any other reasonable information the department finds necessary to carry out the provisions and purposes of this chapter.

(57) In order to receive and retain a commodity dealer's license the following additional conditions must be satisfied:
(a) For a class 1 license a commodity dealer shall have and maintain a net worth of at least fifty thousand dollars ($50,000) or maintain a bond in the amount of two thousand dollars ($2,000) for each one thousand dollars ($1,000) or fraction thereof of net worth deficiency; however, a person shall not be licensed as a class 1 commodity dealer if the person has a net worth of less than twenty-five thousand dollars ($25,000). A bond submitted for purposes of this subsection shall be in addition to any bond otherwise required under the provisions of this chapter.
(b) For a class 2 license a commodity dealer shall have and maintain a net worth of at least twenty-five thousand dollars ($25,000) or maintain a bond in the amount of two thousand dollars ($2,000) for each one thousand dollars ($1,000) or fraction thereof of net worth deficiency; however, a person shall not be licensed as a class 2 commodity dealer if the person has a net worth of less than ten thousand dollars ($10,000). A bond submit-
ted for purposes of this subsection shall be in addition to any bond otherwise required under the provisions of this chapter.

(68) The department shall adopt rules and regulations relating to the form and time of filing of financial statements. The department may require additional information or verification regarding the financial resources of the applicant and the applicant's ability to pay producers for agricultural products purchased from them.

SECTION 3. That Section 69-504, Idaho Code, be, and the same is hereby amended to read as follows:

69-504. LICENSE ISSUANCE -- RENEWAL -- EXPIRATION. (1) The department shall issue a license when the applicant has filed the application and complied with the terms and conditions of the provisions of this chapter and the rules and regulations of the department. The license shall expire on June 30 December 31 of each year.

(2) A commodity dealer's license may be renewed annually by submitting all necessary licensing materials required by the provisions of this chapter. This material shall be received by the department before June 30 December 31 of each year.

(3) A commodity dealer's license which has expired may be reinstated by the department upon receipt of all necessary licensing materials required by the provisions of this chapter and a penalty fee in the amount of fifty dollars ($50.00); providing, that this material is filed within thirty (30) days from the date of expiration of the commodity dealer's license. At the end of the thirty (30) day penalty period, a commodity dealer's license shall be canceled by the department. All license applications received after the thirty (30) day penalty period shall be considered original applications and license fees shall be assessed according to section 69-508(1), Idaho Code.

(4) The department may cancel a license upon request of the licensee unless a complaint has been filed against the licensee alleging a violation of any provision of this chapter. A commodity dealer's license is not transferable between legal entities.

(5) If an applicant has had a license revoked under the provisions of chapters 2 and or 5, title 69, Idaho Code, or the United States warehouse act within the past three (3) years or been convicted of a felony involving violations of the provisions of chapters 2 and or 5, title 69, Idaho Code, or the United States warehouse act within the past three (3) years, the department may deny a commodity dealer's license to the applicant.

(6) Any partnership with a partner or any corporation which has an officer, director or majority stockholder owning at least ten percent (10%) of issued stock who has had a license revoked under the provisions of chapters 2 and or 5, title 69, Idaho Code, or the United States warehouse act within the previous three (3) years or has been convicted of a felony involving violations of the provisions of chapters 2 and or 5, title 69, Idaho Code, or the United States warehouse act, may be denied a commodity dealer's license by the department.

SECTION 4. That Section 69-506, Idaho Code, be, and the same is
hereby amended to read as follows:

69-506. BONDING REQUIREMENTS -- CANCELLATION. An applicant for a license to operate as a commodity dealer shall, before a license will be issued, file with the department a bond payable to the state of Idaho with a corporate surety approved by the department with the condition that the applicant will pay the purchase price of any agricultural product to the seller. The aggregate annual liability of the surety shall in no event exceed the sum of the bond.

The bond for each class 1 license shall be in the sum of twenty-five thousand dollars ($25,000). The bond for each class 2 license shall be in the sum of fifteen thousand dollars ($15,000). One bond, cumulative as to minimum requirements, shall be required where a person has more than one (1) license, but in no event shall the total amount of the bond required herein exceed three hundred thousand dollars ($300,000) for a class 1 license or one hundred and fifty thousand dollars ($150,000) for a class 2 license. A surety shall notify the commodity dealer and the department by certified mail at least sixty (60) days prior to the cancellation of a bond issued under the provisions of this chapter. The liability of the surety shall cover purchases made by the commodity dealer during the time the bond is in force. A commodity dealer's bond filed with this department shall be continuous until cancelled by the surety upon sixty (60) days' notice. The director reserves the right to waive the sixty (60) day cancellation period.

SECTION 5. That Section 69-507, Idaho Code, be, and the same is hereby amended to read as follows:

69-507. SUSPENSION OR REVOCA TION OF A LICENSE. The director may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any commodity dealer or agent under the provisions of this chapter for any violation of or failure to comply with any provisions of this chapter or the rules and regulations made hereunder. Pending investigation, the director whenever he deems necessary may temporarily suspend a license without a hearing.

SECTION 6. That Section 69-510, Idaho Code, be, and the same is hereby amended to read as follows:

69-510. PAYMENT OF PURCHASE PRICE. A person required to be licensed as a commodity dealer under the provisions of this chapter shall pay the purchase price to the owner or his agent for agricultural products upon delivery or demand by the owner or agent, but not later than thirty (30) days after delivery by the owner or agent unless otherwise agreed to by the parties. As used in this section, "delivery" means the transfer of title to and possession of agricultural products by the seller owner or agent to the commodity dealer or to another person in accordance with the agreement of the seller owner or agent and the commodity dealer. As used in this section, "payment" means the actual payment or tender of payment by the commodity dealer to the seller owner or agent of the agreed purchase price.
SECTION 7. That Section 69-512, Idaho Code, be, and the same is hereby amended to read as follows:

69-512. PENALTIES. (1) Any person who engages in business as a commodity dealer without obtaining a license or who refuses to permit inspection of licensed premises, books, accounts, records or other documents required by the provisions of this chapter or who uses a scale ticket or credit-sale contract that fails to satisfy the requirements of the provisions of this chapter shall be guilty of a misdemeanor and be punished by imprisonment in-the-county-jail for not more than six (6)-months ten (10) years, or by a fine of not more than ten thousand dollars ($10,000), or by both. A-second conviction-of-an-offense-listed-in-this-subsection-shall-be-a--felony.

(2) Any person who knowingly submits false information to or who knowingly withholds information from the department when such information is required to be submitted or maintained pursuant to the provisions of this chapter shall be guilty of a felony and be punished by imprisonment for not more than ten (10) years, or by a fine of not more than ten thousand dollars ($10,000), or both.

(3) Any person who shall misrepresent, forge, alter or counterfeit a license required by the provisions of this chapter, or who shall issue, utter or aid in the issuance or utterance or attempt to issue or utter a false or fraudulent receipt for any commodity shall be guilty of a felony and be punished by imprisonment in-the-state-prison for not more than ten (10) years, or by a fine of not more than ten thousand dollars ($10,000), or by both.

(4) Any violation of the provisions of this chapter except as provided in subsections (1), (2) or (3) of this section or section 69-520, Idaho Code, shall be a misdemeanor and punishable by imprisonment in a county jail for not more than six (6) months, or by a fine of not more than one thousand dollars ($1,000), or by both.

SECTION 8. That Section 69-514, Idaho Code, be, and the same is hereby amended to read as follows:

69-514. CREDIT-SALE CONTRACTS. (1) A commodity dealer who purchases agricultural products by credit-sale contracts shall maintain books, records and other documents as required by the department to establish compliance with the provisions of this section.

(2) In addition to other information as may be required, a credit-sale contract shall contain or make provision for all of the following:

(a) The seller's name and address;
(b) The conditions of delivery;
(c) The amount and kind of agricultural products delivered;
(d) The price per unit or basis of value; and
(e) The date payment is to be made.

(3) Title to all agricultural products sold by a credit-sale contract is in the purchasing dealer as of the time the contract is executed signed, unless the contract provides otherwise. The contract must be signed by both all parties and executed in duplicate. One (1) copy shall be retained by the commodity dealer and one (1) copy shall
be delivered to the seller. Upon revocation or termination of a commodity dealer's license, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty (30) days following the effective date of the revocation or termination, and the purchase price for all agricultural products without a price shall be determined as of the effective date of revocation or termination in accordance with all other provisions of the contract. However, if the business of the commodity dealer is sold to another licensed commodity dealer, credit-sale contracts may be assigned to the purchaser of the business.

SECTION 9. That Section 69-515, Idaho Code, be, and the same is hereby amended to read as follows:

69-515. CONFIDENTIALITY OF RECORDS. All financial statements of commodity dealers required under the provisions of this chapter shall be kept confidential by the department and its agents and employees and are not subject to disclosure except as follows:
(a) Upon written permission by the licensee;
(b) In actions or administrative proceedings commenced under the provisions of this chapter or chapter 2, title 69, Idaho Code;
(c) When required by subpoena or court order; or
d) Disclosure to law enforcement agencies in connection with the investigation or prosecution of criminal offenses; or
(e) When released to a bonding company approved by the department.

SECTION 10. That Section 69-517, Idaho Code, be, and the same is hereby amended to read as follows:

69-517. DIRECTOR’S AUTHORITY. The director may, upon his own motion, whenever he has reason to believe the provisions of this chapter have been violated, or upon verified complaint of any person in writing, investigate the actions of any commodity dealer licensed under the provisions of this chapter, and if he finds probable cause to do so, shall file a complaint against said commodity dealer which shall be set down for hearing before the director upon thirty (30) days' notice served upon such license holder either by personal service, registered mail or telegram prior to such hearing.

The director shall have the power to administer oaths, certify to all official acts and shall have the power to subpoena any person in this state as a witness, to compel through subpoena the production of books, papers and records, and to take the testimony of any person on deposition in the same manner as is prescribed by law in the procedure before the courts of this state. A subpoena issued by the director shall extend to all parts of the state and may be served by any person authorized to do so.

All powers of the director herein enumerated in respect to administering oaths, power of subpoena, and other enumerated powers in hearings on complaints shall likewise be applicable to hearings held on applications for the issuance or renewal of a commodity dealer license.
Nothing in this chapter shall be construed to require the director or his authorized representative to report for prosecution or to institute civil, criminal or administrative action against a commodity dealer for a violation of the provisions of this chapter when he believes that public interest will best be served by a suitable warning.

SECTION 11. That Section 69-519, Idaho Code, be, and the same is hereby amended to read as follows:

69-519. LICENSE DENIAL. (1) Any person adjudged--a--bankrupt;--or any--person--against whose--bondsman--or--deposit--in--lieu--of--bond;--a--claim or claims have been collected by court order and who has not made full settlement with all producer creditors; shall not be licensed by the department during the period of three (3) years from the date of such adjudication or collection against whose commodity dealer bond a claim has been ordered collected or has actually been collected shall not be licensed by the department for a period of three (3) years from the date of such order or collection. License denial may be waived if the person can show to the satisfaction of the director that full settlement of all claims against the bond has been made. A change in a person's business name shall not absolve any unsettled claim against that person's prior bond.

(2) The director shall, after a public hearing, have the right to deny or refuse to issue a license or renewal thereof to an applicant when it is determined that public interest is best served by that denial or refusal.

(3) Upon refusal or denial of a license pursuant to subsection (2) of this section, an applicant may reapply for a license or renewal after a period of ninety (90) days at which time a new hearing will be held to review the application.

(4) The applicant shall have the right of appeal on any decision to refuse or deny a license under subsection (2) of this section to a court of competent jurisdiction.

SECTION 12. That Section 69-520, Idaho Code, be, and the same is hereby amended to read as follows:

69-520. DRAWING CHECKS INSUFFICIENTLY COVERED A VIOLATION. Any person engaged in business as a commodity dealer, bonded--warehouseman or--agent as defined in this chapter, who shall make, draw, utter or deliver any check, draft or order for the payment of money upon any bank or other depository in payment to the seller of the purchase price of any agricultural product or any part thereof upon obtaining possession or control thereof when at the time of such making, drawing, uttering or delivery the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentation, shall be in violation of the provisions of this chapter. The word "credit" as used herein shall mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

SECTION 13. That Chapter 5, Title 69, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-521, Idaho Code, and to read as follows:

69-521. FINANCIAL STATEMENTS. In order to obtain a commodity dealer's license, the applicant must submit a current financial statement. This statement must have been prepared not more than ninety (90) days prior to the date of application and shall conform to the applicable requirements of this chapter as to annual financial statements.

Once licensed, every licensee shall annually prepare a financial statement either at the close of business, December 31, or at the end of their fiscal year and file the statement with the department not later than ninety (90) days thereafter. These statements must be prepared in conformity with generally accepted accounting principles and shall include, but not be limited to, a balance sheet and income statement.

SECTION 14. That Chapter 5, Title 69, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-522, Idaho Code, and to read as follows:

69-522. ACTION ON BOND BY PERSONS INJURED. Any producer injured by the breach of any obligation for which a bond is written, under the provisions of section 69-506, Idaho Code, shall be entitled to sue on the bond in his own name in a court of competent jurisdiction to recover the damages he may have sustained by such breach, or may petition the director to fix the amount of his damages. The director may thereupon make demand upon the commodity dealer and his surety for payment of such damages and in the event such damages are not promptly paid the director may commence an action on the bond to enforce payment of such damages. The liability of the surety upon the bond required to be given by a commodity dealer as provided by section 69-506, Idaho Code, for any one (1) annual licensing period shall be limited to the amount specified in the bond, and in case of recoveries had by two (2) or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recovery shall be prorated and the total recovery as against the surety for any one (1) annual licensing period shall not exceed the amount of the bond. Any person who sues and obtains a judgment against the commodity dealer or his surety for payment of such damages under this section shall be entitled to recover a reasonable attorney's fee.

SECTION 15. That Chapter 5, Title 69, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-523, Idaho Code, and to read as follows:

69-523. PUBLICATION OF REPORTS. The department of agriculture may publish the results of any investigations made under the provisions of this chapter and may publish the names and addresses of persons licensed under this chapter and a list of all licenses terminated under this chapter and the causes therefor.
SECTION 16. That Chapter 5, Title 69, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-524, Idaho Code, and to read as follows:

69-524. RULES AND REGULATIONS. The department of agriculture shall make such rules and regulations as it may deem necessary for the efficient execution of the provisions of this chapter.

SECTION 17. That Chapter 5, Title 69, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 69-525, Idaho Code, and to read as follows:

69-525. DUTY TO PROSECUTE. It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted without delay in a court of competent jurisdiction.

Approved March 30, 1983.
shall be expended by the peace officers standards and training council for the following purposes:

(1) Training peace officers within the state of Idaho, including, but not limited to, sheriffs and their deputies, officers of the Idaho department of law enforcement and conservation officers of the Idaho department of fish and game, and city and county prosecutors and their deputies.

(2) Salaries, costs and expenses relating to such training as provided in subsection (1) of this section;

(3) Such capital expenditures as the peace officers standards and training council may provide, for the acquisition, construction and/or improvement of a peace officers standards and training academy; and

(4) Such expenditures as may be necessary to aid approved peace officers training programs certified as having met the standards established by the peace officers standards and training council.

(b) The peace officers standards and training account shall be funded as provided in section 31-3201B, Idaho Code.

(c) All contributions and other moneys and appropriations which are designated for peace officers standards and training shall be deposited in the peace officers standards and training account.

(d) Moneys received into the account as provided in subsection (c) of this section, shall be accounted for separately.

(e) If the fiscal year-end balance in the account pursuant to section 31-3201B, Idaho Code, exceeds five hundred fifty thousand dollars ($550,000) the excess shall revert to the general account.

SECTION 2. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the dispensary, as determined by the superintendent and certified quarterly to the state auditor, shall be transferred back to the dispensary; provided, that the amount so transferred back for administration and operation of the dispensary shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From the balance remaining after transferring the amounts authorized by subsection (a) above:

(i) One million two hundred thousand dollars ($1,200,000) shall be transferred annually to the alcoholism treatment account, which is hereby created in the trust and agency fund;

(ii) Seven hundred fifty thousand dollars ($750,000) shall be transferred annually to the alcohol safety action program account, which is hereby created in the dedicated fund;

(iii) Three hundred seventy-five thousand dollars ($375,000) shall be transferred annually to the liquor law enforcement account, created by section 23-806, Idaho Code;
(iv) One-hundred-twenty-thousand-dollars ($120,000) shall be transferred annually to the peace officers standards and training account, which is hereby created in the state operating fund;

(v) Three hundred thousand dollars ($300,000) shall be transferred annually to the junior college account, created by section 33-2139, Idaho Code;

(vi) One million two hundred thousand dollars ($1,200,000) shall be transferred annually to the public school income fund, as defined in section 933-903, Idaho Code;

(vi) Three million seven hundred twenty thousand dollars ($3,7820,000) shall be transferred annually to the general account in the state operating fund; and

(viii) Six hundred fifty thousand dollars ($650,000) shall be transferred annually to the cooperative welfare account in the dedicated fund.

(c) Forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) above have been made is hereby appropriated to and shall be paid to the several counties. Each county shall be entitled to an amount in the proportion that liquor sales through the dispensary in that county during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor account during the state's fiscal year 1981.

(d) Sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) above have been made is hereby appropriated to and shall be paid to the several cities as follows:

(i) Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities which have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the dispensary in that city during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(ii) Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities which do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state which do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(2) All transfers and distributions shall be made periodically,
but not less frequently than quarterly but, the apportionments made to any county or city, which may during the succeeding three (3) year period be found to have been in error either of computation or transmittal, shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of apportionments in the case of under-apportionment. The decision of the superintendent on entitlements of counties and cities shall be final, and shall not be subject to judicial review.

SECTION 3. That Chapter 32, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-3201B, Idaho Code, and to read as follows:

31-3201B. PEACE OFFICERS STANDARDS AND TRAINING -- FEE. The court shall charge a fee of three dollars ($3.00) for peace officers standards and training purposes to be paid by each person found guilty of any felony or misdemeanor, or found to have committed an infraction or any minor traffic, conservation or ordinance violation, except for cars unlawfully left or parked or when 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. Such fees shall be in addition to all other fines and fees levied. Such fees shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees into the state treasurer for deposit in the peace officers standards and training account.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after May 1, 1983.

Approved March 31, 1983.

CHAPTER 118
(H.B. No. 94)

AN ACT
RELATING TO TAXES ON OIL AND GAS PRODUCED IN IDAHO; AMENDING SECTION 47-331, IDAHO CODE, TO STRIKE REFERENCE TO THE STATE TAX COMMISSION'S AUTHORITY, TO STRIKE REFERENCE TO REQUIREMENTS FOR DISTRIBUTION OF TAX REVENUES, AND TO PROVIDE ENFORCEMENT PROVISIONS; AND AMENDING CHAPTER 3, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-332, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE TAX IMPOSED BY SECTION 47-331, IDAHO CODE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 47-331, Idaho Code, be, and the same is hereby amended to read as follows:

47-331. ADDITIONAL TAX ON OIL AND GAS PRODUCED. (1) In addition to the tax imposed by section 47-330, Idaho Code, there is hereby levied and imposed on all oil or gas produced, saved and sold, or transported from the premises in Idaho where produced, a tax equal to two percent (2%) of the market value of the oil or gas produced at the site of production.

(2) It shall be the duty of the state tax commission to enforce collection of the tax and to make such rules and regulations as may be necessary pursuant to the provisions of chapter 52, title 67, Idaho Code. All moneys collected from the tax shall be remitted to the state treasurer for deposit in the oil and gas conservation account in the dedicated fund. Eighty percent (80%) shall be transferred to the general account; and twenty percent (20%) shall be paid to the current expenses fund of the county from which the oil or gas was produced.

The transfer or payment of moneys from the account shall be made on order of the state auditor; not less frequently than quarterly.

(3) The persons owning an interest (working interest, royalty interest, payments out of production, or any other interest), in the oil or gas, or in the proceeds thereof, subject to the charge hereinabove provided for, shall be liable for such tax in proportion to their ownership at the time of production. The tax so assessed and fixed shall be payable quarterly, and the sum so due shall be remitted to the commission, on or before the 25th of the next month following the preceding quarter in which the tax accrued, by the producer on behalf of himself and all other interested persons; provided, however, in the event of a sale of oil or gas within this state said tax may be payable by the purchaser thereof. Any tax not paid within the time herein specified shall bear interest at the rate of one percent (1%) per month from the date of delinquency until paid, and the tax, together with the interest, shall be a lien upon all the property and rights to property, whether real or personal, belonging to the persons responsible for paying the tax. The person remitting the tax, as herein provided, is hereby empowered and required to deduct from any amounts due the persons owning an interest in the oil or gas, or in the proceeds thereof, at the time of production a proportionate amount of the tax before making payment to such persons.

(4) The tax imposed by this section shall apply to oil or gas produced from any lands in the state of Idaho; but the tax shall not be imposed upon or collected from oil or gas used in producing operations or for repressuring or recycling purposes.

(5) To the extent that such sections are not in conflict with the provisions of this act, the deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A, 63-3068, 63-3071 and 63-3075 through 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due. Said sections shall for this purpose be considered a part of this act and wherever liens or
any other proceedings are defined as income tax liens or proceedings they shall, when applied in enforcement or collection under this act, be described as an oil and gas tax lien or proceeding.

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

SECTION 2. That Chapter 3, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-332, Idaho Code, and to read as follows:

47-332. DISTRIBUTION OF REVENUES. (1) It shall be the duty of the state tax commission to enforce collection of the tax imposed by section 47-331, Idaho Code, and to make such rules and regulations as may be necessary, pursuant to the provisions of chapter 52, title 67, Idaho Code.

(2) An amount equal to five percent (5%) of the amount deposited in the oil and gas conservation account, but not in excess of fifty thousand dollars ($50,000) shall be retained in this account as an "oil and gas production tax refund account" for the purpose of repaying overpayments made under this act and for the purpose of paying any other erroneous receipts illegally assessed or collected, penalties collected without authority and taxes and other amounts unjustly assessed, and such additional amounts as the tax commission may be required to pay in conjunction with payments of such refunds. There is hereby appropriated from this account so much thereof as may be necessary for the payment of the refunds as provided herein.

(3) An amount of money necessary to pay the costs incurred by the state tax commission in conjunction with the administration and enforcement of this act shall be appropriated annually from the oil and gas conservation account to the state tax commission.

(4) The balance remaining in the oil and gas conservation account shall be distributed no less frequently than quarterly, based upon collections from the previous quarter, as follows:

(a) Fourteen percent (14%) is hereby appropriated and shall be paid to the current expense fund of the county from which the oil or gas was produced;
(b) Fourteen percent (14%) is hereby appropriated and shall be paid to the cities within the county from which the oil or gas was produced. Such funds shall be distributed to each city based upon the proportion that the city's population bears to the total population of all of the cities within the county;
(c) Fourteen percent (14%) is hereby appropriated and shall be paid to the public school income fund;
(d) Eight percent (8%) shall be transferred to the local economic development account which is hereby created in the agency asset fund to provide assistance in those counties which are
experiencing a severe economic hardship due to the cutback or closure of business and industry associated with oil or gas production; and
(e) Fifty percent (50%) shall be transferred to the state general account.

Approved March 31, 1983.

CHAPTER 119
(S.B. No. 1140, As Amended,
As Amended in the House, As Amended in the House)


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

SECTION 1. That Chapters 31, 32, 33, 34, 35, 36 and 39, Title 28, Idaho Code, be, and the same are hereby repealed.


SECTION 3. That Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW CHAPTERS, to be known and designated as Chapters 41, 42, 43, 44, 45, 46 and 49, Title 28, Idaho Code, and to read as follows:

CHAPTER 41
GENERAL PROVISIONS AND DEFINITIONS

PART I - SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS
28-41-101. SHORT TITLE. This act shall be known and may be cited as the "Idaho Credit Code."

28-41-102. PURPOSES -- RULES OF CONSTRUCTION. (1) This act shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this act are:

(a) To simplify, clarify and modernize the law governing installment sales, credit, loans and usury;

(b) To further understanding of the terms of credit transactions and to foster competition among suppliers of credit so that debtors may obtain credit at reasonable cost;

(c) To protect debtors against unfair practices by some suppliers of credit, having due regard for the interests of legitimate and scrupulous creditors;

(d) To permit and encourage the development of fair and economically sound credit practices; and

(e) To conform the regulation of those credit transactions to the policies of the Federal Consumer Credit Protection Act, where applicable.

(3) A reference to a requirement imposed by this act includes reference to a related rule of the administrator adopted pursuant to this act.

28-41-103. SUPPLEMENTARY GENERAL PRINCIPLES OF LAW APPLICABLE. Unless displaced by the particular provisions of this act, the Uniform Commercial Code and the principles of law and equity, including the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement the provisions of this act.

28-41-104. CONSTRUCTION AGAINST IMPLICIT REPEAL. This act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

28-41-105. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

28-41-106. WAIVER -- AGREEMENT TO FOREGO RIGHTS -- SETTLEMENT OF CLAIMS. (1) Except as otherwise provided in this act, a debtor may not waive or agree to forego rights or benefits under this act.

(2) A claim by a debtor against a creditor for an excess charge, other violation of this act, or civil penalty, or a claim against a debtor for default or breach of a duty imposed by this act, if disputed in good faith, may be settled by agreement.

(3) A claim, whether or not disputed, against a debtor may be settled for less value than the amount claimed.

(4) A settlement in which the debtor waives or agrees to forego
rights or benefits under this act is invalid if the court, as a matter of law, finds the settlement to have been unconscionable at the time it was made. The competence of the debtor, any deception or coercion practiced upon him, the nature and extent of the legal advice received by him, and the value of the consideration are relevant to the issue of unconscionability.

28-41-107. EFFECT OF ACT ON POWERS OF ORGANIZATIONS. (1) This act prescribes maximum charges for all creditors, except those excluded under section 28-41-202, Idaho Code, extending credit as a regular business, including regulated credit sales, subsection (34) of section 28-41-301, Idaho Code, and regulated loans, subsection (37) of section 28-41-301, Idaho Code, and displaces existing limitations on the powers of those creditors based on maximum charges, except in insurance matters as prescribed by rule or regulation of the department of insurance.

(2) With respect to sellers of goods or services, small loan companies, licensed lenders, finance companies, sales finance companies, industrial banks and loan companies, and commercial banks, this act displaces existing limitations on their powers based solely on amount or duration of credit, except the insurance matters as prescribed by rule or regulation of the department of insurance.

(3) Except as provided in subsection (1), this act does not displace limitations on powers of credit unions, savings banks, savings and loan associations, or other thrift institutions whether organized for the profit of shareholders or as mutual organizations.

(4) Except as provided in subsections (1) and (2), this act does not displace:

(a) Limitations on powers of supervised financial organizations, subsection (44) of section 28-41-301, Idaho Code, with respect to the amount of a loan to a single borrower, the ratio of the loan to the value of collateral, the duration of a loan secured by an interest in land, or other similar restrictions designed to protect deposits; or

(b) Limitations on powers an organization is authorized to exercise under the laws of this state or the United States.

(5) Notwithstanding the provisions of chapter 1, title 57, Idaho Code, and chapter 27, title 67, Idaho Code, any supervised financial organization which intentionally fails to comply with the provisions of this act shall not be entitled to receive deposits from state or public depositing units.

28-41-108. TRANSACTIONS SUBJECT TO ACT BY AGREEMENT. Parties to a credit transaction or modification thereof that is not a regulated consumer credit transaction, subsection (33) of section 28-41-301, Idaho Code, may agree in a writing signed by them that the transaction is subject to the provisions of this act applying to regulated consumer credit transactions. If the parties so agree, the transaction is a regulated consumer credit transaction for the purposes of this act.
28-41-201. TERRITORIAL APPLICATION. (1) Except as otherwise provided in this section, this act applies to sales and loans made in this state and to modifications, including refinancings, consolidations, and deferrals, made in this state, of sales and loans, wherever made. For purposes of this act:

(a) A sale or modification of a sale agreement is made in this state if the buyer's agreement or offer to purchase or to modify is received by the seller in this state; and

(b) A loan or modification of a loan agreement is made in this state if a writing signed by the debtor and evidencing the debt is received by the lender in this state.

(2) With respect to sales made pursuant to open-end credit, this act applies if the buyer's communication or indication of his intention to establish the account is received by the seller in this state. If no communication or indication of intention is given by the buyer before the first sale, this act applies if the seller's communication notifying the buyer of the privilege of using the account is mailed or personally delivered in this state.

(3) With respect to loans made pursuant to a lender credit card or similar arrangement, this act applies if the debtor's communication or indication of his intention to establish the arrangement with the lender is received by the lender in this state. If no communication or indication of intention is given by the debtor before the first loan, this act applies if the lender's communication notifying the debtor of the privilege of using the arrangement is mailed or personally delivered in this state.

(4) The part on limitations on creditors' remedies, part 1 of the chapter on remedies and penalties, chapter 45, applies to actions or other proceedings brought in this state to enforce rights arising from regulated credit sales or regulated loans, or extortionate extensions of credit, wherever made.

(5) If a regulated credit sale or regulated loan, or modification thereof, is made in another state to a person who is a resident of this state when the sale, loan, or modification is made, the following provisions apply as though the transaction occurred in this state:

(a) A seller, lender, or assignee of his rights, may not collect charges through actions or other proceedings in excess of those permitted by the chapter on finance charges and related provisions; and

(b) A seller, lender, or assignee of his rights, may not enforce rights against the buyer or debtor, with respect to the provisions of agreements which violate the provisions on limitations on agreements and practices, part 3 of chapter 43, title 28, Idaho Code.

(6) Except as provided in subsection (4), a sale, loan, or modification thereof, made in another state to a person who was not a resident of this state when the sale, loan or modification was made is valid and enforceable according to its terms to the extent that it is valid and enforceable under the laws of the state applicable to the transaction.

(7) For the purposes of this act, the residence of a buyer or debtor is the address given by him as his residence in any writing signed by him in connection with a credit transaction. Until he noti-
ifies the creditor of a new or different address, the given address is presumed to be unchanged.

(8) Notwithstanding other provisions of this section:
(a) Except as provided in subsection (4), this act does not apply if the buyer or debtor is not a resident of this state at the time of a credit transaction and the parties then agree that the law of his residence applies; and
(b) This act applies if the buyer or debtor is a resident of this state at the time of a credit transaction and the parties then agree that the law of this state applies.

(9) Except as provided in subsection (8), the following agreements by a buyer or debtor are invalid with respect to regulated credit sales, regulated loans, or modifications thereof, to which this act applies:
(a) That the law of another state shall apply;
(b) That the buyer or debtor consents to the jurisdiction of another state; and
(c) That fixes venue.

(10) The following provisions of this act specify the applicable law governing certain cases:
(a) Applicability, section 28-46-102, Idaho Code, of the part on powers and functions of administrator, part 1, of the chapter on administration, chapter 46, title 28, Idaho Code; and
(b) Applicability, section 28-46-201, Idaho Code, of the part on notification and fees, part 2, of the chapter on administration, chapter 46, title 28, Idaho Code.

28-41-202. EXCLUSIONS. This act does not apply to:
(1) Extensions of credit to government or governmental agencies or instrumentalities;
(2) The sale of insurance by an insurer, except as otherwise provided in the chapter on insurance, chapter 44, title 28, Idaho Code;
(3) Transactions under public utility or common carrier tariffs if a subdivision or agency of this state or of the United States regulates the charges for the service involved, the charges for delayed payment, and any discount allowed for early payment; or
(4) The rates and charges and the disclosure of rates and charges of a licensed pawnbroker established in accordance with a statute or ordinance concerning these matters.

28-41-203. JURISDICTION. The courts of this state may exercise jurisdiction over any creditor with respect to any conduct of the creditor subject to this act or with respect to any claim arising from a transaction subject to this act.

28-41-204. APPLICABILITY. This act shall apply only to credit transactions for a consumer purpose, except for the following parts, chapters and sections, which shall apply to credit transactions for any and all purposes:
(1) Part 1, chapter 41, title 28, Idaho Code;
(2) Section 28-41-202, Idaho Code;
(3) Section 28-41-203, Idaho Code;
(4) Section 28-41-204, Idaho Code;
(5) Part 3, chapter 41, title 28, Idaho Code;
(6) Part 2, chapter 42, title 28, Idaho Code;
(7) Part 4, chapter 42, title 28, Idaho Code;
(8) Section 28-45-109, Idaho Code; and
(9) Chapter 49, title 28, Idaho Code.

No provisions of this act other than those specified in subsections (a) through (i) of this section shall limit, expand or otherwise affect the powers, rights, duties or obligations of creditors or debtors in credit transactions for a business purpose.

PART 3 - DEFINITIONS

28-41-301. GENERAL DEFINITIONS. (1) "Actuarial method" means the method, defined by rules adopted by the administrator, of allocating payments made on a debt between principal or amount financed and loan finance charge or credit service charge pursuant to which a payment is applied first to the accumulated loan finance charge or credit service charge and the balance is applied to the unpaid principal or unpaid amount financed.

(2) "Administrator" means the administrator designated in section 28-46-103, Idaho Code.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance.

(4) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(5) "Amount financed" means the total of the following items:
(a) In the case of a sale, the cash price of the goods, services, or interest in land, less the amount of any down payment made in cash or in property traded in, and the amount actually paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest in, a lien on, or a debt with respect to property traded in;
(b) In case of a loan, the net amount paid to, receivable by, or paid or payable for the account of the debtor, plus the amount of any discount excluded from the finance charge, paragraph (b)(iii) of subsection (19); and
(c) In the case of a loan, to the extent that payment is, or payments are, deferred and the amount is not otherwise included and is authorized and disclosed to the debtor as required by law, amounts actually paid or to be paid by the creditor for registration, certificate of title, or license fees.

(6) "Billing cycle" means the time interval between periodic billing statement dates.
(7) "Business purpose" means any purpose except a consumer pur-
pose. For purposes of this act, a credit transaction:
(a) Engaged in by a debtor for an agricultural purpose; or
(b) Engaged in by a debtor for an investment purpose; or
(c) Creating a debt secured by a first mortgage or first deed of
trust on real property; or
(d) In which the debtor is an organization, rather than a natural
person;
is considered to be for a business purpose.

(8) "Card issuer" means a person who issues a credit card.
(9) "Cardholder" means a person to whom a credit card is issued
or who has agreed with the card issuer to pay obligations arising from
the issuance to or use of the card by another person.
(10) "Cash price" means the price of goods, services, or an
interest in land at which the goods, services, or interest in land are
offered for sale by the seller to cash buyers in the ordinary course
of business, except as the administrator may otherwise prescribe by
rule, and may include:
(a) Applicable sales, use, and excise and documentary stamp
taxes;
(b) The cash price of accessories or related services such as
delivery, installation, servicing, repairs, alterations, and
improvements; and
(c) Amounts actually paid or to be paid by the seller for regis­
tration, certificate of title, or license fees.
The cash price stated by the seller to the buyer pursuant to the
provisions on disclosure, part 2 of chapter 43, title 28, Idaho Code,
is presumed to be the cash price.
(11) "Conspicuous" means a term or clause is conspicuous when it
is so written that a reasonable person against whom it is to operate
ought to have noticed it. Whether a term or clause is conspicuous or
not is for decision by the court.
(12) "Consumer purpose" means primarily a personal, family or
household purpose. For purposes of this act, consumer purpose does not
include a credit transaction:
(a) Engaged in by a debtor for an agricultural purpose; or
(b) Engaged in by a debtor for an investment purpose; or
(c) Creating a debt secured by a first mortgage or first deed of
trust on real property; or
(d) In which the debtor is an organization, rather than a natural
person.
(13) "Credit" means the right granted by a creditor to a debtor
to defer payment of debt, to incur debt and defer its payment, or to
purchase property or services and defer payment therefor.
(14) "Credit card" means a card or device issued under an
arrangement pursuant to which a card issuer gives to a cardholder the
privilege of obtaining credit from the card issuer or other person in
purchasing or leasing property or services, obtaining loans, or other­
wise. A transaction is "pursuant to a credit card" only if credit is
obtained according to the terms of the arrangement by transmitting
information contained on the card or device orally, in writing, by
mechanical or electronic methods, or in any other manner. A trans­
action is not "pursuant to a credit card" if the card or device is
used solely in that transaction to:
(a) Identify the cardholder or evidence his credit-worthiness and credit is not obtained according to the terms of the arrangement;

(b) Obtain a guarantee of payment from the cardholder's deposit account, whether or not the payment results in a credit extension to the cardholder by the card issuer; or

(c) Effect an immediate transfer of funds from the cardholder's deposit account by electronic or other means, whether or not the transfer results in a credit extension to the cardholder by the card issuer.

(15) "Creditor" means the person who grants credit in a regulated credit transaction or, except as otherwise provided, an assignee of a creditor's right to payment, but use of the term does not itself impose on an assignee any obligation of his assignor. In case of credit granted pursuant to a credit card, "creditor" means the card issuer and not another person honoring the credit card.

(16) "Debtor" means the person to whom credit is granted in a regulated credit transaction.

(17) "Earnings" means compensation paid or payable by an employer to an employee, or for his account, for personal services rendered or to be rendered by him, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension, retirement, or disability program.

(18) "Finance charge":

(a) Except as provided in paragraph (b) of this subsection, "finance charge" means the sum of any of the following types of charges payable directly or indirectly by the debtor and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit, as applicable:

1. Interest or any amount payable under a point, discount, or other system of charges, however denominated;
2. Time-price differential, credit service, service, carrying, or other charge, however denominated;
3. Premium or other charge for any guarantee or insurance protecting the creditor against the debtor's default or other credit loss; and
4. Charges incurred for investigating the collateral or credit-worthiness of the debtor or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the creditor had no notice of the charges when the credit was granted.

(b) The term does not include:

1. Charges as a result of default or delinquency if made for actual unanticipated late payment, delinquency, default, or other like occurrence, unless the parties agree that these charges are finance charges; a charge is not made for actual unanticipated late payment, delinquency, default or other like occurrence if imposed on an account that is or may be debited from time to time for purchases or other debts and, under its terms, payment in full or of a specified amount is required when billed, and in the ordinary course of business the debtor is permitted to continue to have purchases or other debts debited to the account after imposition of the charge;
2. Deferral charges, section 28-42-303, Idaho Code; or
3. A discount, if a creditor purchases or satisfies obligations of a cardholder pursuant to a credit card and the purchase or satisfaction is made at less than the face amount of the obligation.

(19) "Goods" include goods not in existence at the time the transaction is entered into and merchandise certificates, but excludes money, chattel paper, documents of title, and instruments.

(20) "Insurance premium loan" means a regulated consumer loan that:
   (a) Is made for the sole purpose of financing the payment by or on behalf of an insured of the premium on one or more policies or contracts issued by or on behalf of an insurer;
   (b) Is secured by an assignment by the insured to the lender of the unearned premium on the policy or contract; and
   (c) Contains an authorization to cancel the policy or contract financed.

(21) "Lender," except as otherwise provided, includes an assignee of a lender's right to payment, but use of the term does not in itself impose on an assignee any obligation of the lender.

(22) "Lender credit card" means a credit card issued by a regulated lender.

(23) (a) "Loan" means, except as provided in paragraph (b) of this subsection:
   1. The creation of debt by the lender's payment of or agreement to pay money to the debtor or to a third person for the account of the debtor;
   2. The creation of debt pursuant to a lender credit card in any manner, including a cash advance or the card issuer's honoring a draft or similar order for the payment of money drawn or accepted by the debtor, paying or agreeing to pay the debtor's obligation, or purchasing or otherwise acquiring the debtor's obligation from the obligee or his assignees;
   3. The creation of debt by a cash advance to a debtor pursuant to a seller credit card;
   4. The creation of debt by a credit to an account with the lender upon which the debtor is entitled to draw immediately; and
   5. The forbearance of debt arising from a loan.
   (b) "Loan" does not include:
   1. A card issuer's payment or agreement to pay money to a third person for the account of a debtor if the debt of the debtor arises from a sale and results from use of a seller credit card; or
   2. The forbearance of debt arising from a sale.

(24) "Merchandise certificate" means a writing not redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services.

(25) "Open-end credit" means an arrangement pursuant to which:
   (a) A creditor may permit a debtor, from time to time, to purchase on credit from the creditor or pursuant to a credit card, or to obtain loans from the creditor or pursuant to a credit card;
   (b) The amounts financed and the finance and other appropriate
charges are debited to an account;
(c) The finance charge, if made, is computed on the account periodically; and
(d) Either the debtor has the privilege of paying in full or in installments or the creditor periodically imposes charges computed on the account for delaying payment and permits the debtor to continue to purchase on credit.
(26) "Organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
(27) "Payable in installments" means that payment is required or permitted by agreement to be made in:
(a) Two (2) or more periodic payments, excluding a down payment, with respect to a debt arising from a regulated consumer credit sale pursuant to which a finance charge is made;
(b) Four (4) or more periodic payments, excluding a down payment, with respect to a debt arising from a regulated consumer credit sale pursuant to which no finance charge is made; or
(c) Two (2) or more periodic payments with respect to a debt arising from a regulated consumer loan. If any periodic payment other than the down payment under an agreement requiring or permitting two (2) or more periodic payments is more than twice the amount of any other periodic payment, excluding the down payment, the regulated consumer credit sale or regulated consumer loan is "payable in installments."
(28) "Person" includes a natural person or an individual, and an organization.
(29) "Person related to" with respect to an individual means:
(a) The spouse of the individual;
(b) A brother, brother-in-law, sister, sister-in-law of the individual;
(c) An ancestor or lineal descendant of the individual or his spouse; and
(d) Any other relative, by blood or marriage, of the individual or his spouse who shares the same home with the individual.
"Person related to" with respect to an organization means:
(a) A person directly or indirectly controlling, controlled by or under common control with the organization;
(b) An officer or director of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;
(c) The spouse of a person related to the organization; and
(d) A relative by blood or marriage of a person related to the organization who shares the same home with him.
(30) "Precomputed credit transaction" means a credit transaction in which the debt is a sum comprising the amount financed and the amount of the finance charge computed in advance. A disclosure required by the Federal Consumer Credit Protection Act does not in itself make a finance charge or transaction precomputed.
(31) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.
(32) "Regulated consumer credit sale" means a regulated credit
sale, subsection (35) of this section, and for a consumer purpose, subsection (12) of this section.

(33) "Regulated consumer credit transaction" means a regulated credit transaction, subsection (36) of this section, and for a consumer purpose, subsection (12) of this section.

(34) "Regulated consumer loan" means a regulated loan, subsection (38) of this section, and for a consumer purpose, subsection (12) of this section.

(35) "Regulated credit sale" means a sale of goods, services, or an interest in land in which:

(a) Credit is granted either pursuant to a seller credit card or by a seller who regularly engages as a seller in credit transactions of the same kind; and

(b) The debt is payable in installments or a finance charge is made.

A "regulated credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card.

(36) "Regulated credit transaction" means a regulated credit sale or regulated loan or a refinancing or consolidation thereof.

(37) "Regulated lender" means a person authorized to make, or take assignments of, regulated consumer loans, as a regular business, under a license issued by the administrator, section 28-46-301, et. seq., Idaho Code.

(38) "Regulated loan" means a loan made by a creditor regularly engaged in the business of making loans in which the debt is payable in installments or a finance charge is made. A "regulated loan" does not include a sale in which the seller allows the buyer to purchase pursuant to a seller credit card.

(39) "Sale of goods" includes an agreement in the form of a bailment or lease of goods if the bailee or lessee pays or agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the goods upon full compliance with the terms of the agreement.

(40) "Sale of an interest in land" includes a lease in which the lessee has an option to purchase the interest and all or a substantial part of the rental or other payments previously made by him are applied to the purchase price.

(41) "Sale of services" means furnishing or agreeing to furnish services and includes making arrangements to have services furnished by another.

(42) "Seller" includes, except as otherwise provided, an assignee of the seller's right to payment, but use of the term does not in itself impose on an assignee any obligation of the seller.

(43) "Seller credit card" means either:

(a) A credit card issued primarily for the purpose of giving the cardholder the privilege of using the card to purchase property or services from the card issuer, persons related to the card issuer, or persons licensed or franchised to do business under the card issuer's business or trade name or designation, or both from any of these persons and from other persons; or
(b) A credit card issued by a person except a regulated lender primarily for the purpose of giving the cardholder the privilege of using the credit card to purchase property or services from at least one hundred (100) persons not related to the card issuer.

(44) "Services" include:
(a) Work, labor, and other personal services;
(b) Privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals, cemetery accommodations, and the like; and
(c) Insurance provided by a person other than the insurer.

(45) "Supervised financial organization" means a person, except an insurance company or other organization primarily engaged in an insurance business:
(a) Organized, chartered, or holding an authorization certificate under the laws of this state or of the United States that authorizes the person to make loans and to receive deposits, including a savings, share, certificate or deposit account; and
(b) Subject to supervision by an official or agency of this state or of the United States.

28-41-302. FEDERAL CONSUMER CREDIT PROTECTION ACT -- DEFINED. In this act "Federal Consumer Credit Protection Act" means the consumer credit protection act, Public Law 90-321; 82 Stat. 146, as amended, including, without limitation, as amended by the Truth-in-Lending Simplification and Reform Act, Title VI of Public Law 96-221, and as the same may be further amended, and includes regulations issued pursuant to that act, as it has been so amended by the Truth-in-Lending Simplification and Reform Act and as the same may be further amended.

CHAPTER 42
FINANCE CHARGES AND RELATED PROVISIONS

PART I - GENERAL PROVISIONS

28-42-101. SHORT TITLE. This chapter shall be known and may be cited as the Idaho Credit Code - Finance Charges and Related Provisions.

PART 2 - MAXIMUM FINANCE CHARGES

28-42-201. MAXIMUM FINANCE CHARGE. (1) With respect to a loan or credit sale, the rate of finance charge shall be that which is agreed upon between the parties to the transaction. In addition to the finance charge permitted herein, a creditor may contract for and receive any other charge unless expressly prohibited or limited by this act.

(2) This section does not limit or restrict the manner of calculating the finance charge, whether by way of add-on, discount, single annual percentage rate, or otherwise. The finance charge may be contracted for and earned at the single annual percentage rate that would earn the same finance charge as the graduated rates when the debt is according to the agreed terms and the calculations are made according
to the actuarial method. If the credit transaction is precomputed:

(a) The finance charge may be calculated on the assumption that all scheduled payments will be made when due; and

(b) The effect of prepayment is governed by the provisions on rebate upon prepayment, section 28-42-308, Idaho Code.

(3) Except as provided in subsection (5) of this section, the term of a credit transaction for purposes of this section commences on the day the credit transaction is made. Any month may be counted as 1/12th of a year, but a day is counted as 1/360th of a year. Subject to classifications and differentiations the lender may reasonably establish, a part of a month in excess of fifteen (15) days may be treated as a full month if periods of fifteen (15) days or less are disregarded and that procedure is not consistently used to obtain a greater yield than would otherwise be permitted. The administrator may adopt rules with respect to treating as regular other minor irregularities in amount or time.

(4) Subject to classifications and differentiations the lender may reasonably establish, he may make the same finance charge on all amounts financed within a specified range if, when applied to the lowest amount within each range, it does not produce a rate of finance charge exceeding the rate calculated by more than eight percent (8%) of the rate disclosed.

(5) With respect to an insurance premium loan, the term of the loan commences on the earliest inception date of a policy or contract of insurance, payment of the premium on which is financed by the loan.

PART 3 - OTHER CHARGES AND MODIFICATIONS

28-42-301. DELINQUENCY CHARGES. (1) With respect to a precomputed regulated consumer credit transaction, the parties may contract for a delinquency charge on any installment not paid in full within ten (10) days after its due date, as originally scheduled or as deferred, in an amount which is not more than five percent (5%) of the unpaid amount of the installment.

(2) With respect to a regulated consumer loan secured by a security interest in real property which is used or expected to be used as the residence of the debtor which is not a precomputed regulated consumer loan, the parties may contract for a delinquency charge on any installment not paid in full within fifteen (15) days after its scheduled due date in an amount not exceeding four percent (4%) of the unpaid amount of the installment.

(3) A delinquency charge under subsection (1) or subsection (2) of this section may be collected only once on an installment, however long it remains in default. No delinquency charge may be collected if the installment has been deferred and a deferral charge, section 28-42-302, Idaho Code, 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 installment which is paid in full within ten (10) days after its scheduled installment due date even though an earlier maturing installment or a delinquency charge on an earlier installment may not have been paid in full. For purposes of this subsection, payments are applied first to
current installments and then to delinquent installments.

(5) If two (2) installments or parts thereof of a precomputed regulated consumer credit transaction are in default for ten (10) days or more, the creditor may elect to convert the credit transaction from a precomputed regulated consumer credit transaction to one in which the finance charge is based on unpaid balances. In this event, he shall make a rebate pursuant to the provisions on rebate upon prepayment, section 28-42-307, Idaho Code, as of the maturity date of the first delinquent installment, and thereafter may make a finance charge as authorized by the provisions on finance charge for regulated consumer credit transactions. The amount of the rebate shall not be reduced by the amount of any permitted minimum charge, section 28-42-307, Idaho Code. If the creditor proceeds under the provisions of 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.

28-42-302. DEFERRAL CHARGES. (1) With respect to a precomputed regulated consumer credit transaction, refinancing, or consolidation, the parties before or after default may agree in writing to a deferral of all or part of one or more unpaid installments, and the creditor may make and collect a charge not exceeding the rate previously stated to the debtor applied to the amount or amounts deferred for the period of deferral calculated without regard to differences in the lengths of months, but proportionally for a part of a month, counting each day as 1/30th of a month. A deferral charge may be collected at the time it is assessed or at any time thereafter.

(2) The parties may agree in writing at the time of a precomputed regulated consumer credit transaction, refinancing, or consolidation that if an installment is not paid within ten (10) days after its due date, the creditor may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date that the creditor elects to accelerate the maturity of the agreement.

(3) A delinquency charge made by the creditor on an installment may not be retained if a deferral charge is made pursuant to this section with respect to the period of delinquency.

28-42-303. FINANCE CHARGE ON REFINANCING. With respect to a regulated consumer credit transaction, the creditor may, by agreement with the debtor, refinance the unpaid balance and may contract for and receive a finance charge based on the amount financed resulting from the refinancing. The amount financed resulting from the refinancing comprises, if the transaction was not precomputed, the total of the unpaid balance and accrued charges on the date of refinancing, or, if the transaction was precomputed, the amount which the borrower or buyer would have been required to pay upon prepayment pursuant to the provisions on rebate upon prepayment, section 28-42-307, Idaho Code, on the date of refinancing, except that for the purpose of computing this amount, no minimum charge shall be allowed.

28-42-304. FINANCE CHARGE ON CONSOLIDATION. If a debtor owes an
unpaid balance to a creditor with respect to a regulated consumer loan or regulated consumer credit sale, or a refinancing or consolidation thereof, and becomes obligated on another regulated consumer loan or regulated consumer credit sale, or a refinancing or consolidation thereof, with the same lender or seller, the parties may agree to a consolidation resulting in a single schedule of payments pursuant to either of the following subsections:

(1) The parties may agree to refinance the unpaid balance with respect to the previous loan or sale pursuant to the provisions on refinancing, section 28-42-303, Idaho Code, and to consolidate the amount financed resulting from the refinancing by adding it to the amount financed with respect to the subsequent loan or sale. The lender or seller may contract for and receive a finance charge based on the aggregate amount financed resulting from the consolidation.

(2) The parties may agree to consolidate the unpaid balance of a regulated consumer loan or regulated consumer credit sale with the unpaid balance of another regulated consumer loan or regulated consumer credit sale. The parties may agree in writing to refinance the previous unpaid balance pursuant to the provisions on refinancing, section 28-42-303, Idaho Code, and to consolidate the amount financed resulting from the refinancing or the principal resulting from the refinancing by adding to it the amount financed or the principal with respect to the subsequent loan or sale; the aggregate amount resulting from the consolidation shall be deemed principal and the creditor may contract for and receive a finance charge based upon the principal.

28-42-305. CONVERSION TO OPEN-END CREDIT. The parties may agree at or within ten (10) days before the time of conversion to add the unpaid balance of a regulated consumer credit transaction not made pursuant to open-end credit to the debtor's open-end credit account with the creditor. The unpaid balance so added is an amount equal to the amount financed, determined according to the provision on finance charge on refinancing, section 28-42-303, Idaho Code.

28-42-306. RIGHT TO PREPAY. Subject to the provisions on rebate upon prepayment, section 28-42-307, Idaho Code, the debtor may prepay in full the unpaid balance of a regulated consumer credit transaction at any time without penalty.

28-42-307. REBATE UPON PREPAYMENT. (1) Except as provided in subsection (2) of this section, upon prepayment in full of the unpaid balance of a precomputed regulated consumer loan or regulated consumer credit sale, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than one dollar ($1.00), no rebate need be made.

(2) Upon prepayment in full of a regulated consumer loan or regulated consumer credit sale, other than one pursuant to open-end credit, a refinancing, or consolidation, whether or not precomputed, the creditor may collect or retain a minimum charge within the limits stated in this subsection if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the amount of finance charge contracted for, or
five dollars ($5.00) in a transaction which had a principal of seventy-five dollars ($75.00) or less, or seven dollars and fifty cents ($7.50) in a transaction which had a principal of more than seventy-five dollars ($75.00).

(3) (a) Except as otherwise provided in this section, the unearned finance charge shall be an amount which is a proportion of the precomputed interest at least as great as the sum of the remaining monthly balances of principal and interest combined scheduled to follow the installment date nearest the date of payment bears to the sum of all the monthly balances of principal and interest combined originally scheduled by the contract. If such prepayment occurs before the first installment date, an additional refund of 1/30th of the portion of precomputed interest which should be retained in the first installment period shall be made for each day from the date of prepayment in full to the first scheduled installment date. Any prepayment made on or before the 15th day following an installment date shall be deemed to have been made on the preceding installment date.

(b) With respect to a precomputed transaction entered into on or after July 1, 1978, and payable according to its original terms in more than sixty-one (61) installments, the unearned portion of the finance charge is, at the option of the creditor, either:

1. That portion which is applicable to all fully unexpired computational periods as originally scheduled, or, if deferred, as deferred, which follow the date of prepayment. For this purpose, the applicable charge is the total of that which would have been made for each such period, had the regulated consumer loan or regulated consumer credit sale not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, the rate of finance charge previously stated to the debtor based upon the assumption that all payments were made as originally scheduled, or if deferred, as deferred. The creditor, at his option, may round the stated rate to the nearest one-quarter (1/4) of one percent (1%) if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted; or

2. The total finance charge minus the earned finance charge. The earned finance charge shall be determined by applying the rate previously stated to the debtor according to the actuarial method to the actual unpaid balances for the actual time the balances were unpaid up to the date of prepayment. If a delinquency or deferral charge was collected, it shall be treated as a payment.

(4) In this section:
(a) "Periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that date;
(b) "Computational period" means one (1) month if one-half (1/2) or more of the intervals between scheduled payments under the agreement is one (1) month or more, and otherwise means one (1) week;
(c) The "interval" to the due date of the first scheduled installment or the final scheduled payment date is measured from
the date of a loan or credit sale, refinancing, or consolidation, and includes either the first or last day of the interval;
(d) If the interval to the due date of the first scheduled installment does not exceed one (1) month by more than fifteen (15) days when the computational period is one (1) month, or eleven (11) days when the computational period is one (1) week, the interval shall be considered as one (1) computational period.
(5) This subsection applies only if the schedule of payments is not regular.
(a) If the computational period is one (1) month and:
1. If the number of days in the interval to the due date of the first scheduled installment is less than one (1) month by more than five (5) days, or more than one (1) month by more than five (5) days but not more than fifteen (15) days, the unearned finance charge shall be increased by an adjustment for each day by which the interval is less than one (1) month and, at the option of the creditor, may be reduced by an adjustment for each day by which the interval is more than one (1) month; the adjustment for each day shall be 1/30th of that part of the finance charge earned in the computational period prior to the due date of the first scheduled installment assuming that period to be one (1) month; and
2. If the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if sixteen (16) days or more. This subparagraph applies whether or not subsection 5(a)1. applies.
(b) Notwithstanding paragraph (a), if the computational period is one (1) month, the number of days in the interval to the due date of the first installment exceeds one (1) month by not more than fifteen (15) days, and the schedule of payments is otherwise regular, the creditor at his option may exclude the extra days and the charge for the extra days in computing the unearned finance charge; but if he does so and a rebate is required before the due date of the first scheduled installment, he shall compute the earned charge for each elapsed day as 1/30th of the amount the earned charge would have been if the first interval had been one (1) month.
(c) If the computational period is one (1) week and:
1. If the number of days in the interval to the due date of the first scheduled installment is less than five (5) days, or more than nine (9) days but not more than eleven (11) days, the unearned finance charge shall be increased by an adjustment for each day by which the interval is less than seven (7) days and, at the option of the creditor, may be reduced by an adjustment for each day by which the interval is more than seven (7) days; the adjustment for each day shall be 1/7th of that part of the finance charge earned in the computational period prior to the due date of the first scheduled installment assuming that period to be one (1) week; and
2. If the interval to the final scheduled payment date is a
number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if four (4) days or more. This subparagraph applies whether or not subsection 5(c)1. applies.

(6) If a deferral, section 28-42-302, Idaho Code, has been agreed to, the unearned portion of the finance charge shall be computed with regard to the deferral. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the finance charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the finance charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the creditor of delinquency charges, section 28-42-301, Idaho Code.

(8) If the maturity is accelerated for any reason and judgment is obtained, the debtor is entitled to the same rebate as if the payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a regulated consumer loan or regulated consumer credit sale by the proceeds of credit insurance, section 28-44-103, Idaho Code, the debtor or his estate is entitled to the same rebate as though the debtor had prepaid the agreement on the date the proceeds of the insurance are paid to the creditor, but no later than ten (10) business days after satisfactory proof of loss is furnished to the creditor.

PART 4 - MONEY OF ACCOUNT AND INTEREST

28-42-401. MONEY OF ACCOUNT DEFINED. The money of account in this state is the dollar, cent and mill, and all public accounts and the proceedings of all courts in relation to money must be kept and expressed in money of the above denomination.

28-42-402. MONEY OF OTHER DENOMINATIONS. The above provisions do not in any manner affect any demand expressed in money of another denomination, but such demand in any suit or proceeding affecting the same must be reduced to the above denominations.

28-42-403. COMPUTATION OF JUDGMENTS. In all judgments rendered by any court for any debt, damages or costs, and in all executions issued thereon, the amount must be computed, as near as may be, in dollars and cents, rejecting small fractions; and no judgment or other proceeding is erroneous for such omission.

28-42-404. COMPOUND INTEREST. Parties may agree in writing for the payment of compound interest.

CHAPTER 43
REGULATION OF AGREEMENTS AND PRACTICES

PART I - GENERAL PROVISIONS

28-43-101. SHORT TITLE. This chapter shall be known and may be
PART 2 - DISCLOSURE

28-43-201. COMPLIANCE WITH FEDERAL CONSUMER CREDIT PROTECTION ACT. A person upon whom the Federal Consumer Credit Protection Act, including regulations promulgated pursuant thereto, imposes duties or obligations, shall make or give to the debtor the disclosures, information, and notices required of him by that act and in all respects comply with that act. This section imposes the duty on a creditor to comply with the terms of the Federal Consumer Credit Protection Act only with respect to those credit transactions to which the Federal Consumer Credit Protection Act by its terms applies.

28-43-202. NOTICE OF ASSIGNMENT. A debtor may pay the original creditor until he receives notification of assignment of rights to payment pursuant to a regulated consumer credit transaction and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the debtor, the assignee shall seasonably furnish reasonable proof that the assignment has been made and unless he does so, the debtor may pay the original creditor.

28-43-203. CHANGE IN TERMS OF OPEN-END CONSUMER CREDIT ACCOUNTS. Whether or not a change is authorized by prior agreement, a creditor may change the terms of an open-end consumer credit account applying to any balance incurred before or after the effective date of the change.

28-43-204. RECEIPTS -- STATEMENTS OF ACCOUNT -- EVIDENCE OF PAYMENT. (1) The creditor shall deliver or mail to the debtor, without request, a written receipt for each payment by coin or currency on an obligation pursuant to a regulated consumer credit transaction. A periodic statement showing a payment received by mail complies with this subsection.

(2) Upon written request of a debtor, the person to whom an obligation is owed pursuant to a regulated consumer credit transaction, except one pursuant to open-end consumer credit, shall provide a written statement of the dates and amounts of payments made within the twelve (12) months preceding the month in which the request is received and the total amount unpaid as of the end of the period covered by the statement. The statement shall be provided without charge once during each year of the term of the obligation. If additional statements are requested, the creditor may make a reasonable charge not in excess of ten dollars ($10.00) for each additional statement.

(3) After a debtor has fulfilled all obligations with respect to a regulated consumer credit transaction, except one pursuant to open-end consumer credit, the person to whom the obligation was owed, upon request of the debtor, shall deliver or mail to the debtor written evidence acknowledging payment in full of all obligations with respect to the transaction.
28-43-205. FORM OF INSURANCE PREMIUM LOAN AGREEMENT. An agreement pursuant to which an insurance premium loan is made shall contain the names of the insurance agent or broker negotiating each policy or contract and of the insurer issuing each policy or contract, the number and inception date of, and premium for, each policy or contract, the date on which the term of the loan begins, and a clear and conspicuous notice that each policy or contract may be cancelled if payment is not made in accordance with the agreement. If a policy or contract has not been issued by the time the agreement is signed, the agreement may provide that the insurance agent or broker may insert the appropriate information in the agreement and, if he does so, shall furnish the information promptly in writing to the insured.

PART 3 - LIMITATIONS ON AGREEMENTS AND PRACTICES IN REGULATED CONSUMER CREDIT TRANSACTIONS

28-43-301. SECURITY IN SALES. (1) With respect to a regulated consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the debt secured is one thousand dollars ($1,000) or more, or, in the case of a security interest in goods, the debt secured is one hundred dollars ($100) or more. Except as provided with respect to cross-collateral, section 28-43-302, Idaho Code, a seller may not otherwise take a security interest in property to secure the debt arising from a regulated consumer credit sale.

(2) A security interest taken in violation of this section is void.

28-43-302. CROSS-COLLATERAL. (1) In addition to contracting for a security interest pursuant to the provisions on security in sales, section 28-43-301, Idaho Code, a seller in a regulated consumer credit sale may secure the debt arising from the sale by contracting for a security interest in other property if, as a result of a prior sale, the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as security for the previous debt.

(2) If the seller contracts for a security interest in other property pursuant to this section, the finance charge thereafter on the aggregate unpaid balances so secured may not exceed that permitted if the balances so secured were consolidated pursuant to the provisions on finance charge on consolidation, subsection (2) of section 28-42-304, Idaho Code. The seller has a reasonable time after so contracting in which to make any adjustments required by this section.

28-43-303. DEBT SECURED BY CROSS-COLLATERAL. (1) If debts arising from two (2) or more regulated consumer credit sales, except sales pursuant to open-end credit, are secured by cross-collateral, section 28-43-302, Idaho Code, or consolidated into one (1) debt payable on a single schedule of payments, and the debt is secured by security
interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debt originally incurred with respect to each item is paid.

(2) Payments received by the seller upon an open-end consumer credit account are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of finance charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

(3) If the debts consolidated arose from two (2) or more sales made on the same day, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the smallest debt.

28-43-304. NO ASSIGNMENT OF EARNINGS. (1) A creditor may not take an assignment of earnings of the debtor for payment or as security for payment of a debt arising out of a regulated consumer credit transaction. An assignment of earnings in violation of this section is unenforceable by the assignee of the earnings and revocable by the debtor. This section does not prohibit a debtor from authorizing deductions from his earnings in favor of his creditor if the authorization is revocable, the debtor is given a complete copy of the writing evidencing the authorization at the time he signs it, and the writing contains on its face a conspicuous notice of the debtor's right to revoke the authorization.

(2) A sale of unpaid earnings made in consideration of the payment of money to or for the account of the seller of the earnings is deemed to be a loan to him secured by an assignment of earnings.

28-43-305. AUTHORIZATION TO CONFESS JUDGMENT PROHIBITED. A debtor may not authorize any person to confess judgment on a claim arising out of a regulated consumer credit transaction. An authorization in violation of this section is void.

28-43-306. CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED. With respect to a regulated consumer credit sale, the creditor may not take a negotiable instrument other than a check dated not later than ten (10) days after its issuance as evidence of the obligation of the debtor.

28-43-307. BALLOON PAYMENTS. (1) Except as provided in subsection (2) of this section, if any scheduled payment of a regulated consumer credit transaction is more than twice as large as the average of earlier scheduled payments, the debtor has the right to refinance, without penalty, the amount of that payment at the time it is due. The terms of the refinancing shall be no less favorable to the debtor than the terms of the original transaction.
(2) This section does not apply to:

(a) A transaction pursuant to open-end credit;
(b) A transaction to the extent that the payment schedule is adjusted to the seasonal or irregular income or scheduled payments or obligations of the debtor;
(c) A transaction of a class defined by rule of the administrator as not requiring for the protection of the debtor his right to refinance as provided in this section; or
(d) A transaction secured by a second deed of trust or mortgage on a one (1) to four (4) family dwelling occupied by the debtor.

28-43-308. REFERRAL SALES. With respect to a regulated consumer credit sale, the seller may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the debtor as an inducement for a sale for the debtor giving to the seller the names of prospective buyers, or otherwise aiding the seller in making a sale to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event after the time the debtor agrees to buy. If a debtor is induced by a violation of this section to enter into a regulated consumer credit sale, the agreement is unenforceable by the seller and the debtor, at his option, may rescind the agreement or retain the property delivered and the benefit of any services performed, without any obligation to pay for them.

28-43-309. RESTRICTIONS ON INTEREST IN LAND AS SECURITY. With respect to a regulated consumer loan in which the principal is one thousand dollars ($1,000) or less, a regulated lender may not contract for an interest in land as security. A security interest taken in violation of this section is void.

28-43-310. REGULAR SCHEDULE OF PAYMENTS -- MAXIMUM LOAN TERM. Regulated consumer loans, not made pursuant to open-end credit and in which the principal is one thousand dollars ($1,000) or less, shall be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and:

(1) Over a period of not more than thirty-seven (37) months if the principal is more than three hundred dollars ($300), or
(2) Over a period of not more than twenty-five (25) months if the principal is three hundred dollars ($300) or less.

28-43-311. LIMITATION ON ATTORNEY FEES. With respect to a regulated consumer loan in which the principal is one thousand dollars ($1,000) or less, the agreement may not provide for the payment by the debtor of attorney's fees. A provision in violation of this section is unenforceable.

28-43-312. ATTORNEY'S FEES. Except as provided by the provisions on limitations on attorney's fees as to certain regulated consumer loans, section 28-43-311, Idaho Code, with respect to a regulated consumer credit transaction the agreement may provide for the payment by the debtor of reasonable attorney's fees after default and referral to an attorney not a salaried employee of the creditor. A provision in
violation of this section is unenforceable.

PART 4 - HOME SOLICITATION SALES

28-43-401. HOME SOLICITATION SALE DEFINED. "Home solicitation sale" means a regulated consumer credit sale of goods or services, in which the seller or a person acting for him personally solicits the sale, and the buyer's agreement or offer to purchase is given to the seller or a person acting for him, at his residence. It does not include a sale made pursuant to a preexisting open-end credit account with the seller or pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, a transaction conducted and consummated entirely by mail or telephone, or a sale which is subject to the provisions of the Federal Consumer Credit Protection Act on the consumer's right to rescind certain transactions.

28-43-402. BUYER'S RIGHT TO CANCEL. (1) In addition to any right otherwise to revoke an offer, the buyer may cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this part 4.

(2) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

(3) Notice of cancellation, if given by mail, is given when it is properly addressed with postage prepaid and deposited in a mailbox.

(4) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

28-43-403. FORM OF AGREEMENT OR OFFER -- STATEMENT OF BUYER'S RIGHTS. (1) In a home solicitation sale, the seller shall present to the buyer and obtain his signature to a written agreement or offer to purchase that designates as the date of the transaction the date on which the buyer actually signs, and contains a statement of the buyer's rights that complies with subsection (2) of this section. A copy of any writing required by this subsection to be signed by the buyer, completed at least as to the date of the transaction and the name and mailing address of the seller, shall be given to the buyer at the time he signs the writing.

(2) The statement shall either:
   (a) Comply with any notice of cancellation or similar requirement of any trade regulation rule of the Federal Trade Commission which by its terms applies to the home solicitation sale; or
   (b) Appear under the conspicuous caption: "BUYER'S RIGHT TO CANCEL," and read as follows: "If you decide you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you sign this agreement. The notice must be mailed to:
(insert name and mailing address of seller)

(3) Until the seller has complied with this section, the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

28-43-404. RESTORATION OF DOWN PAYMENT. (1) Within ten (10) days after a notice of cancellation has been received by the seller or an offer to purchase has been otherwise revoked, the seller shall tender to the buyer any payments made by the buyer, any note or other evidence of indebtedness, and any goods traded in. A provision permitting the seller to keep all or any part of any goods traded in, payment, note or evidence of indebtedness is in violation of this section and unenforceable.

(2) If the down payment includes goods traded in, the goods shall be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

(3) Until the seller has complied with the obligations imposed by this section, the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

28-43-405. DUTY OF BUYER -- NO COMPENSATION FOR SERVICES BEFORE CANCELLATION. Except as provided by the provisions on retention of goods by the buyer, subsection (3) of section 28-43-404, Idaho Code, and allowing for ordinary wear and tear or consumption of the goods contemplated by the transaction, within a reasonable time after a home solicitation sale has been cancelled or an offer to purchase revoked, the buyer upon demand shall tender to the seller any goods delivered by the seller pursuant to the sale, but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, a reasonable time is presumed to be forty (40) days.

CHAPTER 44
INSURANCE

PART I - INSURANCE IN GENERAL

28-44-101. SHORT TITLE. This chapter shall be known and may be cited as Idaho Credit Code - Insurance in Regulated Consumer Credit Transactions.

28-44-102. SCOPE -- RELATION TO CREDIT INSURANCE ACT -- APPLICABILITY TO PARTIES. (1) Except as provided in subsection (2) of this section, this chapter applies to insurance provided or to be provided in relation to a regulated consumer credit transaction, subsection 33 of section 28-41-301, Idaho Code.

(2) The provision on cancellation by a creditor, section 28-44-304, Idaho Code, applies to loans the primary purpose of which
is the financing of insurance. No other provision of this chapter applies to insurance so financed.

(3) This chapter supplements and does not repeal the Credit Insurance Act, chapter 23, title 41, Idaho Code. The provisions of this act concerning administrative controls, liabilities, and penalties do not apply to persons acting as insurers, as defined by title 41, Idaho Code, or rules and regulations prescribed by the director of the department of insurance.

28-44-103. CREDIT INSURANCE -- CREDIT INSURANCE ACT -- DEFINED.

(1) In this act, "credit insurance" means insurance, other than insurance on property, by which the satisfaction of debt in whole or in part is a benefit provided, but does not include:

(a) Insurance provided in relation to a credit transaction in which a payment is scheduled more than fifteen (15) years after the extension of credit;
(b) Insurance issued as an isolated transaction on the part of the insurer not related to an agreement or plan for insuring debtors of the creditor; or
(c) Insurance indemnifying the creditor against loss due to the debtor's default.

(2) "Credit Insurance Act" means chapter 23, title 41, Idaho Code.

28-44-104. CREDITOR'S PROVISION OF AND CHARGE FOR INSURANCE -- EXCESS AMOUNT OF CHARGE.

(1) Except as otherwise provided in this chapter and subject to the provision on maximum charges, section 28-42-201, Idaho Code, a creditor may agree to provide insurance, and may contract for and receive a charge for insurance separate from and in addition to other charges. A creditor need not make a separate charge for insurance provided or required by him. This act does not authorize the issuance of any insurance prohibited under any statute, or rule thereunder, governing the business of insurance.

(2) The excess amount of a charge for insurance provided for in agreements in violation of this chapter is an excess charge for the purposes of the provisions of the chapter on remedies and penalties, chapter 45, title 28, Idaho Code, and of the provisions of the chapter on administration, chapter 46, title 28, Idaho Code, as to civil actions by the administrator, section 28-46-113, Idaho Code.

28-44-105. CONDITIONS APPLYING TO INSURANCE TO BE PROVIDED BY CREDITOR.

If a creditor agrees with a debtor to provide insurance:

(1) The insurance shall be evidenced by an individual policy, certificate of insurance, application or notice of proposed insurance, disclosed to debtor pursuant to the provisions of section 41-2308, Idaho Code; or

(2) The creditor shall promptly notify the debtor of any failure or delay in providing the insurance.

28-44-106. UNCONSCIONABILITY.

(1) In applying the provisions of this act on unconscionability, sections 28-45-106 and 28-46-111, Idaho Code, to a separate charge for insurance, consideration shall be given, among other factors, to:
(a) Potential benefits to the debtor including the satisfaction of his obligations;
(b) The creditor's need for the protection provided by the insurance; and
(c) The relation between the amount and terms of credit granted and the insurance benefits provided.

(2) If credit insurance otherwise complies with this chapter and other applicable law, neither the amount nor the term of the insurance nor the amount of a charge therefor is in itself unconscionable.

28-44-107. MAXIMUM CHARGE BY CREDITOR FOR INSURANCE. (1) Except as provided in subsection (2) of this section, if a creditor contracts for or receives a separate charge for insurance, the amount charged to the debtor for the insurance may not exceed the premium to be charged by the insurer, as computed at the time the charge to the debtor is determined, conforming to any rate filings required by law and made by the insurer with the director of the department of insurance.

(2) A creditor who provides credit insurance in relation to open-end consumer credit, subsection (25) of section 28-41-301, Idaho Code, may calculate the charge to the debtor in each billing cycle by applying the current premium rate to:
   (a) The average daily unpaid balance of the debt in the cycle;
   (b) The unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the finance charge, section 28-42-201, Idaho Code, but the specified range shall be the range used for that purpose; or
   (c) The unpaid balances of principal calculated according to the actuarial method.

28-44-108. REFUND OR CREDIT REQUIRED -- AMOUNT. (1) Upon prepayment in full of a regulated consumer credit sale or regulated consumer loan by the proceeds of credit insurance, the debtor or his estate is entitled to a refund of any portion of a separate charge for insurance which by reason of prepayment is retained by the creditor or returned to him by the insurer, unless the charge was computed from time to time on the basis of the balances of the debtor's account.

(2) This chapter does not require a creditor to grant a refund or credit to the debtor if all refunds and credits due to the debtor under this chapter amount to less than one dollar ($1.00), and except as provided in subsection (1) of this section, does not require the creditor to account to the debtor for any portion of a separate charge for insurance because:
   (a) The insurance is terminated by performance of the insurer's obligation;
   (b) The creditor pays or accounts for premiums to the insurer in amounts and at times determined by the agreement between them; or
   (c) The creditor receives directly or indirectly under any policy of insurance a gain or advantage not prohibited by law, or regulations prescribed by the director of the department of insurance.

(3) Except as provided in subsection (2) of this section, the creditor shall promptly make or cause to be made an appropriate refund
or credit to the debtor with respect to any separate charge made to him for insurance if:

(a) The insurance is not provided or is provided for a shorter term than that for which the charge to the debtor for insurance was computed; or

(b) The insurance terminates prior to the end of the term for which it was written because of prepayment in full or otherwise.

(4) A refund or credit required by subsection (3) of this section is appropriate as to amount if it is computed according to a method prescribed or approved by the director of the department of insurance or a formula filed by the insurer with the director of the department of insurance at least thirty (30) days before the debtor's right to a refund or credit becomes determinable, unless the method or formula is employed after the director of the department of insurance notifies the insurer that he disapproves it.

28-44-109. EXISTING INSURANCE -- CHOICE OF INSURER. If a creditor requires insurance, upon notice to the creditor, the debtor, as provided in section 41-2313, Idaho Code, shall have the option of providing the required insurance through an existing policy of insurance owned or controlled by the debtor, or through a policy to be obtained and paid for by the debtor, but the creditor may for reasonable cause, as defined in section 41-1312, Idaho Code, decline the insurance provided by the debtor.

28-44-110. CHARGE FOR INSURANCE IN CONNECTION WITH A DEFERRAL, REFINANCING, OR CONSOLIDATION -- DUPLICATE CHARGES. (1) A creditor may not contract for or receive a separate charge for insurance in connection with a deferral, section 28-42-302, Idaho Code, a refinancing, section 28-42-303, Idaho Code, or a consolidation, section 28-42-304, Idaho Code, unless:

(a) The debtor agrees at or before the time of the deferral, refinancing, or consolidation that the charge may be made;

(b) The debtor is or is to be provided with insurance for an amount or a term, or insurance of a kind, in addition to that to which he would have been entitled had there been no deferral, refinancing, or consolidation;

(c) The debtor receives a refund or credit on account of any unexpired term of existing insurance in the amount that would be required if the insurance were terminated, section 28-44-108, Idaho Code; and

(d) The charge does not exceed the amount permitted by this chapter, section 28-44-107, Idaho Code.

(2) A creditor may not contract for or receive a separate charge for insurance which duplicates insurance with respect to which the creditor has previously contracted for or received a separate charge.

28-44-111. COOPERATION BETWEEN DEPARTMENTS. The director of the department of finance and the director of the department of insurance are authorized and directed to consult and assist one another in maintaining compliance with this chapter. They may jointly pursue investigations, prosecute suits, and take other official action, as may seem to them appropriate, if either of them is otherwise empowered to take
the action. If the director is informed of a violation or suspected violation by an insurer of this chapter, or of the insurance laws, rules, and regulations of this state, he shall advise the director of the department of insurance of the circumstances.

PART 2 - CREDIT INSURANCE

28-44-201. TERM OF INSURANCE. (1) Credit insurance provided by a creditor may be subject to the furnishing of evidence of insurability satisfactory to the insurer. Whether or not such evidence is required, the term of the insurance shall commence no later than when the debtor becomes obligated to the creditor or when the debtor applies for the insurance, whichever is later, except as follows:
   (a) If any required evidence of insurability is not furnished until more than thirty (30) days after the term would otherwise commence, the term may commence on the date when the insurer determines the evidence to be satisfactory; or
   (b) If the creditor provides insurance not previously provided covering debts previously created, the term may commence on the effective date of the policy.

(2) The originally scheduled term of the insurance shall extend at least until the due date of the last scheduled payment of the debt except as follows:
   (a) If the insurance relates to an open-end consumer credit account, the term need only extend until the payment of the debt under the account and may be sooner terminated after at least thirty (30) days notice to the debtor; or
   (b) If the debtor is advised in writing that the insurance will be written for a specified shorter time, the term need only extend until the end of the specified time.

(3) The term of the insurance shall not extend more than fifteen (15) days after the originally scheduled due date of the last scheduled payment of the debt unless it is extended without additional cost to the debtor or as an incident to a deferral, refinancing, or consolidation.

28-44-202. AMOUNT OF INSURANCE. (1) Except as provided in subsection (2) of this section:
   (a) In the case of credit insurance providing life coverage on an individual policy basis, the amount of insurance may not initially exceed the debt and, if the debt is payable in installments, may not at any time exceed the greater of the scheduled or actual amount of the debt. The amount of insurance provided under a group life insurance contract shall be subject to the applicable provisions of sections 41-2005 (debtor groups) and 41-2306 (amount of insurance), Idaho Code; or
   (b) In the case of any other credit insurance, the total amount of periodic benefits payable may not exceed the total of scheduled unpaid installments of the debt, and the amount of any periodic benefit may not exceed the original amount of debt divided by the number of periodic installments in which it is payable.

(2) If credit insurance is provided in connection with an open-end consumer credit account, the amounts payable as insurance benefits
may be reasonably commensurate with the amount of debt as it exists from time to time. If credit insurance is provided in connection with a commitment to grant credit in the future, the amounts payable as insurance benefits may be reasonably commensurate with the total from time to time of the amount of debt and the amount of the commitment. The amount of all group life insurance issued under this subsection shall further be subject to the applicable provisions of sections 41-2005 (debtor groups), 41-2306 (amount of insurance), and 41-2308 (provisions of policies and certificates of insurance--disclosure to debtors), Idaho Code.

28-44-203. FILING AND APPROVAL OF RATES AND FORMS. (1) A creditor may not use a form or a schedule of premium rates or charges, the filing of which is required by this section, if the director of the department of insurance has disapproved the form or schedule and has notified the insurer of his disapproval. A creditor may not use a form or schedule unless:

(a) The form or schedule has been on file with the director of the department of insurance for thirty (30) days, or has earlier been approved by him; and

(b) The insurer has complied with this section with respect to the insurance.

(2) Except as provided in subsection (3) of this section, all policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders relating to credit insurance delivered or issued for delivery in this state, and the schedules of premium rates or charges pertaining thereto, shall be filed by the insurer with the director of the department of insurance. Within thirty (30) days after the filing of any form or schedule, he shall disapprove it if the premium rates or charges are unreasonable in relation to the benefits provided under the form, or if the form contains provisions which are unjust, unfair, inequitable, or deceptive, or encourage misrepresentation of the coverage, or are contrary to any provision of the Credit Insurance Act or of any rule or regulation promulgated thereunder.

(3) If a group policy has been delivered in another state, the forms to be filed by the insurer with the director of the department of insurance are the group certificates and notices of proposed insurance. He shall approve them if:

(a) They provide the information that would be required if the group policy were delivered in this state; and

(b) The applicable premium rates or charges do not exceed those established by his rules or regulations.

PART 3 - PROPERTY AND LIABILITY INSURANCE

28-44-301. PROPERTY INSURANCE. (1) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the creditor qualifies under chapter 9, title 41, Idaho Code, or rule or regulation prescribed by the director of the department of insurance and:

(a) The insurance covers a substantial risk of loss of or damage to property related to the credit transaction;
(b) The amount, terms, and conditions of the insurance are reasonable in relation to the character and value of the property insured or to be insured; and
(c) The term of the insurance is reasonable in relation to the terms of credit.
(2) The term of the insurance is reasonable if it is customary and does not extend substantially beyond a scheduled maturity.
(3) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the amount financed or principal exclusive of charges for the insurance is five hundred dollars ($500) or more, and the value of the property is five hundred dollars ($500) or more.

28-44-302. INSURANCE ON CREDITOR'S INTEREST ONLY. If a creditor contracts for or receives a separate charge for insurance against loss of or damage to property, the risk of loss or damage not willfully caused by the debtor is on the debtor only to the extent of any deficiency in the effective coverage of the insurance, even though the insurance covers only the interest of the creditor.

28-44-303. LIABILITY INSURANCE. A creditor may not contract for or receive a separate charge for insurance against liability unless the insurance covers a substantial risk of liability arising out of the ownership or use of property related to the credit transaction.

28-44-304. CANCELLATION BY CREDITOR. A creditor shall not request cancellation of a policy of property or liability insurance except after the debtor's default or in accordance with a written authorization by the debtor, and in either case the cancellation does not take effect until written notice is delivered to the debtor or mailed to him at his address as stated by him. The notice shall state that the policy may be cancelled on a date not less than ten (10) days after the notice is delivered or, if the notice is mailed, not less than thirteen (13) days after it is mailed.

PART 4 - INSURANCE PURSUANT TO A PREMIUM FINANCE LOAN

28-44-401. CANCELLATION OF INSURANCE PURSUANT TO A PREMIUM FINANCE LOAN. (1) With respect to a premium finance loan, the debtor may give the lender authority to cancel insurance contracts obtained for the debtor pursuant to the premium finance loan agreement.
(2) A lender may not cancel unless he gives the debtor fifteen (15) days' written notice that cancellation of a specified insurance contract will become effective on a stated date and at a stated time unless the debtor before that date cures his default with respect to the premium finance loan. The debtor may cure his default by paying to the lender the amount of the installment payments due, without acceleration of the unpaid balance of the principal, at the time notice is given, together with the amount of delinquency or deferral charges due at that time.
(3) Upon cancellation the lender shall rebate or refund to the debtor the amount of any unearned loan finance charge. The amount of
the rebate shall be equal to the amount of the unearned loan finance charge that would have been rebated or refunded pursuant to section 28-42-307, Idaho Code, if the loan had been prepaid in full at the date of cancellation.

(4) All laws of this state relating to cancellation of insurance contracts must be complied with when cancellation occurs pursuant to this section.

(5) If the insurance contract cancelled provides motor vehicle liability insurance:
   (a) The notice of cancellation shall briefly inform the debtor of the consequences under the laws of this state of operating a motor vehicle without liability insurance; and
   (b) A copy of the notice of cancellation shall be sent to the Idaho transportation department.

CHAPTER 45
REMEDIES AND PENALTIES

PART I - LIMITATIONS ON CREDITOR'S REMEDIES

28-45-101. SHORT TITLE. This chapter shall be known and may be cited as Idaho Credit Code - Remedies and Penalties.

28-45-102. SCOPE. This part applies to actions or other proceedings to enforce rights arising from regulated consumer credit transactions, to extortionate extensions of credit, section 28-45-109, Idaho Code, and to unconscionability, section 28-45-106, Idaho Code.

28-45-103. RESTRICTIONS ON DEFICIENCY JUDGMENTS. (1) This section applies to a regulated consumer credit sale of goods or services.
   (2) If the seller repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest and the cash price of the goods repossessed or surrendered was one thousand dollars ($1,000) or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from the sale of the goods, and the seller is not obligated to resell the collateral.
   (3) If the seller repossesses or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was one thousand dollars ($1,000) or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from the sale.
   (4) For the purpose of determining the unpaid balance of consolidated debts or debts pursuant to open-end consumer credit, the allocation of payments to a debt shall be determined in the same manner as provided for determining the amount of debt secured by various security interests section 28-43-303, Idaho Code.
   (5) The buyer may be liable in damages to the seller if the buyer has wrongfully damaged the collateral or if, after default and demand, the buyer has wrongfully failed to make the collateral available to the seller.
(6) If the seller elects to bring an action against the buyer for a debt arising from a regulated consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment:

(a) He may not repossess the collateral; and
(b) The collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

28-45-104. LIMITATION ON GARNISHMENT. (1) For the purposes of this part:

(a) "Disposable earnings" mean that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld; and

(b) "Garnishment" means any legal or equitable procedure through which the earnings of an individual are required to be withheld for payment of a debt.

(2) The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment to enforce payment of a judgment arising from a regulated consumer credit sale or regulated consumer loan may not exceed the lesser of:

(a) Twenty-five percent (25%) of his disposable earnings for that week; or

(b) The amount by which his disposable earnings for that week exceed forty (40) times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, U.S.C. title 29, section 206(a)(1), in effect at the time the earnings are payable.

(c) In the case of earnings for a pay period other than a week, the director of the department of labor and industrial services shall prescribe by regulation a multiple of the federal minimum hourly wage equivalent in effect to that set forth in paragraph (b).

(3) No court may make, execute, or enforce an order or process in violation of this section.

28-45-105. NO DISCHARGE FROM EMPLOYMENT FOR GARNISHMENT. No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment arising from a regulated consumer credit transaction.

28-45-106. UNCONSCIONABILITY. (1) With respect to a regulated consumer credit sale, or regulated consumer loan, if the court as a matter of law finds the agreement or any clause of the agreement to have been unconscionable at the time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(2) If it is claimed or appears to the court that the agreement or any clause thereof may be unconscionable the parties shall be
afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

(3) For the purpose of this section, a charge or practice expressly permitted by this act is not in itself unconscionable.

28-45-107. DEFAULT. An agreement of the parties to a regulated consumer credit transaction with respect to default on the part of the debtor is enforceable only to the extent that:

(1) The debtor fails to make a payment as required by agreement; or

(2) The prospect of payment, performance, or realization of collateral is significantly impaired; the burden of establishing the prospect of significant impairment is on the creditor.

28-45-108. CREDITOR'S RIGHT TO TAKE POSSESSION AFTER DEFAULT. Upon default by a debtor with respect to a regulated consumer credit transaction, unless the debtor voluntarily surrenders possession of the collateral to the creditor, the creditor may take possession of the collateral without judicial process only if possession can be taken without entry into a dwelling and without the use of force or other breach of the peace.

28-45-109. EXTORTIONATE EXTENSIONS OF CREDIT. If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation or property of the debtor(s) or of another person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

PART 2 - DEBTORS' REMEDIES

28-45-201. EFFECT OF VIOLATIONS ON RIGHTS OF PARTIES. (1) If a creditor has violated any provision of this act applying to collection of an excess charge or amount or enforcement of rights, subsection (5) of section 28-41-201, Idaho Code, authority to make regulated consumer loans, section 28-46-301, Idaho Code, restrictions on interests in land as security, section 28-43-309, Idaho Code, limitations on the schedule of payments or loan terms for regulated consumer loans, section 28-43-310, Idaho Code, attorney's fees, section 28-43-311, Idaho Code, receipts, statements of account, and evidences of payment, section 28-43-204, Idaho Code, form of insurance premium loan agreement, section 28-43-205, Idaho Code, security in sales, section 28-43-301, Idaho Code, no assignments of earnings, section 28-43-304, Idaho Code, certain negotiable instruments prohibited, section 28-43-306, Idaho Code, referral sales, section 28-43-308, Idaho Code, limitations on default charges, section 28-45-301, Idaho Code, assignees subject to claims and defenses, subsection (3) of section 28-45-302, Idaho Code, or assurance of discontinuance, section 28-46-109, Idaho Code, the debtor has a cause of action to recover actual damages and also a right in an action other than a class action, to recover from the person violating this act a penalty in an
amount determined by the court not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). With respect to violations arising from consumer credit sales or consumer loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than two (2) years after the violations occurred. With respect to violations arising from other regulated consumer credit transactions, no action pursuant to this subsection may be brought more than one (1) year after the scheduled or accelerated maturity of the debt.

(2) A debtor is not obligated to pay a charge in excess of that allowed by this act and has a right of refund of any excess charge paid. A refund may be made by reducing the debtor's obligation by the amount of the excess charge. If the debtor has paid an amount in excess of the lawful obligation under the agreement, the debtor may recover the excess amount from the person who made the excess charge or from an assignee of that person's rights who undertakes direct collection of payments from or enforcement of rights against debtors arising from the debt.

(3) If a creditor has contracted for or received a charge in excess of that allowed by this act, or if a debtor is entitled to a refund and a person liable to the debtor refuses to make a refund within a reasonable time after demand, the debtor may recover from the creditor or the person liable in an action other than a class action a penalty in an amount determined by the court not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). With respect to excess charges arising from consumer credit sales or consumer loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than two (2) years after the violation or passage of a reasonable time for refund occurs. With respect to excess charges arising from other regulated consumer credit transactions, no action pursuant to this subsection may be brought more than one (1) year after the scheduled or accelerated maturity of the debt. For purposes of this subsection, a reasonable time is presumed to be thirty (30) days.

(4) Except as otherwise provided, a violation of this act does not impair rights on a debt.

(5) If an employer discharges an employee in violation of the provisions prohibiting discharge, section 28-45-105, Idaho Code, the employee within ninety (90) days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring reinstatement of the employee. Damages recoverable shall not exceed lost wages for six (6) weeks.

(6) A creditor is not liable for a penalty under subsection (1) or (3) of this section if he notifies the debtor of a violation before the creditor receives from the debtor written notice of the violation or the debtor has brought an action under this section, and the creditor corrects the violation within forty-five (45) days after notifying the debtor. If the violation consists of a prohibited agreement, giving the debtor a corrected copy of the writing containing the violation is sufficient notification and correction. If the violation consists of an excess charge, correction shall be made by an adjustment or refund. The administrator and any official or agency of this state having supervisory authority over a supervised financial orga-
nization shall give prompt notice to a creditor of any violation dis-
covered pursuant to an examination or investigation of the trans-
actions, business, records, and acts of the creditor, sections

(7) A creditor may not be held liable in an action brought under
this section for a violation of this act if the creditor shows by a
preponderance of evidence that the violation was not intentional and
resulted from a bona fide error, notwithstanding the maintenance of
procedures reasonably adapted to avoid the error.

(8) In an action in which it is found that a creditor has vio-
lated this act, the court shall award to the debtor the costs of the
action and his attorney's fees. In determining the attorney's fees,
the amount of the recovery on behalf of the debtor is not controlling.

28-45-202. DAMAGES OR PENALTIES AS SETOFF TO OBLIGATION. Damages
or penalties to which a debtor is entitled pursuant to this part may
be set off against the debtor's obligation, and may be raised as a
defense to an action on the obligation without regard to the time
limitations prescribed by this part.

28-45-203. CIVIL LIABILITY FOR VIOLATION OF DISCLOSURE PROVI-
SIONS. (1) Except as otherwise provided in this section, a creditor
who, in violation of the provisions of the Federal Consumer Credit
Protection Act other than the provisions concerning advertising of
credit terms, fails to disclose information to a person entitled to
the information under this act is liable to that person to the same
extent to which said creditor is liable to such person under the Fed-
eral Consumer Credit Protection Act.

(2) An obligor or debtor has all rights under this act that he
has under the Federal Consumer Credit Protection Act concerning a
right of rescission as to certain transactions. A creditor or other
person has all liabilities and defenses under this section that he had
under the Federal Consumer Credit Protection Act.

(3) An action may not be brought under this section more than one
year after the date of the occurrence of the violation.

(4) The liability of a creditor under this section is in lieu of
and not in addition to his liability under the Federal Consumer Credit
Protection Act. An action by a person with respect to a violation may
not be maintained pursuant to this section if a final judgment has
been rendered for or against that person with respect to the same
violation pursuant to the Federal Consumer Credit Protection Act. If a
final judgment has been rendered in favor of a person pursuant to this
section and thereafter a final judgment with respect to the same
violation is rendered in favor of the same person pursuant to the Fed-
eral Consumer Credit Protection Act, a creditor liable under both
judgments has a cause of action against that person for appropriate
relief to the extent necessary to avoid double liability with respect
to the same violation.

PART 3 - LIMITATIONS ON DEBTORS' LIABILITIES

28-45-301. LIMITATION ON DEFAULT CHARGES. Except for reasonable
expenses incurred in realizing on a security interest, the agreement
with respect to a regulated consumer credit transaction may not provide for any charges as a result of default by the debtor except those authorized by this act. A provision in violation of this section is unenforceable.

28-45-302. ASSIGNEE SUBJECT TO CLAIMS AND DEFENSES. (1) With respect to a regulated consumer credit sale, an assignee of the rights of the seller is subject to all claims and defenses of the debtor against the seller arising from the sale of property or services, notwithstanding that:

(a) There is an agreement to the contrary; or
(b) The assignee is a holder in due course of a negotiable instrument issued in violation of the provisions on prohibition of certain negotiable instruments, section 28-43-306, Idaho Code.

(2) The assignee's liability under subsection (1) of this section may not exceed the amount owing to the assignee with respect to the sale at the time the assignee has notice of a claim or defense of the buyer. If debts arising from two (2) or more regulated consumer credit sales, other than pursuant to an open-end credit account, are consolidated, payments received after the consolidation are deemed, for the purpose of determining the amount owing the assignee with respect to a sale, to have been first applied to the payment of debts arising from the sales first made; if the debts consolidated arose from sales made on the same day, payments are deemed to have been first applied to the smallest debt. Payments received upon an open-end consumer credit account are deemed, for the purpose of determining the amount owing the assignee with respect to a sale, to have been first applied to the payment of finance charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

(3) An agreement may not provide for greater rights for an assignee than this section permits.

PART 4 - CRIMINAL PENALTIES

28-45-401. WILLFUL AND KNOWING VIOLATIONS. (1) A regulated lender who willfully and knowingly makes charges in excess of those permitted by the chapter on finance charges and related provisions, chapter 42, title 28, Idaho Code, applying to regulated consumer loans is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding five hundred dollars ($500) or to imprisonment not exceeding one (1) year, or both.

(2) A person who, in violation of the provisions of this act applying to authority to make regulated consumer loans, section 28-46-301, Idaho Code, willfully and knowingly engages without a license in the business of making regulated consumer loans, or of taking assignments of and undertaking direct collection of payments from and enforcement of rights against debtors arising from regulated consumer loans, is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding five hundred dollars ($500), or to imprisonment not exceeding one (1) year, or both.

(3) A person who willfully and knowingly engages in the business of entering into regulated consumer credit transactions, or of taking
assignments of rights against debtors arising therefrom and undertaking direct collection of payments or enforcement of these rights, without complying with the provisions of this act concerning notification, section 28-46-202, Idaho Code, or payment of fees, section 28-46-203, Idaho Code, is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding five hundred dollars ($500).

28-45-402. DISCLOSURE VIOLATIONS. (1) A person is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding five thousand dollars ($5,000), or to imprisonment not exceeding one (1) year, or both, if he willfully and knowingly:
   (a) Gives false or inaccurate information or fails to provide information which he is required to disclose under the Federal Consumer Credit Protection Act;
   (b) Uses any rate table or chart, the use of which is authorized by the provisions of the Federal Consumer Credit Protection Act, in a manner which consistently understates the annual percentage rate determined according to those provisions; or
   (c) Otherwise fails to comply with any requirement of the provisions on disclosure of the Federal Consumer Credit Protection Act.

(2) The criminal liability of a person under this section is in lieu of and not in addition to his criminal liability under the Federal Consumer Credit Protection Act; no prosecution of a person with respect to the same violation may be maintained pursuant to both this section and the Federal Consumer Credit Protection Act.

CHAPTER 46
ADMINISTRATION

PART I - POWERS AND FUNCTIONS OF ADMINISTRATOR

28-46-101. SHORT TITLE. This chapter shall be known and may be cited as Idaho Credit Code - Administration.

28-46-102. APPLICABILITY. This part applies to persons who in this state:
   (1) Make or solicit regulated consumer credit transactions, subsection (33) of section 28-41-301, Idaho Code; or
   (2) Directly collect payments from or enforce rights against debtors arising from regulated consumer credit transactions, subsection (33) of section 28-41-301, Idaho Code, wherever they are made; or
   (3) Are designated in this act as regulated lenders.

28-46-103. ADMINISTRATOR. "Administrator" means the director of the department of finance of the state of Idaho.

28-46-104. POWERS OF ADMINISTRATOR -- RELIANCE ON RULES -- DUTY TO REPORT. (1) In addition to other powers granted by this act, the administrator within the limitations provided by law may:
   (a) Receive and act on complaints, take action designed to obtain voluntary compliance with this act, or commence proceedings on his own initiative;
(b) Counsel persons and groups on their rights and duties under this act;
(c) Establish programs for the education of debtors with respect to credit practices and problems;
(d) Make studies appropriate to effectuate the purposes and policies of this act and make the results available to the public;
(e) Adopt, amend, and repeal rules to carry out the specific provisions of this act, but not with respect to unconscionable agreements or fraudulent or unconscionable conduct; and
(f) Appoint any necessary attorneys, hearing examiners, clerks, and other employees and agents and fix their compensation, and authorize attorneys appointed under this section to appear for and represent the administrator in court.
(2) In addition to other powers granted by this act, the administrator shall have the power to enforce the Federal Consumer Credit Protection Act, except to the extent otherwise provided by law.
(3) Except for refund of an excess charge, no liability is imposed under this act for an act done or omitted in conformity with a rule, interpretation, or declaratory ruling of the administrator, notwithstanding that after the act or omission, the rule, interpretation, or ruling is amended or repealed or is determined by judicial or other authority to be invalid for any reason.

28-46-105. ADMINISTRATIVE POWERS WITH RESPECT TO SUPERVISED FINANCIAL ORGANIZATIONS. (1) With respect to supervised financial organizations, the powers of examination and investigation, sections 28-46-106 and 28-46-305, Idaho Code, and administrative enforcement, section 28-46-108, Idaho Code, shall be exercised by the official or agency to whose supervision the organization is subject. All other powers of the administrator under this act may be exercised by him with respect to a supervised financial organization including nationally chartered financial organizations.
(2) If the administrator receives a complaint or other information concerning noncompliance with this act by a supervised financial organization, he shall inform the official or agency having supervisory authority over the organization concerned. The administrator may request information about supervised financial organizations from the officials or agencies supervising them.
(3) The administrator and any official or agency of this state having supervisory authority over a supervised financial organization are authorized and directed to consult and assist one another in maintaining compliance with this act. They may jointly pursue investigations, prosecute suits, and take other official action, as they deem appropriate, if either of them otherwise is empowered to take the action.

28-46-106. INVESTIGATORY POWERS. (1) If the administrator has cause to believe that a person has engaged in conduct or committed an act that is subject to action by the administrator, he may make an investigation to determine whether the person has engaged in the conduct or committed the act. To the extent necessary for this purpose, he may administer oaths or affirmations, and, upon his own motion or upon request of any party, subpoena witnesses, compel their attend-
ance, adduce evidence, and require the production of, or testimony as to, any matter relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

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

(3) Upon application by the administrator showing failure without lawful excuse to obey a subpoena or to give testimony, and upon reasonable notice to all persons affected thereby, the court shall grant an order compelling compliance.

(4) The administrator may not make public the name or identity of a person whose acts or conduct he investigates pursuant to this section or the facts disclosed in the investigation, but this subsection does not apply to disclosures in actions or enforcement proceedings pursuant to this act.

28-46-107. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. Except as otherwise provided, the Administrative Procedure Act applies to and governs all administrative action taken by the administrator pursuant to this chapter.

28-46-108. ADMINISTRATIVE ENFORCEMENT ORDERS. (1) After notice and hearing the administrator may order a creditor or a person acting in his behalf to cease and desist from violating this act. A respondent aggrieved by an order of the administrator may obtain judicial review of the order and the administrator may obtain an order of the court for enforcement of his order in the district court. The proceeding for review or enforcement is initiated by filing a petition in the court. Copies of the petition shall be served upon all parties of record.

(2) Within thirty (30) days after service of the petition for review upon the administrator, or within any further time the court allows, the administrator shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including any transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. After hearing, the court may:

(a) Reverse or modify the order if the findings of fact of the administrator are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
(b) Grant temporary relief or restraining order it deems just; and
(c) Enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the administrator, or remanding the case to the administrator for further proceedings.
(3) An objection not urged at the hearing shall not be considered by the court unless the failure to urge the objection is excused for good cause shown. A party may move the court to remand the case to the administrator in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon upon good cause shown for the failure to adduce this evidence before the administrator.

(4) The jurisdiction of the court shall be exclusive and its final judgment or decree is subject to review by the supreme court in the same manner and form and with the same effect as in appeals from a final judgment or decree. The administrator's copy of the testimony shall be available at reasonable times to all parties for examination without cost.

(5) A proceeding for review under this section shall be initiated within thirty (30) days after a copy of the order of the administrator is received. If no proceeding is so initiated, the administrator may obtain an order of the court for enforcement of his order upon showing that his order was issued in compliance with this section, that no proceeding for review was initiated within thirty (30) days after a copy of the order was received, and that the respondent is subject to the jurisdiction of the court.

(6) With respect to unconscionable agreements or fraudulent or unconscionable conduct by the respondent, the administrator may not issue an order pursuant to this section but may bring a civil action for an injunction, section 28-46-111, Idaho Code, or any other action which the administrator is authorized to bring under this act.

28-46-109. ASSURANCE OF DISCONTINUANCE. If it is claimed that a person has engaged in conduct which could be subject to an order by the administrator, sections 28-46-108 and 28-46-303, Idaho Code, or by a court, sections 28-46-110, 28-46-111 and 28-46-112, Idaho Code, the administrator may accept an assurance in writing that the person will not engage in the same or similar conduct in the future. The assurance may include any of the following: stipulations for the voluntary payment by the creditor of the costs of investigation or of an amount to be held in escrow as restitution to debtors aggrieved by past or future conduct of the creditor or to cover costs of future investigation, or admissions of past specific acts by the creditor or that those acts violated this act or other statutes. A violation of an assurance of discontinuance is a violation of this act. If a person giving an assurance of discontinuance fails to comply with its terms, the assurance is evidence that prior to the assurance he engaged in the conduct described in the assurance.

28-46-110. INJUNCTIONS AGAINST VIOLATIONS OF ACT. The administrator may bring a civil action to restrain any person from violating this act and for other appropriate relief including, but not limited to, the following: to prevent a person from using or employing practices prohibited by this act, to reform contracts to conform to this act and to rescind contracts into which a creditor has induced a debtor to enter by conduct violating this act, even though a debtor is not a party to the action. An action under this section may be joined with an action under the provisions on civil actions by the adminis-
28-46-111. INJUNCTIONS AGAINST UNCONSCIONABLE AGREEMENTS AND FRAUDULENT OR UNCONSCIONABLE CONDUCT INCLUDING DEBT COLLECTION. (1) The administrator may bring a civil action to restrain a person to whom this part applies from engaging in a course of:

(a) Making or enforcing unconscionable terms or provisions of regulated consumer credit transactions;
(b) Fraudulent or unconscionable conduct in inducing debtors to enter into regulated consumer credit transactions;
(c) Conduct of any of the types specified in paragraph (a) or (b) of this subsection, with respect to transactions that give rise to or that lead persons to believe will give rise to regulated consumer credit transactions; or
(d) Fraudulent or unconscionable conduct in the collection of debts arising from regulated consumer credit transactions.

(2) In an action brought pursuant to this section, the court may grant relief only if it finds:

(a) That the respondent has made unconscionable agreements or has engaged or is likely to engage in a course of fraudulent or unconscionable conduct;
(b) That the respondent's agreements have caused or are likely to cause, or the conduct of the respondent has caused or is likely to cause, injury to debtors; and
(c) That the respondent has been able to cause or will be able to cause the injury primarily because the transactions involved are consumer credit transactions.

(3) In applying this section, consideration shall be given to each of the following factors, among others:

(a) Belief by the creditor at the time regulated consumer credit transactions are made that there was no reasonable probability of payment in full of the obligation by the debtor;
(b) In the case of regulated consumer credit sales, knowledge by the seller at the time of the sale of the inability of the buyer to receive substantial benefits from the property or services sold;
(c) In the case of regulated consumer credit sales, gross disparity between the price of the property or services sold and the value of the property or services measured by the price at which similar property or services are readily obtainable in credit transactions by like buyers;
(d) The fact that the creditor contracted for or received separate charges for insurance with respect to regulated consumer credit sales or regulated consumer loans with the effect of making the sales or loans, considered as a whole, unconscionable; and
(e) The fact that the respondent has knowingly taken advantage of the inability of the debtor reasonably to protect his interests by reason of physical or mental infirmities, ignorance, illiteracy or inability to understand the language of the agreement, or similar factors.

(4) In an action brought pursuant to this section, a charge or practice expressly permitted by this act is not in itself unconscionable.
28-46-112. TEMPORARY RELIEF. With respect to an action brought to enjoin violations of the act, section 28-46-110, Idaho Code, or unconscionable agreements or fraudulent or unconscionable conduct, section 28-46-111, Idaho Code, the administrator may apply to the court for appropriate temporary relief against a respondent, pending final determination of proceedings. If the court finds after a hearing held upon notice to the respondent that there is reasonable cause to believe that the respondent is engaging in or is likely to engage in conduct sought to be restrained, it may grant any temporary relief or restraining order it deems appropriate.

28-46-113. CIVIL ACTIONS BY ADMINISTRATOR. (1) After demand, the administrator may bring a civil action against a creditor to recover actual damages sustained and excess charges paid by one or more debtors who have a right to recover explicitly granted by this act. In a civil action under this subsection, penalties may not be recovered by the administrator. The court shall order amounts recovered under this subsection to be paid to each debtor or set off against his obligation. A debtor's action, except a class action, takes precedence over a prior or subsequent action by the administrator with respect to the claim of that debtor. A debtor's class action takes precedence over a subsequent action by the administrator with respect to claims common to both actions, but the administrator may intervene. An administrator's action on behalf of a class of debtors takes precedence over a debtor's subsequent class action with respect to claims common to both actions. Whenever an action takes precedence over another action under this subsection, the latter action may be stayed to the extent appropriate while the precedent action is pending and dismissed if the precedent action is dismissed with prejudice or results in a final judgment granting or denying the claim asserted in the precedent action. A defense available to a creditor in a civil action brought by a debtor is available to him in a civil action brought under this subsection.

(2) The administrator may bring a civil action against a creditor or a person acting in his behalf to recover a civil penalty of no more than five thousand dollars ($5,000) for repeatedly and intentionally violating this act. A civil penalty pursuant to this subsection may not be imposed for a violation of this act occurring more than two (2) years before the action is brought or for making unconscionable agreements or engaging in a course of fraudulent or unconscionable conduct.

(3) The administrator may bring a civil action against a creditor for failure to file notification in accordance with the provisions on notification, section 28-46-202, Idaho Code, or to pay fees in accordance with the provisions on fees, section 28-46-203, Idaho Code, to recover the fees the defendant has failed to pay and a civil penalty in an amount determined by the court not exceeding the greater of three (3) times the amount of fees the defendant has failed to pay or one thousand dollars ($1,000), plus the administrator's costs and attorney's fees.

28-46-114. JURY TRIAL. The administrator has no right to trial by jury in an action brought by him under this act.
28-46-115. DEBTORS' REMEDIES NOT AFFECTED. The grant of powers to the administrator in this chapter does not affect remedies available to debtors under this act or under other principles of law or equity.

28-46-116. VENUE. The administrator may bring actions or proceedings in a court in a county in which an act on which the action or proceeding is based occurred or in a county in which the respondent resides or transacts business.

PART 2 - NOTIFICATION AND FEES

28-46-201. APPLICABILITY. This part applies to a creditor engaged in entering into regulated consumer credit transactions in this state and to a creditor having an office or place of business in this state who takes assignments and undertakes direct collection of payments from or enforcement of rights against debtors arising from these transactions.

28-46-202. NOTIFICATION. (1) Persons subject to this part shall file notification with the administrator within thirty (30) days after commencing business in this state, and thereafter, on or before January 31 of each year. The notification shall state:
   (a) Name of the person;
   (b) Name in which business is transacted if different from (a);
   (c) Address of principal office, which may be outside this state;
   (d) Addresses of all offices or retail stores, if any, in this state at which regulated consumer credit transactions are entered into, or in the case of a person taking assignments of obligations, the offices or places of business within this state at which business is transacted;
   (e) If regulated consumer credit transactions are entered into otherwise than at an office or retail store in this state, a brief description of the manner in which they are entered into;
   (f) Address of designated agent upon whom service may be made in this state; and
   (g) Whether regulated consumer loans are made.
(2) If information in a notification becomes inaccurate after filing, no further notification is required until the following January 31.

28-46-203. FEES. (1) A person required to file notification shall on or before January 31 of each year pay to the administrator an annual fee to be fixed by the administrator, but not to exceed fifty dollars ($50.00) per year.
(2) Persons required to file notification who are sellers or lenders shall pay an additional fee at the time and in the manner stated in subsection (1) of this section of ten dollars ($10.00) for each one hundred thousand dollars ($100,000) or part thereof in excess of one hundred thousand dollars ($100,000), of the unpaid balances outstanding as of December 31 of the preceding calendar year arising from regulated consumer credit sales and regulated consumer loans made in this state and held either by the seller or lender, or by an
assignee who has not filed notification.

(3) Persons required to file notification who are assignees shall pay an additional fee at the time and in the manner stated in subsection (1) of this section of ten dollars ($10.00) for each one hundred thousand dollars ($100,000), or part thereof, of the unpaid balances of obligations arising from regulated consumer credit sales and regulated consumer loans made in this state taken by assignment and outstanding as of December 31 of the preceding calendar year, but an assignee need not pay a fee with respect to an obligation on which the assignor or other person has already paid a fee.

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

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

PART 3 - REGULATED LENDERS - LICENSING AND RELATED PROVISIONS

28-46-301. AUTHORITY TO MAKE REGULATED CONSUMER LOANS. The administrator shall receive and act on all applications for licenses to make regulated consumer loans under this act. Applications shall be filed in the manner prescribed by the administrator, shall contain such information as the administrator may reasonably require, and shall be accompanied by the fee required by subsection (5) of section 28-46-305, Idaho Code. Unless a person has first obtained a license from the administrator authorizing him to make regulated consumer loans, he shall not engage in the business of:

(1) Making regulated consumer loans; or
(2) Taking assignments of and undertaking direct collection of payments from or enforcement of rights against debtors arising from regulated consumer loans.

28-46-302. LICENSE TO MAKE REGULATED CONSUMER LOANS. (1) Upon receipt by the administrator of an application with the required fee of one hundred dollars ($100), the applicant shall notify all existing licensees in the community of the application by publishing notice once a week for three (3) consecutive weeks in a newspaper of general circulation in the community. Such licensees may file with the administrator any objections to the issuance of a license within thirty (30) days after the date of the last publication of such notice.

(2) No application for license shall be denied if the administrator finds that:

(a) The financial responsibility, character, and fitness of the applicant, and of the officers and directors thereof (if the applicant is a corporation) are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this act; and
(b) The applicant has at least thirty thousand dollars ($30,000) available for the purpose of making loans.
(3) The administrator is empowered to conduct investigations as he may deem necessary, to enable him to determine the existence of the requirements set out in subsections (2)(a) and (2)(b) of this section.

(4) Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if:
   (a) The administrator has notified the applicant in writing that his application has been denied, or objections filed; or
   (b) The administrator has not issued a license within sixty (60) days after the application for the license was filed.

If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the administrator for his reasonable and necessary expenses incurred as a result of the hearing. A request for a hearing may not be made more than fifteen (15) days after the administrator has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the administrator's finding supporting denial of the application or that objections have been filed and the substance thereof.

(5) The administrator may issue additional licenses to the same licensee upon compliance with all the provisions of this act governing the issuance of a single license. A separate license shall be required for each place of business. Each license shall remain in full force and effect until surrendered, suspended or revoked.

(6) No licensee shall change the location of any place of business, or consolidate, or close any locations, without giving the administrator at least fifteen (15) days' prior written notice. No licensee shall change the location of any of his places of business to a location more than five (5) miles from the original location or outside the original municipality, if any.

(7) A licensee shall not engage in the business of making regulated consumer loans at any place of business for which he does not hold a license nor shall he engage in business under any other name than that in the license.

28-46-303. REVOCATION OR SUSPENSION OF LICENSE. (1) The administrator may issue to a person licensed to make regulated consumer loans an order to show cause why his license should not be revoked or suspended for a period not in excess of six (6) months. The order shall state the place for a hearing and set a time for the hearing that is no less than ten (10) days from the date of the order. After the hearing, the administrator shall revoke or suspend the license if he finds that:
   (a) The licensee has repeatedly and willfully violated this act or any rule or order lawfully made pursuant to this act; or
   (b) Facts or conditions exist which would clearly have justified the administrator in refusing to grant a license had these facts or conditions been known to exist at the time the application for the license was made.

(2) No revocation or suspension of a license is lawful unless prior to institution of revocation or suspension proceedings by the administrator, notice is given to the licensee of the facts or conduct which warrant the intended action, and the licensee is given an opportunity to show compliance with all lawful requirements for retention of the license.
(3) If the administrator finds that probable cause for revocation of a license exists and that enforcement of this act requires immediate suspension of the license pending investigation, he may, after a hearing upon five (5) days' written notice, enter an order suspending the license for not more than thirty (30) days.

(4) Whenever the administrator revokes or suspends a license, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five (5) days after the entry of the order, he shall deliver to the licensee a copy of the order and the findings supporting the order.

(5) Any person holding a license to make regulated consumer loans may relinquish the license by notifying the administrator in writing of its relinquishment, but this relinquishment shall not affect his liability for acts previously committed.

(6) No revocation, suspension, or relinquishment of a license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any debtor.

(7) The administrator may reinstate a license, terminate a suspension, or grant a new license to a person whose license has been revoked or suspended if no fact or condition then exists which clearly would have justified the administrator in refusing to grant a license.

28-46-304. RECORDS -- ANNUAL REPORTS. (1) Every licensee shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the administrator to determine whether the licensee is complying with the provisions of this act. The recordkeeping system of a licensee shall be sufficient if he makes the required information reasonably available. The records need not be kept in the place of business where regulated consumer loans are made, if the administrator is given free access to the records wherever located. The records pertaining to any loan need not be preserved for more than two (2) years after making the final entry relating to the loan, but in the case of an open-end account, the two (2) years is measured from the date of each entry.

(2) On or before May 31 of each year, every licensee shall file with the administrator a composite annual report for the prior calendar year in the form prescribed by the administrator relating to all regulated consumer loans made by him. Information contained in annual reports shall be confidential and may be published only in composite form.

28-46-305. EXAMINATIONS AND INVESTIGATIONS. (1) The administrator shall examine periodically at intervals he deems appropriate, the loans and business records of every regulated lender. In addition, for the purpose of discovering violations of this act or securing information lawfully required, the administrator may at any time investigate the loans, business, and records of any regulated lender. For these purposes, he shall have free and reasonable access to the offices, places of business, and records of the lender. The administrator, for purposes of examination of licensees herein, shall be paid the cost of examination by the licensee, within thirty (30) days of demand for payment. The administrator shall, on July 1 of each year, fix such per diem examination cost.
(2) If the lender's records are located outside this state, the lender, at his option, shall make them available to the administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the administrator or his representative to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

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

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

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

28-46-306. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO PART. Except as otherwise provided, the state administrative procedure act, chapter 52, title 67, Idaho Code, applies to and governs all administrative action taken by the administrator pursuant to this part.

CHAPTER 49
EFFECTIVE DATE, REPEALER, AND OVERRIDE OF FEDERAL PREEMPTION

28-49-101. TIME OF TAKING EFFECT -- PROVISIONS FOR TRANSITION. (1) An emergency existing therefor, which emergency is hereby declared to exist, this act shall take effect at 11:59 p.m. on March 31, 1983, or on and after its passage and approval, whichever time is later, except as otherwise provided in this section and in section 6 of this act.

(2) Transactions entered into before this act takes effect and the rights, duties, and interests flowing from them thereafter may be terminated, completed, consummated, or enforced as required or permitted by any statute, rule of law, or other law amended, repealed, or modified by this act as though the repeal, amendment, or modification had not occurred, but this act applies to:
   (a) Refinancings, consolidations, and deferrals made after this act takes effect of sales and loans whenever made;
   (b) Sales or loans made after this act takes effect pursuant to open-end credit, subsection (27) of section 28-41-301, Idaho Code, entered into, arranged, or contracted for before this act takes effect; and
   (c) All credit transactions made before this act takes effect insofar as the chapter on remedies and penalties, chapter 45,
title 28, Idaho Code, limits the remedies of creditors.

28-49-102. CONTINUATION OF LICENSING. All persons licensed or otherwise authorized to make supervised or regulated loans under the provisions of the Idaho Uniform Consumer Credit Code on the effective date of this act are licensed to make regulated consumer loans under this act pursuant to the part on regulated lenders - licensing and related provisions, part 3 of the chapter on administration, chapter 46, and all provisions of that part apply to the persons so previously licensed or authorized. The administrator may, but is not required to, deliver evidence of licensing to the persons so previously licensed or authorized.

28-49-103. CONTINUATION OF NOTIFICATION. All persons who have filed notification with the administrator under the provisions of the part on notification and fees, part 2, of the chapter on administration, chapter 36 of the Idaho Uniform Consumer Credit Code, before the effective date of this act, are not required to file further notification with the administrator pursuant to the part on notification and fees, part 2, of the chapter on administration, chapter 46, title 28, Idaho Code, until on or before January 31, 1984.

28-49-104. GRACE PERIOD. (1) Notwithstanding any other provision of this act, all persons who, as of the effective date of this act, have not filed notification with the administrator under the provisions of the part on notification and fees, part 2, of the chapter on administration, chapter 36 of the Idaho Uniform Consumer Credit Code, and all persons who, as of the effective date of this act, are not licensed or otherwise authorized to make supervised or regulated loans under the provisions of the Idaho Uniform Consumer Credit Code, shall be allowed ninety (90) days after the effective date of this act within which to file notification or apply for a license to make regulated consumer loans as required by this act. No such person shall be subject to any liability under this act for failure to file notification or for making regulated consumer loans without a license after the effective date of this act, if such person files notification or applies for a regulated lender's license within the ninety (90) day grace period; further, no such person shall be subject to any liability for making regulated consumer loans without a license during the period of time after such person has applied for a regulated lender's license with the administrator and before the administrator has completed action on that application, if the application for license was filed during the ninety (90) day grace period.

(2) The provisions of subsection (1) of this section shall apply only to those persons who, as of the effective date of this act, are already engaged in business for which notification or licensing is required by this act. Any person who begins to engage in such business after the effective date of this act must first comply with the notification and licensing requirements, as appropriate, of this act.

28-49-105. OVERRIDE OF FEDERAL PREEMPTION. The legislature of the state of Idaho hereby declares and states that it does not want any of the provisions of Title V, Part A - Mortgage Usury Laws, Mortgages,
Section 501(a)(1) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96-221; 94 Stat. 132), to apply with respect to loans, mortgages, credit sales, and advances made in this state, and that the provisions of Title V, Part A - Mortgage Usury Laws, Mortgages, Section 501(a)(1) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96-221; 94 Stat. 132), shall not apply with respect to loans, mortgages, credit sales, and advances made in this state.

28-49-106. SPECIFIC REPEALER. The following chapters and sections of the Idaho Code are repealed:

(1) The Idaho Uniform Consumer Credit Code, chapters 31, 32, 33, 34, 35, 36 and 39, title 28, Idaho Code; and


28-49-107. CHAPTER 22, TITLE 26, UNAFFECTED. No provision of this act shall be construed to amend or repeal any of the provisions of chapter 22, title 26, Idaho Code, as the same is now enacted or as it may be hereafter amended, reenacted or substituted.

SECTION 4. That Section 41-2005, Idaho Code, be, and the same is hereby amended to read as follows:

41-2005. DEBTOR GROUPS. The lives of a group of individuals may be insured under a policy issued to a creditor, or to a trustee or trustees or agent designated by two (2) or more creditors, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five per cent (75%) of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.
(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred (100) persons yearly, or may reasonably be expected to receive at least one hundred (100) new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per cent (75%) of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

(4) The amount of insurance on the life of a debtor shall at no time exceed the amount owed by him to the creditor, or twenty seventy-five thousand dollars ($275,000), whichever is less.

(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

Approved March 31, 1983.

CHAPTER 120
(H.B. No. 150, As Amended)

AN ACT
RELATING TO HERD DISTRICTS; AMENDING SECTION 25-2402, IDAHO CODE, TO PROVIDE THAT A HERD DISTRICT SHALL NOT CONTAIN ANY LANDS OWNED BY THE UNITED STATES AND MANAGED BY THE BUREAU OF LAND MANAGEMENT, WHERE THE GRAZING OF LIVESTOCK HAS HISTORICALLY BEEN PERMITTED, AND TO PROVIDE THAT THE ESTABLISHMENT OF A HERD DISTRICT SHALL NOT RESULT IN A HIGHWAY DISTRICT BEING HELD LIABLE IN CERTAIN ACTIONS RESULTING FROM LIVESTOCK BEING WITHIN THE PUBLIC RIGHT-OF-WAY OF THE HIGHWAY DISTRICT.

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

SECTION 1. That Section 25-2402, Idaho Code, be, and the same is hereby amended to read as follows:

25-2402. PETITION AND REQUIREMENTS FOR DISTRICT. (1) A majority of the landowners in any area or district described by metes and bounds not including open range and who are also resident in, and qualified electors of, the state of Idaho may petition the board of county commissioners in writing to create such area a herd district. Such petition shall describe the boundaries of the said proposed herd district, and shall designate what animals of the species of horses, mules, asses, cattle, swine, sheep and goats it is desired to prohibit from running at large, also prohibiting said animals from being herded upon the public highways in such district; and shall designate that the herd district shall not apply to nor cover livestock, excepting
swine, which shall roam, drift or stray from open range into the dis-
trict unless the district shall be inclosed by lawful fences and
cattle guards in roads penetrating the district so as to prevent live-
stock, excepting swine, from roaming, drifting or straying from open
range into the district; and may designate the period of the year
during which it is desired to prohibit such animals from running at
large, or being herded on the highways. Provided, any herd district
heretofore established shall retain its identity, geographic defini-
tion, and remain in full force and effect, until vacated or modified
hereafter as provided by section 25-2404, Idaho Code-as-amended.

(2) Notwithstanding any other provision of law to the contrary,
no herd district established before or after July 1, 1983, shall:
(a) Contain any lands owned by the United States of America, and
managed by the department of interior, bureau of land manage-
ment, or its successor agency, upon which lands the grazing of livestock
has historically been permitted.
(b) Result in a highway district being held liable for personal
injury, wrongful death or property damage resulting from livestock
within the public right-of-way of the highway district.

(3) Open range means all uninclosed lands outside cities and vil-
lages upon which by custom, license or otherwise, livestock, excepting
swine, are grazed or permitted to roam.

Approved April 1, 1983.

CHAPTER 121
(H.B. No. 217)

AN ACT
RELATING TO LAND USE PLANNING; AMENDING SECTION 67-6511, IDAHO CODE,
TO STABILIZE A ZONING CLASSIFICATION FOR FOUR YEARS AFTER IT IS
OBTAINED BY A PROPERTY OWNER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6511, Idaho Code, be, and the same is
hereby amended to read as follows:

67-6511. ZONING ORDINANCE. Each governing board shall, by ordi-
nance adopted, amended, or repealed in accordance with the notice and
hearing procedures provided under section 67-6509, Idaho Code, estab-
lish within its jurisdiction one (1) or more zones or zoning districts
where appropriate. The zoning districts shall be in accordance with
the adopted plan.
Within a zoning district, the governing board shall where appro-
priate, establish standards to regulate and restrict the height,
number of stories, size, construction, reconstruction, alteration,
repair or use of buildings and structures; percentage of lot occu-
pancy, size of courts, yards, and open spaces; density of population;
and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested.

(b) If the request is in accordance with the adopted plan, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice.

(c) If the request is not in accordance with the adopted plan, the request shall be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board, which shall recommend and the governing board may adopt or reject an amendment to the plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be amended as provided for under section 67-6511(b), Idaho Code.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

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

Approved April 1, 1983.
AN ACT
RELATING TO PARKING SPACES FOR THE HANDICAPPED; AMENDING SECTION 49-238, IDAHO CODE, TO PROVIDE THAT PARKING IN SPACES RESERVED FOR THE HANDICAPPED SHALL BE AN INFRINGEMENT WITH EXCEPTIONS, TO PROVIDE THAT VEHICLES UNLAWFULLY PARKED IN A SPACE RESERVED FOR HANDICAPPED PERSONS MAY BE REMOVED OR IMPOUNDED AT THE REQUEST OF THE PROPERTY OWNER OR HIS AGENT, AND TO PROVIDE THAT LAW ENFORCEMENT OFFICIALS ARE EMPOWERED TO ENTER UPON PRIVATE PROPERTY OPEN TO PUBLIC USE FOR ENFORCING THE PROVISIONS OF THE SECTION.

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

SECTION 1. That Section 49-238, Idaho Code, be, and the same is hereby amended to read as follows:

49-238. PARKING SPACES FOR THE HANDICAPPED -- MARKING AND SIGNING -- IMPOUNDMENT. (1) Local governments and owners of private property open to public use may designate parking zones and spaces to be used exclusively by vehicles displaying a special license plate for the handicapped or a special temporary card as prescribed by section 49-237, Idaho Code. Any parking zones and spaces so designated shall conform to the following requirements:

(a) Parking lots shall be provided with spaces that are accessible and approximate to the entrance of the facility reserved and signed for use by the handicapped, as defined by section 49-236, Idaho Code. Spaces shall be provided on the basis of one (1) space for each thirty-five (35) spaces or fraction thereof, and shall be twelve (12) feet wide, open on one (1) side to allow room for individuals in wheelchairs or requiring the aid of a mechanical device to egress and ingress from a motor vehicle on a level paved surface.

(b) One (1) parking space shall be provided in each downtown city block, to be parallel with the sidewalk where parallel parking is required, or angle to the sidewalk where angle parking is required, and shall be near curb cuts and ramps for wheelchair and other mechanical device usage.

(c) For each designated parking space or area there shall be posted immediately adjacent to, and visible from each stall or space, a sign consisting of the international handicapped symbol as shown in section 49-236, Idaho Code. The parking space shall be indicated by blue paint.

(2) Parking in spaces reserved for the handicapped is prohibited except for a vehicle that is momentarily in the space for the purpose of allowing a handicapped person to enter or leave the vehicle. A violation of the provisions of this subsection is an infraction and punishable by a fine not exceeding twenty-five dollars ($25.00) and no imprisonment.

(3) If a local government or owner of private property open to public use has designated parking zones and spaces to be used exclu-
sively for parking for the handicapped, there shall be posted in a
conspicuous place immediately adjacent to, and visible from the stall
or space, or in a conspicuous place immediately adjacent to, and vis­
ible from, the stall or space, or in a conspicuous place at each
entrance to an off-street parking facility, not less than seventeen
(17) by twenty-two (22) inches in size, with lettering not less than
one (1) inch in height, a sign which clearly and conspicuously states
the following: "Unauthorized vehicles not displaying distinguishing
placards or license plates for the handicapped will be towed away at
the owner's expense. Vehicles may be reclaimed at (location) or by
telephone (telephone number of local law enforcement agency).". This
shall be in addition to any signs and markings required by subsection
(1)(c) of this section.

(4) Vehicles unlawfully parked in a space reserved for handi­
capped persons may, at the request of the property owner or his agent,
be removed and impounded by the local unit of government, and an
impounded vehicle not properly claimed within thirty (30) days shall
be considered an abandoned vehicle.

(5) Law enforcement officials are empowered to enter upon private
property open to public use to enforce the provisions of this section.

Approved April 1, 1983.

CHAPTER 123
(H.B. No. 260, As Amended)

AN ACT
RELATING TO THE BOARD OF SHEEP COMMISSIONERS; AMENDING SECTION 25-131,
IDAHO CODE, TO PROVIDE THAT THE BOARD OF SHEEP COMMISSIONERS MAY
MAKE AN ASSESSMENT BASED ON POUNDS OF WOOL IN THE GREASE BASIS
SOLD THROUGH COMMERCIAL CHANNELS AND TO PROVIDE CERTAIN REDUCTIONS
IN THAT ASSESSMENT, TO PROVIDE A LIEN, TO PROVIDE COLLECTION OF
THE ASSESSMENT, TO REQUIRE THE FIRST PURCHASER TO REMIT ASSESS­
MENTS AND MAKE REPORTS, TO PROVIDE FOR DISPOSITION OF THE ASSESS­
MENT, AND TO PROVIDE INTEREST PENALTIES FOR ASSESSMENTS OR REPORTS
THAT ARE FILED LATE; AND AMENDING SECTION 25-132, IDAHO CODE, TO
DELETE REFERENCE TO ANNUAL ASSESSMENTS; DECLARING AN EMERGENCY AND
PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 25-131, Idaho Code, be, and the same is
hereby amended to read as follows:

25-131. SHEEP COMMISSION FUND -- ANNUAL ASSESSMENT -- FIRST PUR­
CHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPRO­
PRIATION. There is hereby levied and imposed an annual assessment on
each sheep, one-(&plusmn;1)-year-old or older, within the state of Idaho at a rate
not to exceed --forty-cents-(40¢) per head; in the event a sheep does
not remain in the state for the entire year, the assessment imposed
upon such sheep shall be as follows:— the actual assessment imposed during the year multiplied by the ratio that the number of estimated or actual days the sheep is or will be in the state bears to the total number of days in that year.

The assessment shall be collected each calendar year by the board from and after a time designated by the board as the due date for the assessment. All moneys collected by the board under the provisions of this act shall be paid to the state treasurer. All moneys received from the assessment shall be deposited in the state treasury by the state treasurer to the credit of a special account in the state operating fund hereby created to be known as the "sheep commission account."

(1) In order for the board of sheep commissioners to carry out the provisions of this chapter, the board shall assess, levy and collect an assessment established by the board, not to exceed six cents (6¢) per pound on all wool, in the grease basis, sold through commercial channels. In the event that a sheep, which produces wool subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. Such assessment shall be levied and assessed to the producer at the time of the first sale of wool and shall be deducted by the first purchaser from the price paid to the producer at the time of such first sale. The assessment provided in this section shall not be levied or collected on any casual sale.

(2) The assessment provided by this section shall constitute a lien prior to all other liens and encumbrances upon such wool except liens which are declared prior by operation of a statute of this state.

(3) If the first purchaser lives or has his principal office in another state, the producer shall make the reports and pay the assessments to the commission as required under this section unless the first purchaser agrees in writing to make such reports and pay such assessments.

(4) The first purchaser shall specify the amounts of assessments withheld in any written statements made to the producer.

(5) The first purchaser shall make reports to the board on forms prescribed by the board, and no first purchaser shall fail to make such reports or falsify any such reports. The assessment deducted and withheld by a first purchaser, as required in subsection (1) of this section, shall be paid to the board on a quarterly calendar year basis, and shall be due and payable within thirty (30) days after the end of the quarter. All moneys collected by the board under the provisions of this chapter shall be paid to the state treasurer. All moneys received from the assessment pursuant to this section shall be deposited in the state treasury by the state treasurer to the credit of a special account in the state operating fund hereby created to be known as the "sheep commission account."

(6) A first purchaser who delays transmittal of reports and payments of assessments beyond the time stated in subsection (5) of this section shall pay five percent (5%) of the amount due for the first month of delay and one percent (1%) of the amount due for each month of delay thereafter. Such moneys shall be deposited in the sheep commission account.
(7) In addition thereto, the said account shall consist of any appropriations made by the legislature for the use of and expenditure by said board. All fees of every kind collected under the provisions of this act, or under any rules and regulations made pursuant to the provisions of this act, shall be deposited in the state treasury in the manner hereinabove described. The moneys in said special account are hereby appropriated for the use and expenditure of said board carrying out the provisions of this act and the rules and regulations made herein and said account is hereby declared to be a continuing account.

(8) All moneys received by the state board of sheep commissioners from that portion of the special assessment which is made to carry on the predatory animal work shall be expended by the sheep commission in the respective districts comprising the counties where the assessment was collected less the actual and necessary administrative costs for carrying out the provisions of this act. All moneys received by such account for predatory animal work except as herein otherwise provided shall be expended by the sheep commission within the district or districts specified by the party or agency providing such funds and any trust fund must be held inviolate for the purposes of the trust.

SECTION 2. That Section 25-132, Idaho Code, be, and the same is hereby amended to read as follows:

25-132. POWERS OF BOARD TO COLLECT AND CANCEL ANNUAL ASSESSMENT. The board shall have the power to prosecute in the name of the state of Idaho any suit or action for collection of the assessment provided for in section 25-131, Idaho Code. The board by order may cancel an assessment which has been delinquent for five (5) years or more, if it determines that: (1) The amount of the assessment is less than one dollar ($1.00) and that further collection effort or expense does not justify the collection thereof, or (2) the assessment is wholly uncollectible.

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, 1983.

Approved April 1, 1983.

CHAPTER 124
(S.B. No. 1043, As Amended)

AN ACT
RELATING TO NOTICES FOR AD VALOREM TAXES; AMENDING SECTION 63-1105, IDAHO CODE, TO CHANGE THE TERM TAX RECEIPT TO TAX NOTICE AND TO MAKE OPTIONAL THE INCLUSION OF LEVY SHEETS WITH TAX NOTICES, BUT TO REQUIRE LEVY INFORMATION TO BE MADE AVAILABLE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-1105, Idaho Code, be, and the same is hereby amended to read as follows:

63-1105. TAX RECEIPTS NOTICES. (a) The tax collector of each county in this state must, prior to the fourth Monday of November in each year, prepare tax receipts notices in duplicate for all taxes extended upon the real property assessment roll, showing the name of the taxpayer and describing the property assessed in the name of such taxpayer, showing the amount of taxes due thereon, the amount of state and county taxes, and each amount of city, town, village, school district and every other tax being separately shown, and also showing all tax levies and all delinquency certificates and tax sale certificates outstanding against the said property as shown on the assessment roll, which receipts notices must be substantially in the form prescribed by this act.

(b) Tax receipts notices prepared by tax code areas may be accompanied by a levy sheet which shows the amount of tax levy for each taxing district or taxing jurisdiction as well as the total amount of the tax levies in each tax code area. If not included in the tax notices, the levy information shall be available to the public and notice of such availability shall be included on the tax notice.

(c) A "tax code area" for purposes of this section shall mean a geographical area made up of one or more taxing districts with one (1) total levy within its boundary.

Approved April 4, 1983.

CHAPTER 125
(S.B. No. 1053, As Amended)

AN ACT
RELATING TO ENVIRONMENTAL HEALTH SPECIALISTS; AMENDING SECTION 54-2402, IDAHO CODE, TO INCREASE THE FEE FOR AN ANNUAL RENEWAL OF A CERTIFICATE OF REGISTRATION AS AN ENVIRONMENTAL HEALTH SPECIALIST.

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

SECTION 1. That Section 54-2402, Idaho Code, be, and the same is hereby amended to read as follows:

54-2402. BUREAU OF OCCUPATIONAL LICENSES TO ISSUE CERTIFICATES OF REGISTRATION. The bureau of occupational licenses shall upon the certification of the board and subject to the provisions of this act, issue certificates of registration as environmental health specialists to persons who have qualified therefor in accordance with this act. Such certificates shall be issued for a period of one (1) year and shall bear on their face the seal of the bureau, the signature of the
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chairman of board of environmental health specialists examiners thereof, and will be effective until the first day of July next after issuance. Such certificates so issued shall be renewed annually on the first day of July of every year. The bureau shall collect a fee of forty-five dollars ($450.00) for each such annual renewal of such certificate, and shall deposit all fees in the state treasury in accordance with section 67-2605, Idaho Code. The provisions of sections 67-2609 through 67-2614, Idaho Code, shall apply to certificates issued pursuant to this act, except as in this act modified.

Approved April 4, 1983.

CHAPTER 126
(S.B. No. 1075)

AN ACT

RELATING TO THE STATE BOARD OF DENTISTRY; AMENDING SECTION 54-907, IDAHO CODE, TO INCREASE THE NUMBER OF MEMBERS OF THE STATE BOARD OF DENTISTRY BY THE ADDITION OF A LAY MEMBER; AMENDING SECTION 54-908, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A LAY PERSON TO THE BOARD; AND AMENDING SECTION 54-909, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR THE LAY MEMBER OF THE BOARD.

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

SECTION 1. That Section 54-907, Idaho Code, be, and the same is hereby amended to read as follows:

54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby established in the department of self-governing agencies a state board of dentistry to be composed of six seven (67) members, five (5) of whom shall be dentists, and one (1) of whom shall be a dental hygienist, and one (1) of whom shall be a lay person familiar with health care occupations. The dentist members of the board holding such position on July 1, 1981 shall remain in office as members of the board of dentistry until their respective terms as members of the board shall have expired, and thereafter dentist members of the board of dentistry shall be appointed by the governor in the manner hereinafter set forth. Upon appointment by the governor, the term of office of a dentist member of the board shall commence as of the first Monday of February next following his appointment and shall continue for five (5) years thereafter. A vacancy in membership of the board shall occur whenever the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Appointments to fill a vacancy occurring for some reason other than expiration of term of office shall be made for the unexpired term which is being filled. The governor may remove any member of the board from membership on the board who is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member or who has failed to
attend, without reasonable cause, two (2) successive meetings of the board.

The dental hygienist and lay members of the board shall be appointed by the governor in the manner provided in section 54-908, Idaho Code. The term of office of the dental hygienist and lay members shall be three (3) years commencing on the first Monday of February next following appointment. The dental hygienist member shall have voting power in all board matters relating to the practice of dental hygiene. The lay member may vote only on matters relating to administration and policy which do not directly affect scientific and practical examination of dentists or hygienists for licensing.

SECTION 2. That Section 54-908, Idaho Code, be, and the same is hereby amended to read as follows:

54-908. STATE BOARD OF DENTISTRY -- NOTICE OF VACANCY -- NOMINEES. (1) Prior to the expiration of the regular term of a dentist member of the board or upon the occurrence or declaration of a vacancy in the dentist membership of the board, the governor shall notify the Idaho state dental association thereof in writing and the association shall, within sixty (60) days thereafter, nominate three (3) persons licensed to practice dentistry to fill such vacancy and shall forward the nominations to the governor, who shall thereupon appoint from among such nominees, the person to be a member of the board to fill such vacancy. The said nominees shall be selected in such manner as shall be determined by the rules and regulations of the association, provided, that for the purposes of such nominations and appointments, the state shall be divided by the association into four (4) districts and nominations and appointments to the board shall be made in such a manner that each district shall be represented on the board by one (1) dentist member provided, however, that the fifth dentist member of the board shall be a member at large who may reside in any of the four (4) districts. If the association shall fail to furnish to the governor the names of nominees to fill vacancies within the time herein provided, the governor may appoint any dentist qualified for membership to fill said vacancy, provided that if the vacancy be in the term of a member from one of the four (4) districts, the appointee shall reside within said district.

(2) Prior to the expiration of the regular term of the dental hygienist member of the board or upon the occurrence or declaration of a vacancy on the board, the governor shall notify the Idaho dental hygienists' association thereof in writing and the association shall within sixty (60) days thereafter, nominate three (3) persons licensed to practice dental hygiene to fill such vacancy and shall forward the nominations to the governor, who shall appoint one (1) of the nominees to be a member of the board. If the dental hygienists' association fails to furnish the names of nominees within the time provided, the governor may appoint any qualified dental hygienist to fill the vacancy.

(3) The governor shall appoint any qualified person as a lay member to the board, prior to the first Monday of February next following the effective date of this act, and thereafter, prior to the expiration of the term of office of the lay member or upon the vacancy
of office of the lay member, as the case may be.

SECTION 3. That Section 54-909, Idaho Code, be, and the same is hereby amended to read as follows:

54-909. BOARD OF DENTISTRY -- QUALIFICATIONS OF MEMBERS. Each dentist member of the board shall be a licensed dentist, shall have been a resident of, and lawfully practicing dentistry within the state of Idaho for a period of at least five (5) years next from his appointment and who is neither directly nor indirectly in any way connected with or interested in the dental supply business nor in any institution offering instruction in dentistry or dental hygiene, except that a board member may have incidental contact with an accredited school in the capacity of a guest lecturer or other similar activity.

The qualifications for the dental hygienist member of the board shall include:

(1) Current active Idaho licensure.
(2) A minimum of three (3) years clinical experience.
(3) Not being directly or indirectly connected with any institution offering instruction in dental hygiene, except that the hygienist may have incidental contact with an accredited school in the capacity of guest lecturer or some other similar activity.
(4) The lay member of the board must be a resident of the state of Idaho. The lay member shall be representative of the public consumers of dental care services, as opposed to the professional members of the board whose scientific expertise and knowledge is required to protect the public interest. Therefore, the lay member shall not have any direct pecuniary interest in providing health care services. No person shall qualify for appointment as a lay member who is a member or employee of any other licensing board of health occupations, or a member or employee of any health occupation professional society or association, or a licensee of any health occupation board.

Approved April 4, 1983.

CHAPTER 127
(S.B. No. 1125)

AN ACT
RELATING TO MECHANICS' AND MATERIALMEN'S LIENS; AMENDING SECTION 45-507, IDAHO CODE, TO PROVIDE THAT NOTICE MUST BE GIVEN TO THE OWNER OR REPUTED OWNER OF REAL PROPERTY WHICH IS TO BE CHARGED WITH A MECHANIC'S OR MATERIALMAN'S LIEN.

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

SECTION 1. That Section 45-507, Idaho Code, be, and the same is hereby amended to read as follows:
45-507. CLAIM OF LIEN. Every original contractor, professional engineer or licensed surveyor claiming the benefit of this chapter must, within ninety (90) days, and every other person must, within sixty (60) days, after the completion of any building, improvement or structure, or after the completion of the alteration or repair thereof, or in case he ceases to labor or perform professional services thereon before the completion thereof, then after he so ceases to labor or to perform professional services or after he has ceased to labor or to perform professional services thereon for any cause, or after he has ceased to furnish materials therefor, or after the performance of any labor or professional services in a mine or mining claim, file for record with the county recorder for the county in which such property or some part thereof is situated, a claim containing a statement of his demand, after deducting all just credits and offsets, with the name of the owner, or reputed owner, if known, and also the name of the person by whom he was employed or to whom he furnished the materials, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of the claimant, his agent or attorney, to the effect that the affiant believes the same to be just. A true and correct copy of the claim of lien shall be served on the owner or reputed owner of the property either by delivering a copy thereof to the owner or reputed owner personally or by mailing a copy thereof by certified mail to the owner or reputed owner at his last known address. Such delivery or mailing shall be made no later than twenty-four (24) hours following the filing of said claim of lien.

Approved April 4, 1983.

CHAPTER 128
(S.B. No. 1126)

AN ACT
RELATING TO TERMINATION OF PARENT AND CHILD RELATIONSHIP; AMENDING SECTION 16-2009, IDAHO CODE, TO CLARIFY THE BURDEN OF PROOF WHICH SHALL BE REQUIRED IN A TERMINATION ACTION.

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

SECTION 1. That Section 16-2009, Idaho Code, be, and the same is hereby amended to read as follows:

16-2009. HEARING. Cases under this act shall be heard by the court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or mechanical recording of the hearing shall be required. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under section 16-2007, Idaho Code, or as the judge shall find to have a direct interest in the case or in the work of the court; provided that persons so admit-
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ted shall not disclose any information secured at the hearing which would identify an individual child or parent. The court may require the presence of witnesses deemed necessary to the disposition of the petition, except that a parent who has executed a waiver pursuant to section 16-2007, Idaho Code, shall not be required to appear at the hearing.

The parent or guardian ad litem shall be notified as soon as practicable after the filing of a petition and prior to the start of a hearing of his right to have counsel, and if counsel is requested and the parent or guardian is financially unable to employ counsel, counsel shall be provided. The prosecuting attorneys of the several counties shall represent the department at all stages of the hearing.

The court's finding with respect to grounds for termination shall be based upon a "preponderance of clear and convincing" evidence under rules applicable to the trial of civil causes, provided that relevant and material information of any nature, including that contained in reports, studies or examinations, may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted in evidence, the person making such report, study or examination shall be subject to both direct and cross-examination. Where the termination is sought under section 16-2005(d), Idaho Code, evidence of the alleged condition shall be no less than that required to support a commitment to an institution for the mentally ill or mentally deficient under section 66-329, Idaho Code, as-amended.

Approved April 4, 1983.

CHAPTER 129
(S.B. No. 1127)

AN ACT
RELATING TO PARTIES TO AN ACTION FOR DECLARATORY JUDGMENT; AMENDING SECTION 10-1211, IDAHO CODE, TO STRIKE THE REQUIREMENT TO SERVE THE ATTORNEY GENERAL WITH PROCESS IN AN ACTION FOR DECLARATORY JUDGMENT, AND ALLOWING THE ATTORNEY GENERAL TO INTERVENE IN SUCH ACTION.

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

SECTION 1. That Section 10-1211, Idaho Code, be, and the same is hereby amended to read as follows:

10-1211. PARTIES TO ACTION -- MUNICIPAL ORDER OR FRANCHISE. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordi-
nance or franchise is alleged to be unconstitutional, the Attorney General of the state shall also be served with a copy of the proceeding and be entitled to be heard and may intervene.

Approved April 4, 1983.

CHAPTER 130
(S.B. No. 1128)

AN ACT
RELATING TO EXTRADITIONS; AMENDING SECTIONS 19-4505 AND 19-4506, IDAHO CODE, TO ALLOW EXTRADITION OF INDIVIDUALS WHO THOUGH NOT PHYSICALLY PRESENT IN THE DEMANDING STATE AT THE TIME OF THE COMMISSION OF A CRIME, COMMIT A CRIME WITHIN THE DEMANDING STATE.

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

SECTION 1. That Section 19-4505, Idaho Code, be, and the same is hereby amended to read as follows:

19-4505. WHAT PAPERS MUST SHOW. A warrant of extradition must not be issued, except in cases arising under section 19-4506, Idaho Code, unless the documents presented by the executive authority making the demand show that the accused was present in the demanding state at the time of the commission of the alleged crime, and that he thereafter fled from that state, and is now in this state, and that he is lawfully charged by indictment found or by an information filed by a prosecuting officer and supported by affidavit to the facts, or by affidavit made before a magistrate in that state, with having committed a crime under the laws of that state, or that he has been convicted or found guilty of a crime in that state and has escaped from confinement or broken the terms of his bail, probation or parole.

SECTION 2. That Section 19-4506, Idaho Code, be, and the same is hereby amended to read as follows:

19-4506. EXTRADITION OF PERSONS GUILTY OF A CRIME IN ANOTHER STATE; THOUGH BEING IN THIS STATE NOT PRESENT IN DEMANDING STATE AT TIME OF COMMISSION OF CRIME. The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged on indictment found in such other state in the manner provided in section 19-4505, Idaho Code, with committing an act in this state, or in a third state, intentionally resulting in a crime in such other state; and whose executive authority is making the demand. The provisions of this act not otherwise inconsistent shall apply to such cases, notwithstanding that the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Approved April 4, 1983.
CHAPTER 131  
(H.B. No. 270)

AN ACT  
RELATING TO SPECIAL APPLICATION OF THE EDUCATIONAL SUPPORT PROGRAM;  
PROVIDING APPLICATION OF THE EDUCATIONAL SUPPORT PROGRAM IN A DISTRICT WITH AN EXTRAORDINARY DECLINE IN MARKET VALUE FOR ASSESSMENT PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. For the fiscal year which commences on July 1, 1983, and ends on June 30, 1984, any school district whose adjusted market value for assessment purposes has decreased forty percent (40%) or more from the previous year's adjusted market value for assessment purposes, is eligible to receive an adjustment to its educational support program entitlement subject to qualifications as follows:

a. The adjusted market value for assessment purposes has decreased forty percent (40%) or more from the previous year's adjusted market value for assessment purposes; and

b. The school levy to be certified for the general maintenance and operation fund shall be no less than four-tenths of one percent (.4%); and

c. The amount eligible to be received from the four-tenths of one percent (.4%) tax levy is less than the eligible tax certification under section 63-2220, Idaho Code; and

d. An eligible school district has made application to the state board of education for an adjustment to entitlement from the state educational support program on or before July 1 of the fiscal year.

The application for adjustment to the education support program shall be reviewed by the state board of education and any recommendation for adjustment shall not be greater than fifty percent (50%) of the difference between the district's eligible tax certification under subsection 2(a) of section 33-802, Idaho Code, and the eligible tax certification under section 63-2220, 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, 1983.

CHAPTER 132  
(H.B. No. 160)

AN ACT  
RELATING TO THE PUBLIC DEPOSITORY LAW; AMENDING SECTION 57-145, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT OF MONEYS BY COUNTY OFFICERS OTHER THAN THE TREASURER IN PUBLIC DEPOSITORIES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 57-145, Idaho Code, be, and the same is hereby amended to read as follows:

57-145. DEPOSIT OF FUNDS BY COUNTY OFFICERS OTHER THAN TREASURER PENDING DEPOSIT WITH TREASURER -- MANNER OF DEPOSITING -- DUTIES AND LIABILITIES OF OFFICER AND RECEIVING BANKS. All public and other moneys and funds in the official custody of any county officer other than the county treasurer as such and as ex officio public administrator and ex officio tax collector, including checks, drafts and all other instruments for the payment of money acceptable for deposit in banks, may, pending the deposit thereof with the county treasurer or other officer or person entitled by law to receive the same, be deposited on general deposit without interest in any bank or trust company in such officer's county, provided that such bank account is insured by the federal government and that said funds are readily accessible for distribution according to law. All interest accrued shall be paid into the county current expense fund, or if there be no bank or trust company in said county then in any bank or trust company in the state of Idaho, to the credit of such officer in his official capacity and subject to payment on demand on the check of such officer or that of his successor in office in like capacity.

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

Approved April 4, 1983.

CHAPTER 133
(H.B. No. 57)

AN ACT
RELATING TO DISTRICT HOSPITAL BONDING ELECTIONS; AMENDING SECTION 39-1339, IDAHO CODE, TO RECOGNIZE A DISTINCTION BETWEEN CREATION OF INDEBTEDNESS FOR PUBLIC WORKS OR OTHER IMPROVEMENTS AND THE CREATION OF INDEBTEDNESS FOR THE ACQUISITION OF MEDICAL OR BUSINESS EQUIPMENT AND TO REQUIRE APPROVAL BY QUALIFIED ELECTORS OF
THE DISTRICT FOR THE ACQUISITION OF HOSPITAL, MEDICAL OR BUSINESS EQUIPMENT CREATING AN INDEBTEDNESS OF ONE HUNDRED THOUSAND DOLLARS OR MORE.

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

SECTION 1. That Section 39-1339, Idaho Code, be, and the same is hereby amended to read as follows:

39-1339. CREATION OF INDEBTEDNESS FOR WORKS, OR IMPROVEMENTS OR EQUIPMENT -- 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 other structural components or fixtures, or for the enlargement, improvement and acquisition of existing hospital, hospital grounds, medical clinic, nurses' quarters and equipment other structural components or fixtures, 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 said public works, acquisitions, improvements, 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; 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 of medical or business equipment for said district requiring the creation of an indebtedness of one hundred thousand dollars ($100,000) or more and, in any event, when the indebtedness will exceed the income and revenue as provided for the year, the board shall order the submission of the proposition of creating such indebtedness to the qualified electors of the district at an election held for that purpose; provided, however, that no election shall be required for any lease or other transaction entered into between the hospital district and the Idaho health facilities authority. Notwithstanding any other provision, the hospital district shall be entitled to enter into a lease or other transaction regardless of the amount involved with the Idaho health facilities authority upon determination by the board of the hospital district that it is in the interest of the hospital district and best interests of the public to enter into such lease or other transaction. The declaration of public interest or necessity, herein required, and the provision for the holding of such election may be included within one (1) and the same resolution, which resolution, in addition to such declaration of public interest or necessity shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated costs of the works, or improvements, or medical or business equipment, 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 two percent (2%) of the market value for assessment purposes of the real 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.

Approved April 4, 1983.

CHAPTER 134
(H.B. No. 69)

AN ACT RELATING TO THE DEFINITION OF A CERTIFICATE OF LIABILITY INSURANCE; AMENDING SECTION 49-243, IDAHO CODE, BY PROVIDING THAT A CERTIFICATE OF LIABILITY INSURANCE NEED NOT BE SIGNED BY A MANAGER OR OFFICER OF AN INSURANCE COMPANY.

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

SECTION 1. That Section 49-243, Idaho Code, be, and the same is hereby amended to read as follows:

49-243. DEFINITIONS. For the purpose of this act, the term "motor vehicle" is any self-propelled vehicle required to be registered for use on the public roads or highways under the laws of the state of Idaho except those vehicles required to be licensed under section 49-127, Idaho Code.

For the purposes of this act, the term "certificate of liability insurance" shall mean a certificate of liability insurance issued by an insurance company authorized to do business in this state and

and arising out of the operation, maintenance or use of a motor vehicle or motor vehicles described therein in an amount not less than that required by section 49-1521, Idaho Code, and also demonstrates the current existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued by the director of the department of insurance pursuant to section 49-1534, Idaho Code, for each motor vehicle to be registered. Such certificate of liability insurance shall set-forth contain the information required by the department of insurance, including the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there be one, or a statement that all vehicles owned by a person or entity are covered by insurance, the inception date of coverage, and the name of the insurer. For purposes of this section the term "certificate of liability insurance" shall may also include the original contract of liability insurance or copy thereof, demonstrating the current existence of the liability insurance described above.

For the purposes of this act, the term "proof of liability insurance" means documents or facts that demonstrate liability insurance, as required by section 49-1534, Idaho Code, has been obtained, is valid, and in effect at the time.

Approved April 4, 1983.

CHAPTER 135
(H.B. No. 71)

AN ACT
RELATING TO THE ARSON, FIRE AND FRAUD PREVENTION ACCOUNT; AMENDING SECTION 41-268, IDAHO CODE, TO PROVIDE THAT SURPLUS LINES INSURERS AS A PREREQUISITE FOR INCLUSION AND MAINTENANCE ON THE IDAHO APPROVED LIST OF SURPLUS LINE INSURERS CONTRIBUTE FEES TO THE ARSON, FIRE AND FRAUD PREVENTION ACCOUNT.

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

SECTION 1. That Section 41-268, Idaho Code, be, and the same is hereby amended to read as follows:

41-268. ARSON, FIRE AND FRAUD PREVENTION ACCOUNT. (1) There is hereby created an account in the agency asset fund in the state treasury, to be designated the "arson, fire and fraud prevention account." The account shall be used by the director, department of insurance, for enforcement of this act, investigation of alleged cases of arson, fraud and related alleged violations of the laws of this state, and prevention of fire, explosions and other conditions necessary for the public safety, health, peace and welfare.

(2) In addition to moneys, if any, appropriated to the account by the legislature, the director shall deposit with the state treasurer for credit to the arson, fire and fraud prevention account:
(a) Penalties collected under the provisions of sections 41-261 and 41-263, Idaho Code;
(b) Assessments and, in the case of surplus lines insurers, fees, collected from insurers as defined by section 41-103, Idaho Code;
(c) Other moneys now or hereinafter in the state fire prevention account;
(d) Other moneys or revenues derived from whatever source for arson or fraud investigation or fire prevention.

(3) Assessments;--Not more often than annually, will be made against authorized insurers and fees from surplus lines insurers, as a prerequisite to eligibility under section 41-1217, Idaho Code, will be levied by the director, and insurers will pay the assessments or fees levied within sixty (60) days but not later than May 1 of each year or, in the case of newly applying insurers, upon notification of authorization, or of surplus lines eligibility. Assessments and fees from surplus lines insurers, will be as follows:
(a) Insurers writing coverages as defined in section 41-504, Idaho Code, "property insurance," section 41-505, Idaho Code, "marine and transportation," section 41-506, Idaho Code, "casualty insurance," and section 41-3101, Idaho Code, "domestic county mutual fire insurers, associations or organizations," not less than one hundred dollars ($100) nor more than five hundred dollars ($500) annually; and
(b) Insurers including, but not limited to, those defined in sections 41-3201, 41-3403 and 41-3903, Idaho Code, not writing coverages, as defined above in subsection (3)(a), shall pay one-half (1/2) the assessment made under the preceding subsection but not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250) annually.

(4) All claims against the account shall be examined, audited and allowed in the manner now or hereafter provided by law.

(5) All moneys placed in the account are hereby perpetually appropriated to the department of insurance for the purposes of the provisions of this section.
(6) Pending use for purposes of the provisions of this section, moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the account.

Approved April 4, 1983.

CHAPTER 136
(H.B. No. 67)

AN ACT
RELATING TO LIMITED PARTNERSHIPS; AMENDING SECTION 53-209, IDAHO CODE, TO PROVIDE THAT CERTAIN CHANGES OF INTEREST BETWEEN LIMITED PARTNERS NEED NOT BE FILED WITH THE SECRETARY OF STATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 53-209, Idaho Code, be, and the same is hereby amended to read as follows:

53-209. AMENDMENT TO CERTIFICATE. (a) A certificate of limited partnership is amended by filing a certificate of amendment thereto in the office of the secretary of state. The certificate shall set forth:

(1) The name of the limited partnership;
(2) The date of filing the certificate; and
(3) The amendment to the certificate.

(b) Within thirty (30) days after the happening of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of the event or events shall be filed:

(1) A change in the amount or character of the contribution of any partner, or in any partner's obligation to make a contribution; provided, however, that a change consisting exclusively of a gift of a limited partnership interest between existing limited partners shall be excluded from the requirement to file an amendment to the certificate of limited partnership;
(2) The admission of a new partner;
(3) The withdrawal of a partner;
(4) The continuation of the business under section 53-244, Idaho Code, after an event of withdrawal of a general partner; or
(5) A change of the name or address of the registered agent.

(c) A general partner who becomes aware that any material statement in a certificate of limited partnership was false when made or that any arrangements or other facts described have changed, making the certificate inaccurate in any material respect, shall promptly amend the certificate, but an amendment to show a change of address of a limited partner need be filed only once every twelve (12) months.

(d) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

Approved April 4, 1983.

CHAPTER 137
(H.B. No. 31)

AN ACT
RELATING TO POWERS OF TRUSTEES; AMENDING SECTION 68-106, IDAHO CODE, TO AUTHORIZE ACQUISITION OF REAL ESTATE IN THE NAME OF THE TRUST.

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

SECTION 1. That Section 68-106, Idaho Code, be, and the same is hereby amended to read as follows:
68-106. POWERS OF TRUSTEES CONFERRED BY THIS ACT. (a) From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in subsection (c).

(b) In the exercise of his powers including the powers granted by this act, a trustee has a duty to act with due regard to his obligation as a fiduciary.

(c) A trustee has the power, subject to subsections (a) and (b): (1) to collect, hold, and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

(2) to receive additions to the assets of the trust;

(3) to continue or participate in the operation of any business or other enterprise, and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(4) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;

(5) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;

(6) to deposit trust funds in a bank, including a bank operated by the trustee;

(7) to acquire, assets, including real estate, in the name of the trust, and to sell, convey or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(8) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;

(9) to subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;

(10) to enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust;

(11) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(12) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;

(13) to vote a security, in person or by general or limited proxy;

(14) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;
(15) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
(16) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the stock so held;
(17) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;
(18) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses, and liability sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;
(19) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;
(20) to pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust;
(21) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, or amortization, or for depletion in mineral or timber properties;
(22) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;
(23) to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation;
(24) to employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of his administrative duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary;
(25) to prosecute or defend actions, claims, or proceedings for the protection of trust assets and of the trustee in the performance of his duties;
(26) to execute and deliver all instruments which will accomplish or facilitate the exercise of the powers vested in the trustee.

Approved April 4, 1983.
CHAPTER 138
(H.B. No. 139)

AN ACT
RELATING TO REGISTERED WARRANTS OF A FIRE PROTECTION DISTRICT; AMENDING SECTION 31-1433, IDAHO CODE, TO PROVIDE THAT REGISTERED WARRANTS OF A FIRE PROTECTION DISTRICT SHALL BEAR INTEREST AT A RATE SET BY THE BOARD OF DIRECTORS OF THE FIRE PROTECTION DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-1433, Idaho Code, be, and the same is hereby amended to read as follows:

31-1433. INTEREST ON UNPAID WARRANTS -- LIMITATION ON AMOUNT OF WARRANTS. All warrants for the payment of an indebtedness of a fire protection district which are unpaid for want of funds shall bear interest at a rate to be fixed by the board of directors but in no event-to-exceed-six-per-cent-(6\%) per annum from the date of the registering of such unpaid warrants with the treasurer; provided, however, that the amount of such warrants shall not exceed the revenue provided for the year in which the indebtedness was incurred.

SECTION 2. An emergency existing therefor, 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, 1983.

CHAPTER 139
(H.B. No. 148)

AN ACT
RELATING TO THE BOARD OF VETERINARY MEDICINE; AMENDING SECTIONS 54-2101 THROUGH 54-2104, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY AND BROADENING THE SCOPE OF THE CHAPTER; AMENDING SECTION 54-2105, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY, TO PROVIDE AN INCREASE IN COMPENSATION OF BOARD MEMBERS, AND TO CHANGE REFERENCE TO THE ACCOUNT TO WHICH MONEYS ACCRUING TO THE VETERINARY BOARD ARE TO BE DEPOSITED; AMENDING SECTION 54-2106, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY AND STRIKE UNNECESSARY LANGUAGE; AMENDING SECTION 54-2107, IDAHO CODE, TO STRIKE LANGUAGE REFERRING TO THE ISSUANCE OF A LICENSE WITHOUT EXAMINATION; AMENDING SECTION 54-2108, IDAHO CODE, TO CHANGE REQUIREMENTS RELATING TO LICENSING EXAMINATIONS; AMENDING SECTION 54-2109, IDAHO CODE, TO REMOVE AUTHORITY FOR THE ISSUANCE OF A LICENSE WITHOUT EXAMINATION AND REQUIRING THE DEMONSTRATION OF SCIENTIFIC AND PRACTICAL KNOWLEDGE OF VETERINARY MEDICINE; REPEALING SECTION 54-2110, IDAHO
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CODE; AMENDING CHAPTER 21, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2110, IDAHO CODE, TO PROVIDE FOR A TEMPORARY PERMIT UNDER CERTAIN CONDITIONS; AMENDING SECTION 54-2111, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY AND TO STRIKE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSING; AMENDING SECTION 54-2112, IDAHO CODE, TO PROVIDE ADDITIONAL GROUNDS FOR THE REVOCATION OR SUSPENSION OF A LICENSE; AMENDING SECTION 54-2113, IDAHO CODE, TO STRIKE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSING AND INSERT IN LIEU THEREOF THE VETERINARY BOARD; AMENDING SECTION 54-2115, IDAHO CODE, TO PROVIDE AUTHORITY TO RELICENSE EITHER WITH OR WITHOUT AN EXAMINATION; AMENDING SECTIONS 54-2116 AND 54-2117, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY; AMENDING CHAPTER 21, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2118, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL ADVISE AND REPRESENT THE VETERINARY BOARD; AMENDING CHAPTER 21, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2119, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE STATE BOARD OF VETERINARY MEDICINE ACCOUNT; AND AMENDING SECTION 67-2602, IDAHO CODE, TO REMOVE THE BOARD OF VETERINARY MEDICINE FROM THE BUREAU OF OCCUPATIONAL LICENSING.

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

SECTION 1. That Section 54-2101, Idaho Code, be, and the same is hereby amended to read as follows:

54-2101. DECLARATION OF POLICY. This statute chapter is enacted as an exercise of the power of the state to promote the public health, safety and welfare by safeguarding the people of this state against incompetent, dishonest or unprincipled practitioners of veterinary medicine. It is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this act chapter.

SECTION 2. That Section 54-2102, Idaho Code, be, and the same is hereby amended to read as follows:

54-2102. SHORT TITLE. (1) This act chapter shall be known as the Idaho Veterinary Practice Act.

(2) Except where otherwise indicated by context, in this act chapter the present tense includes the past and future tenses and the future tense includes the present, each gender includes the other two (2) genders; and the singular includes the plural and the plural the singular.

SECTION 3. That Section 54-2103, Idaho Code, be, and the same is hereby amended to read as follows:

54-2103. DEFINITIONS. When As used in this act-, these-words-and phrases-shall-be-defined-as-follows chapter:

(1) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.
(2+) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

(3+) "Practice of veterinary medicine" means:
(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any obstetrical procedure or any manual or mechanical procedure for artificial insemination, for testing or examining for pregnancy, or to render advice or recommendation with regard to any of the above.
(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subsection 3(a) of this section.
(c) To use any title, words, abbreviations or letter in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subsection 3(a) of this section, except where such person is a veterinarian.

(4+) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.

(5+) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

(6+) "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

(7+) "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(8+) "Board" means the state board of veterinary medicine.

SECTION 4. That Section 54-2104, Idaho Code, be, and the same is hereby amended to read as follows:

54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1+)
No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

(2+) This act chapter shall not be construed to prohibit:
(a) A veterinarian employed by the federal, state, or local government performing his official duties.
(b) A person who is a regular student currently enrolled and in good standing in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period.
(c) Idaho extension personnel from performing their official
duties.
(d) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.
(e) Any merchant or manufacturer selling medicines, biologics, feed, medicated feed, appliances or other products for the prevention or treatment of animal and poultry diseases.
(f) A farmer, rancher or feedlot operator, including custom ranch or feedlot operators, and the employees or agents thereof, from caring for and treating animals within their possession or control, or the owner of an animal or his employee from caring for and treating the animal belonging to such owner, or livestock owners or employees pregnancy testing their own or employer's cattle or the exchange of services between owners or their employees or agents who are farmers, ranchers or feedlot operators, including custom ranch or feedlot operators, except where the ownership or possession of the animal was transferred for the purposes of circumventing this act chapter.
(g) A member of faculty of a veterinary school or veterinary science department, performing his regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department, or in connection with a continuing education course or seminar.
(h) Any person selling or applying any pesticide, insecticide, or herbicide.
(i) Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.
(j) Any person performing artificial insemination of domestic animals as governed by chapter 8, title 25, Idaho Code.
(k) Any person castrating, dehorning, or hoof trimming cattle and farm animals, excluding dogs and cats.
(l) The gratuitous treatment of animals in an emergency as a neighborly act.
(m) Any state or federal livestock inspector while in the performance of his official duties.

SECTION 5. 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 nominations 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 compensated as provided by section 59-509(gr), 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 chapter shall be paid to the bureau of occupational licenses for deposit in the occupational licenses fund state board of veterinary medicine account created in section 54-2119, Idaho Code, 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 this chapter 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 chapter or grounds for disciplining licensed veterinarians.

(e) Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evi-
dence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one or more of its members to serve as its hearing officer or use the hearing officer of the bureau of occupational licenses.

(f) Employ full-time or part-time personnel, professional, clerical or special, necessary to effectuate the provision of this act chapter and purchase or rent necessary office space, equipment and supplies.

(g) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(h) Bring proceedings in the courts for the enforcement of this act chapter or any regulations made pursuant thereto.

(i) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this act chapter pursuant to the Idaho Administrative Procedure Act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

SECTION 6. That Section 54-2106, Idaho Code, be, and the same is hereby amended to read as follows:

54-2106. EXISTING LICENSES. Any person holding a license to practice veterinary medicine in this state on the date this act becomes effective [July 1, 1971], shall be recognized as a licensed veterinarian and shall be entitled to retain his status so long as he complies with the provisions of this act chapter, including annual renewal of the license.

SECTION 7. That Section 54-2107, Idaho Code, be, and the same is hereby amended to read as follows:

54-2107. LICENSE APPLICATION -- CONTENTS -- FEE. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is twenty-one (21) years of age, or more, a graduate of a veterinary school, a person of good moral character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under section 54-2308, Idaho Code, the board may
forthwith—grant-him-a-license. If an applicant is found not qualified to take the examination or—for—a-license—without—an-examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and grounds therefor. An applicant found unqualified may require a hearing on the question of his qualification under the procedure set forth in section 54-2114, Idaho Code. Any applicant who is found not qualified shall be allowed the return of his application fee.

SECTION 8. That Section 54-2108, Idaho Code, be, and the same is hereby amended to read as follows:

54-2108. EXAMINATIONS. The board shall hold at least one (1) examination during each year and may hold such additional examinations as are necessary. The secretary-treasurer shall give public notice of the time and place for each examination at least one hundred twenty (120) days in advance of the date set for the examination. A person desiring to take an examination shall make application at least sixty (60) days before the date of the examination.

The preparation, administration and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination; supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination—prepared by—the-national—board—of—veterinary—examiners:

After each examination the bureau of occupational licenses shall notify each examinee of the result of his examination; and the board shall issue licenses to the persons successfully completing the examination. The bureau of occupational licenses shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee must pass the national board examination with a score determined acceptable by the board as defined in rules and regulations of the board, and pass a practical examination administered by the board with a score determined acceptable by the board as defined by their rules and regulations. The practical examination shall, at the discretion of the board, be oral, essay, multiple choice, true-false, and/or practical demonstrations.

SECTION 9. That Section 54-2109, Idaho Code, be, and the same is hereby amended to read as follows:

54-2109. LICENSE WITHOUT WRITTEN NATIONAL BOARD EXAMINATION. (1) The board may issue a license without a written current national board examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of a veterinary school and who:

1-(a) Has for the five (5) years next prior to filing his application been a practicing veterinarian licensed in a state, ter-
ritory or district of the United States having license require-
ments at the time applicant was first licensed, which were sub-
stantially equivalent to the requirements of this act chapter; or
2. (b) Has within the five (5) years next prior to filing his
application successfully completed the examination conducted by
the national board of veterinary examiners and must demonstrate
scientific and practical knowledge sufficient to prove himself a
competent person to practice veterinary medicine.
3. Has a valid license as a veterinarian under the laws of any
other state--or--territory--whose--requirements--for--registration--or
licensing--of-veterinarians-is-substantially-equal-to-the-requirements
established-by-law-for-veterinarians-in--this--state--and--such--other
state-or-territory-of-the-United-States-has-extended-a-like-permission
to--engage--in-the-practice-of-veterinary-medicines-within-its-borders
to-veterinarians-heretofore-and-hereafter-licensed-in-this--state--and
removed-to-such-other-state:
At--its--discretion--the (2) The board may shall orally and/or
practically examine any person qualifying for licensing under this
section.

SECTION 10. That Section 54-2110, Idaho Code, be, and the same is
hereby repealed.

SECTION 11. That Chapter 21, 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 54-2110, Idaho Code, and to read as
follows:

54-2110. TEMPORARY PERMIT. The board may, at its discretion,
issue a temporary permit to an applicant without an examination to
practice veterinary medicine prior to taking the examination, if the
applicant is employed by or working under the supervision of a veteri-
narian licensed in this state. The temporary permit shall be valid
only until the date of the next examination, and under no circum-
stances shall a second temporary permit be issued to the same person.
A temporary permit shall not be issued to a person who has failed an
examination under the provisions of sections 54-2107 through 54-2109,
Idaho Code, nor shall a temporary permit be issued to any applicant
not holding a valid license to practice veterinary medicine in any
other state, territory, or district of the United States.

SECTION 12. That Section 54-2111, Idaho Code, be, and the same is
hereby amended to read as follows:

54-2111. EXPIRATION OF LICENSE -- NOTICE -- RENEWAL. All licenses
shall expire annually on July 1 of each year, but may be renewed by
registration with the board and payment of the registration renewal
fee established and published by the board. On or about June 1 of each
year, the bureau-of-occupational-licenses; board shall mail a notice
to each licensed veterinarian that his license will expire on July 1,
and provide him with a form of reregistration. The bureau-of-occupa-
tions-licenses; board shall issue a new certificate of registration
to all persons registering under this act chapter. Any license not
renewed by July 1 becomes delinquent and is cancelled on October 1 of that year.

Any person who shall practice veterinary medicine after the expiration of his license and wilfully or by neglect fails to renew such his license shall be practicing in violation of this act chapter. Any person may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and take the license examination.

The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with the armed services of the United States, not to exceed the longer of three (3) years or the duration of a national emergency.

SECTION 13. That Section 54-2112, Idaho Code, be, and the same is hereby amended to read as follows:

54-2112. REVOCATION OR SUSPENSION -- GROUNDS. Upon written complaint sworn to by any person, the board may, after a fair hearing and by a concurrence-of-four-(4)-members majority of the board, revoke or suspend for a certain time the license of, or otherwise discipline, any licensed veterinarian for any of the following reasons:

1. The employment of fraud, misrepresentation or deception in obtaining a license.
2. Adjudication of insanity.
3. Chronic inebriety or habitual use of drugs.
4. The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board.
5. Conviction, withheld judgment, suspended sentence, plea of guilty, or cash compromise of a felony or other public offense involving moral turpitude.
6. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
7. Having professional association with or employing any person practicing veterinary medicine unlawfully.
8. Fraud or dishonesty in the application or reporting of any test for disease in animals.
9. Failure to keep veterinary premises and equipment in a clean and sanitary condition.
10. Failure to report, as required by law, or making false report of, any contagious or infectious disease.
11. Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
12. Cruelty to animals.
13. Revocation of a license to practice veterinary medicine by another state, territory or district of the United States on grounds other than nonpayment of registration fee.
14. Unprofessional conduct as defined in regulations adopted by the board.
SECTION 14. That Section 54-2113, Idaho Code, be, and the same is hereby amended to read as follows:

54-2113. HEARING -- PROCEDURE. A hearing shall be held no sooner than twenty (20) days after written notice to a licensed veterinarian of a complaint against him under section 54-2112, Idaho Code, or in the case of a person whose application for license is denied, no sooner than ten (10) days after receipt by the board of a written request for hearing. Notice of the time and place of the hearing, meeting the requirements of section 67-5209, Idaho Code, along with a copy of the complaint filed, shall be served on a licensee in the same manner required for original service of process in a civil suit. The applicant or licensee shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses in his behalf, and the right to cross-examine witnesses appearing against him. Strict rules of evidence shall not apply. The board shall provide a stenographer to take down the testimony and shall preserve a full record of the proceeding. A transcript of the record may be purchased by any person interested in such the hearing on payment to the board of the cost of preparing such the transcript. The board shall notify the applicant or licensee of its decision in writing within ten (10) days after the conclusion of the hearing. The bureau of-occupational-licenses board, in all cases of suspension or revocation shall enter the fact on the register.

Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this act chapter.

In all proceedings under this act chapter, the rules of administrative procedure enacted as chapter 52, title 67, Idaho Code, shall apply.

SECTION 15. That Section 54-2115, Idaho Code, be, and the same is hereby amended to read as follows:

54-2115. RELICENSING AND REINSTATEMENT. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time with or without an examination, by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

SECTION 16. That Section 54-2116, Idaho Code, be, and the same is hereby amended to read as follows:

54-2116. VIOLATIONS OF ACT CHAPTER -- REMEDIES. (1) Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50.00), nor more than five hundred dollars ($500), or imprisoned for no more than ninety (90) days, or both fined and imprisoned, provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(2) No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compen-
sation for services so rendered.

(3) The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate this act chapter, it shall enter an injunction restraining him from such unlawful acts.

(4) The successful maintenance of an action based on any one (1) of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

SECTION 17. That Section 54-2117, Idaho Code, be, and the same is hereby amended to read as follows:

54-2117. ADMINISTRATION AND ENFORCEMENT OF ACT CHAPTER. This act chapter shall be administered by the bureau-of--occupational--licenses board.

SECTION 18. That Chapter 21, 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 54-2118, Idaho Code, and to read as follows:

54-2118. ATTORNEY GENERAL TO ADVISE AND REPRESENT. The attorney general of the state of Idaho shall represent the board and shall give opinions on all questions of law arising out of the administration of the laws which it shall administer, and to act for, and on behalf of the board in all actions brought for or against it under the provisions of this chapter, or as otherwise provided by law.

SECTION 19. That Chapter 21, 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 54-2119, Idaho Code, and to read as follows:

54-2119. CREATION OF STATE BOARD OF VETERINARY MEDICINE ACCOUNT. All moneys collected under the provisions of this chapter shall be deposited in the dedicated fund of the state treasury to the credit of a separate account to be known as the "state board of veterinary medicine account," and all moneys as are now in or may hereafter come into the account are hereby appropriated to the board for carrying out the purposes and objects of this chapter, and to pay all costs and expenses incurred in connection with the provisions of this chapter. All moneys in the occupational licenses account belonging to the state board of veterinary medicine as of July 1, 1983, are hereby transferred and appropriated to the state board of veterinary medicine account hereby created. Moneys shall be paid out of the account upon warrants drawn by the state auditor upon presentation of proper vouchers approved by the board.

SECTION 20. That Section 67-2602, Idaho Code, be, and the same is hereby amended to read as follows:
67-2602. BUREAU OF OCCUPATIONAL LICENSES. The bureau of occupational licenses created in the department of self-governing agencies by section 67-2601, Idaho Code, shall be empowered, by written agreement between the bureau and each agency for which it provides administrative or other services as provided by law, to provide such services for the board of architectural examiners, board of barber examiners, board of chiropractic examiners, board of cosmetology, counselor licensing board, board of environmental health specialist examiners, board of hearing aid dealers and fitters, board of landscape architects, board of morticians, board of examiners of nursing home administrators, board of optometry, board of podiatrists, board of psychologist examiners--board-of-veterinary-medicine and such other professional and occupational licensing boards or commodity commissions as may request such services. The bureau may charge a reasonable fee for such services provided any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

Approved April 4, 1983.

CHAPTER 140
(H.B. No. 138)

AN ACT
RELATING TO REGISTERED WARRANTS OF THE STATE OF IDAHO; AMENDING SECTION 67-1212, IDAHO CODE, TO PROVIDE THAT REGISTERED WARRANTS OF THE STATE OF IDAHO SHALL BEAR INTEREST AT A RATE SET BY THE STATE TREASURER, AND TO PROVIDE CONDITIONS FOR ISSUING TAX ANTICIPATION NOTES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1212, Idaho Code, be, and the same is hereby amended to read as follows:

67-1212. UNPAID WARRANTS -- INTEREST -- RECORD. (1) All warrants upon funds the balance in which is insufficient to pay them must be turned over to the state treasurer by the state auditor. All of such warrants shall be registered by the state treasurer as follows: he shall date and sign such warrants on the back thereof underneath the words "Presented for payment and not paid for want of moneys" and return the same to the state auditor for delivery to the respective payees. It is the duty of the state treasurer to keep a register of all warrants not paid for want of moneys, in which register such warrants shall be listed in numerical order, and when paid the treasurer shall note on such register the amount of interest paid and the date of payment. Any such warrants, registered by the state treasurer, shall from date of registration until paid bear interest at the rate of six per cent (6%) per annum; unless the state--board-of--examiners shall--have--theretofore;--by-resolution;--fixed-a-lower-rate-of-inter-
Section 1. That Section 54-2812, Idaho Code, be, and the same is hereby amended to read as follows:

54-2812. QUALIFICATIONS FOR REGISTRATION. (a) Except as herein otherwise expressly provided, no applicant may be registered until he has successfully passed an examination given by or under the supervision of the board, nor shall an applicant be registered having habits of character that would justify revocation or suspension of registration, as provided in section 54-2819, Idaho Code. The following shall be considered as minimum evidence that the applicant is qualified to take an examination for registration as a professional geologist:

(b) Completion of thirty (30) semester units in courses in
geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses; and have at least seven (7) years of professional geological work which shall include either a minimum of three (3) years of professional geological work under the supervision of a registered geologist; or, wherein the applicant has been under the direct supervision of an individual acceptable to the board, or, wherein the applicant has demonstrated five (5) years of progressive experience in responsible charge of geological work that is acceptable to the board.

Each year of undergraduate study in the geological sciences shall count as one-half (1/2) year of training up to a maximum of two (2) years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total annual teaching experience includes six (6) semester units of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four (4) years toward meeting the requirement for at least seven (7) years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

Three (3) references,--two--(2)--of--whom--are--to--be--registered geologists; from geologists in responsible positions must be filed with the application for registration.

(c) Wherein an applicant, with a specific record of at least ten (10) years of lawful practice in geologic work, of which at least five (5) years have been in responsible charge of important geologic work of a grade and character which indicates that the applicant is competent to practice geology and being otherwise qualified, or through compliance with subsection (b) of this section, the board, at its discretion, shall waive subsection (a) of this section, until one (1) year following the effective date [May 19, 1971] of this act and issue a license to practice geology in the state of Idaho.

(d) A person holding a certificate of registration to engage in the practice of geology, on the basis of comparable licensing requirements, issued to him by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country, who, in the opinion of the board, meets the requirements of this act, based on verified evidence may, upon application, be registered without further examination.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Approved April 4, 1983.
CHAPTER 142
(H.B. No. 56)

AN ACT
RELATING TO MOTOR CARRIER RECORDS; AMENDING SECTION 49-128, IDAHO CODE, TO REQUIRE THE MOTOR CARRIER WHOSE RECORDS ARE MAINTAINED OUTSIDE THE STATE, BUT WHO IS ENGAGED IN TRANSPORTATION IN THE STATE, TO REIMBURSE THE DEPARTMENT FOR ALL EXPENSES INCURRED BY THE DEPARTMENT IN MAKING AUDITS OF SUCH RECORDS AND ACCOUNTS AT THE OUT-OF-STATE LOCATION.

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 combined gross weight in excess of sixteen thousand (16,000) pounds and powered by a motor fuel other than gasoline and each owner of a motor vehicle having a maximum combined gross weight in excess of sixty thousand (60,000) pounds must file with the department a statement of the gross miles each such motor vehicle has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which such report is made. 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 use fees are computed under section 49-127, Idaho Code, shall maintain records and purchase documents to substantiate and justify the use of such schedule and shall permit the department or a duly authorized representative to inspect the same upon demand. When such records are maintained outside this state by owners engaged in transportation in this state, the owner shall reimburse the department for reasonable expenses incurred by the department in making audits of such records and accounts at the out-of-state location. The owner or the department may request that the records be presented at a place within the state designated by the department. Such records must be presented by a representative of the owner familiar with the records and who is responsible for the safekeeping of the records. An owner who wilfully fails to maintain records and purchase documents to substantiate and justify the mileage reported shall have the registration of all vehicles registered under sections 49-127 and 49-127B, Idaho Code, cancelled until such time as adequate records are provided. An owner found to be in violation of the registration cancellation shall be guilty of a misdemeanor as provided in section 49-147, Idaho Code.

(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 fifteen percent (15%) 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 department if satisfied that the delay was excusable may remit all or any part of said penalty.

(d) 1. If the department finds it necessary in order to insure the collection of any fees or penalties imposed upon an owner of a commercial motor vehicle having a maximum combined gross weight in excess of sixteen thousand (16,000) pounds pursuant to this chapter powered by a motor fuel other than gasoline and each owner of a motor vehicle having a maximum combined gross weight in excess of sixty thousand (60,000) pounds, it 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 department a sum equal to the estimated fees computed under 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 department shall consider the applicant or owner's financial capability and responsibility and 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 department 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 department in such manner as it 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 department, 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 the magistrate's division to the district court.

Approved April 4, 1983.

CHAPTER 143
(H.B. No. 55, As Amended, As Amended in the Senate)

AN ACT
RELATING TO ABANDONED VEHICLES; REPEALING SECTIONS 49-3605, 49-3611,
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49-3614 through 49-3617, and 49-3620, Idaho Code; amending Section 49-3601, Idaho Code, to provide definitions; amending Section 49-3603, Idaho Code, to strike language making abandonment of a motor vehicle a misdemeanor; amending Section 49-3606, Idaho Code, to strike superfluous language, to provide for payment of towing and storage if probable cause for the storage cannot be established, and to strike the provision that if there be no means of determining ownership the agency causing storage of the vehicle may authorize disposal of the vehicle; amending Section 49-3608, Idaho Code, to provide clarification of certain time limits in the process of the removal of abandoned vehicles; amending Section 49-3609, Idaho Code, to provide new language relating to certain post-storage hearing functions; amending Section 49-3610, Idaho Code, to provide additional requirements for removal of an unauthorized or abandoned vehicle from real property; amending Section 49-3612, Idaho Code, to redesignate the section; amending Section 49-3613, Idaho Code, to redesignate the section and correct a typographical error; amending Section 49-3618, Idaho Code, to redesignate the section and to provide additional language in respect to possessory liens; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3614, Idaho Code, to provide for notification to the owner of sale; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3615, Idaho Code, to provide for the sale of unclaimed vehicles; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3616, Idaho Code, to provide for the claiming of abandoned vehicles; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3617, Idaho Code, to prohibit the removal of a vehicle in custody without payment; amending Section 49-3619, Idaho Code, to redesignate the section, to provide that certificates of title shall not be issued for certain vehicles, to remove the requirement that the contract for the removal or disposal of certain vehicles be issued to the lowest bidder and to provide certain persons with the authority to make appraisals; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3619, Idaho Code, to provide a procedure for the disposition of low-valued vehicles; amending Chapter 36, Title 49, Idaho Code, by the addition of a new Section 49-3620, Idaho Code, to provide for the disposition of low-valued vehicles to automobile parts dealers; and amending Section 49-3621, Idaho Code, to provide that the Idaho Transportation Department shall receive a specified fee for costs incurred in processing an application for lien sale.

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

SECTION 1. That Sections 49-3605, 49-3611, 49-3614 through 49-3617, and 49-3620, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 49-3601, Idaho Code, be, and the same is hereby amended to read as follows:
49-3601. DEFINITIONS. As used in this chapter:

(1) "To abandon" means to leave a motor vehicle on private property without the permission of the person having rights to the possession of the property, or on a public street or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any road or highway, for twenty-four (24) hours or longer.

(2) "Abandoned motor vehicle" means any motor vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of such property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Abandoned vehicle trust account" means that account created in this chapter, for the purposes described under this chapter, to be administered by the Idaho transportation department of law-enforcement according to the procedures prescribed herein.

(4) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the county in which a vehicle is located, or any regularly employed and salaried city police officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

(5) "Department" means the Idaho transportation department of law enforcement of the state of Idaho.

(6) "Director" means the director of the Idaho transportation department of law enforcement.

(7) "Extraordinary circumstances" mean any situation where an emergency exists or public safety is endangered, or any situation in which a motor vehicle:

(a) Is blocking or impeding traffic; or

(b) Is causing a hazard; or

(c) Has the potential of impeding any emergency vehicle; or

(d) Is impeding any snow removal or other road maintenance operation.

(8) "Highway" shall mean every way or place of whatever nature open to the use of the public as a matter of right for the purposes of vehicular travel, which is maintained by the state of Idaho or some taxing subdivision or unit thereof, or by the federal government or an agency thereof.

(9) "Legal owner" means any person notated as "lien holder" of the respective vehicle, such notation appearing on the title records of the department of law-enforcement and on the respective certificate of title.

(10) "Person" shall mean every natural person, firm, copartner­ship, association or corporation.
"Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration under the Idaho motor vehicle laws, title 49, Idaho Code.

"Possessory lien holder" means any person claiming a lien within the meaning of this chapter, such lien claimed to have accrued on a basis of services rendered to the vehicle which is the subject of the lien.

"Registered owner" means any person required to register a motor vehicle, whether or not a lien holder appears on the title in the records of the motor vehicle division bureau of the department of law-enforcement.

"Stolen motor vehicle" means any vehicle reported and maintained as stolen in any local, state or federal files or computer data bank.

"Unauthorized vehicle" means any vehicle parked or otherwise left on private property without the consent of the person owning or controlling that property.

"Unregistered vehicle" means a motor vehicle without current registration on file with the motor vehicle division bureau of the department of law-enforcement-of-the-state-of-Idaho or with the appropriate agency of another state, unless exempt from registration.

"Wrecker" or "tow truck" means a motor vehicle designed and used primarily for towing disabled vehicles.

SECTION 3. That Section 49-3603, Idaho Code, be, and the same is hereby amended to read as follows:

49-3603. ABANDONMENT PROHIBITED. (1) No person shall abandon a vehicle upon any highway.

(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(3) Violation of this prohibition shall constitute a misdemeanor.

SECTION 4. That Section 49-3606, Idaho Code, be, and the same is hereby amended to read as follows:

49-3606. REMOVAL OF STOLEN MOTOR VEHICLES OR MOTOR VEHICLES FOUND UNDER EMERGENCY CIRCUMSTANCES. (1) Any inspector-of-the-motor-vehicle-division-of-the-department, any officer attached to an organized police department, any member of the Idaho state police, or any authorized officer attached to the department as an investigator, upon discovery of a motor vehicle reported as stolen and not recovered, or any motor vehicle involved in any extraordinary circumstances as defined in section 49-3601, Idaho Code, may take such vehicle into custody and cause the same to be taken to and stored in a suitable place, or may cause any such motor vehicle to be placed in the custody of a tow truck operator certified pursuant to the provisions of this chapter, all expenses of towing and storage to be those of the vehicle owner unless otherwise determined according to the provisions of
section 49-3609(6), Idaho Code.

(2) Within forty-eight (48) hours of the time that the motor vehicle is taken into custody and is stored pursuant to this chapter, the agency of which the officer is an agent shall give written notice by certified mail to the registered and legal owners of such motor vehicle, if known, which notice shall state:
(a) That the motor vehicle has been taken into custody and stored; and
(b) The location of storage of the motor vehicle.

(3) The public agency by which the officer is employed shall appraise the vehicle and shall:
(a) Within the same forty-eight (48) hours, notify the department of the removal of such vehicle;
(b) Include in the notice: the appraised value of the vehicle; identification of the appraiser; location of the vehicle; a description of the vehicle including make, year model, identification number, license number, state of registration and, if a motorcycle, an engine number; and the statutory authority for storage.

(4) If the vehicle is in such condition that there is no means of determining ownership, such agency may authorize disposal of the vehicle.

SECTION 5. That Section 49-3608, Idaho Code, be, and the same is hereby amended to read as follows:

49-3608. REMOVAL OF ABANDONED VEHICLES BY AUTHORIZED OFFICER. (1) Any authorized officer within the jurisdiction in which a vehicle is located, who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property to a garage or nearest place of safety.

(a) Upon discovery of an abandoned vehicle meeting the provisions of section 49-3601(2), Idaho Code, which is not within the class of vehicles defined under "emergency circumstances," section 49-3601(7), Idaho Code, an authorized officer shall attach on the vehicle, in plain view, a notice entitled "intent to remove this vehicle within forty-eight (48) hours as an abandoned vehicle". The notice shall contain the following information: the name of the officer who prepared the notice; the name of the agency employing the officer; the time and date of attaching the notice; the time and date after which the vehicle will be removed; the telephone number and address of the agency where further information can be obtained.

(b) The owner of any vehicle defined within this statute which has current license plates and registration as shown on the records of the department of law enforcement shall be notified, prior to the expiration of the forty-eight (48) hour notice period, by telephone of the location of the vehicle and the time and date of intent to remove the vehicle. If telephone contact cannot be made, a copy of the notice of intent to remove shall be attached to the door of the owner's residence. The inability of an officer to notify the owner, as herein provided, shall not preclude the removal of the vehicle at the expiration of the forty-
eight (48) hour period.

(c) Any vehicle defined herein which does not have current or any license plates attached may be immediately removed to a safe place of storage, the same as a vehicle defined under "emergency circumstances" section 49-3601(7), Idaho Code.

(2) The public agency employing the officer shall make, or cause to be made, an appraisal of any such vehicle within three (3) days after removal as provided in section 49-3618(4) and (5), Idaho Code.

(3) An authorized officer who is not a sworn peace officer may remove vehicles pursuant to this section only after he has delivered a written report identifying the vehicle and its location to the office of the Idaho state police, sheriff, or chief of police nearest to the vehicle.

SECTION 6. That Section 49-3609, Idaho Code, be, and the same is hereby amended to read as follows:

49-3609. POST-STORAGE HEARING. (1) Whenever an authorized officer directs the towing or storage of a vehicle, except as provided in subsection (4) of this section, the department vehicles impounded for investigation pursuant to section 49-3606, Idaho Code, the agency directing or authorizing towing or storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine the validity of the towing, storage and charges. The agency or person directing the towing or storage shall notify the department promptly and furnish a description of the vehicle and the place of storage.

(2) A notice of such storage shall be mailed or personally delivered to the registered and legal owners within forty-eight (48) hours, excluding the weekends and holidays, and shall include the following information:

(a) The name, address, and telephone number of the agency providing the notice;
(b) The location of the place of storage and description of the vehicle which shall include, if available, the name or make, identification number, the license plate number, and the mileage;
(c) The authority and purpose for the removal of the vehicle; and
(d) Such notification shall also specify that, in order to receive a post-storage hearing, such owners, or their agents, must request the hearing in writing within ten (10) days of the date of the notice. Any such hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as such hearing officer is not the same person who directed the storage of the vehicle.

(3) The agency or person directing the towing or storage of a vehicle shall cause to be mailed to the department a copy of the notice of storage at the same time the registered or legal owner is notified.

(4) Failure of either the registered or legal owner, or their agent, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement as to that person.

(41) The provisions of this section shall not apply to vehicles
imposed—investigation-pursuant-to-section-49-3606—Idaho-Code—
or-to-vehicles removed from private property pursuant to section
49-3610(1), Idaho Code.

(5) Neither the governmental agency employing the authorized
officer, nor the authorized officer, individually, shall be respon-
sible for the costs incurred for towing or storage.

(6) The agency employing the person who directed the storage
shall be responsible for the costs incurred for towing and storage if
it is determined in the hearing that probable cause for the storage
cannot be established.

SECTION 7. That Section 49-3610, Idaho Code, be, and the same is
hereby amended to read as follows:

49-3610. REMOVAL OF UNAUTHORIZED AND ABANDONED VEHICLE FROM REAL
PROPERTY ---DISPOSAL-BY-PERSON-OTHER-TANGUISHED-OFFICER. (1) Any
person having possession or control of real property who finds an
unauthorized vehicle standing upon his property is authorized permitted to have such vehicle removed by a person properly
appointed under section 49-3605, Idaho Code.

Vehicles defined in section 49-3619, Idaho Code, as "low-valued
vehicles" shall be disposed of in accordance with that section; vehicles defined in section 49-3620, Idaho Code, as "higher-valued vehi-
cles" shall be disposed of in accordance with the provisions of that
section, provided there is posted on or near the property in a
conspicuous location, in large print, a sign or notice that
unauthorized vehicles will be removed at the owner's expense and
designating the name and phone number of the towing firm. Such
unauthorized vehicles need not meet the provision of section
49-3601(2), Idaho Code, defining abandoned motor vehicle.

(2) Any person having possession or control of real property who
finds an abandoned vehicle standing on his property, where the prop-
erty is not posted as set out in subsection (1) of this section, must
contact an authorized officer, who must in turn comply with the provi-
sions of section 49-3608, Idaho Code, in accomplishing the removal of
such vehicle except under those circumstances set out in subsection
(3) of this section.

(3) Where access into or out of private property or substantial
interference with the use and enjoyment of private property is created
by an unauthorized or abandoned vehicle being parked or otherwise left
on private property, the person owning or controlling such property
shall contact an authorized officer who may, without regard for the
provisions of section 49-3608(1), Idaho Code, immediately proceed to
have such vehicle removed to a garage or nearest place of safety. All
other provisions of this chapter shall be complied with.

SECTION 8. That Section 49-3612, Idaho Code, be, and the same is
hereby amended to read as follows:

49-36121. CHARGES NOT OTHERWISE PROVIDED FOR. Every towing firm,
employee or agent in the process of towing, removing or impounding a
vehicle as directed by an authorized officer, except vehicles found
under extraordinary circumstances, section 49-3601, Idaho Code, or
vehicles suspected stolen, section 49-3606, Idaho Code, shall upon request of the owner or his authorized agent, release the vehicle at the scene. If the vehicle is attached to the tow truck, or otherwise "in tow," the regular, scheduled tow fee may be charged. When the vehicle is not yet "in tow" at the time of request, the release must be made, and no charge may be assessed except a customary and reasonable charge for mileage one way from the towing firm's place of storage to the scene plus the usual fee for the tow truck operator. If the authorized fee is not tendered by the owner or his agent, the towing operator may complete the impoundment, towing or removal, as authorized.

SECTION 9. That Section 49-3613, Idaho Code, be, and the same is hereby amended to read as follows:

49-36132. STORAGE OF VEHICLE. Whenever an authorized officer removes a vehicle from a highway, or from public or private property, he shall take, or cause to be taken, the vehicle to the nearest garage or other place of safety. At the time of such removal, the authorized officer or employee shall record the mileage of the vehicle.

SECTION 10. That Section 49-3618, Idaho Code, be, and the same is hereby amended to read as follows:

49-36183. REQUEST BY POSSESSORY LIEN HOLDER FOR NAMES AND ADDRESSES OF INTERESTED PERSONS -- NOTICE OF SALE TO SATISFY LIEN. After acquiring possession of a vehicle in any manner authorized by the provisions of this chapter, the possessory lien holder shall make a request to the motor vehicle division bureau for the names and addresses of all persons having an interest in the vehicle as appears in the department records. The possessory lien holder, shall, upon receipt of this information, notify all legal or registered owners in accordance with section 49-350T3609, Idaho Code, unless otherwise already complied with. Whenever a vehicle has been removed under the provisions of this chapter and the possessory lien holder has sent the notice or notices as provided herein, the possessory lien holder shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding sixty (60) days or for such longer period of time as may be directed in writing by the court or authorized law enforcement agency. If the vehicle is not recovered by the owner within such period or the owner is unknown, the keeper of the garage may satisfy his lien in the manner prescribed in this chapter. The lien shall not be assigned.

SECTION 11. That Chapter 36, Title 49, Idaho Code, be, and the same is hereby amended by the addition of a NEW SECTION, to be known and designated as Section 49-3614, Idaho Code, and to read as follows:

49-3614. NOTIFICATION TO OWNER OF SALE. (1) If the owner or a lien holder of record is known and can be located, a copy of the notice of sale shall be served on the owner and lien holder at least fifteen (15) days before the date of the sale. Service of the notice may be made by certified or registered mail. Notice of the sale, in
addition, shall be given by advertising the abandoned vehicle for sale at least twice in a daily newspaper of general circulation where the abandoned vehicle was found and is being held. The notice of sale shall:

(a) Describe the abandoned vehicle by giving a description of the vehicle, name or make, model, year, manufacturer, license plate number (if available), mileage, serial number and any other distinguishing characteristics;
(b) Describe when and where the abandoned vehicle will be sold;
(c) State the names and addresses of the registered and legal owners (if known);
(d) State the amount of the lien and the facts concerning the claim which gave rise to the lien.

(2) Where the owner or lien holder is not known or cannot be located, notice of sale shall be given by advertising the abandoned vehicle for sale at least twice in a daily newspaper of general circulation where the abandoned vehicle was found and is being held. The notice shall contain the information required in subsection (1) of this section. If the owner is known but has not been located a notice of sale shall, in addition, be sent to him by registered or certified mail to the last known mailing address.

SECTION 12. That Chapter 36, 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 49-3615, Idaho Code, and to read as follows:

49-3615. SALE OF UNCLAIMED VEHICLES. (1) If the owner of an abandoned vehicle does not claim the vehicle before the day of sale or the owner or lien holder is unknown or cannot be located, the abandoned vehicle shall be sold pursuant to the notice of sale. Upon the sale, the governmental entity conducting the sale shall apply for and the department shall issue a new certificate of title for the abandoned vehicle. The new certificate of title shall be delivered to the new purchaser by the department. The application for the new certificate of title shall state that the abandoned vehicle has been sold as abandoned and ownerless to the purchaser. The new certificate of title may thereafter be used by the purchaser to show ownership of the sold abandoned vehicle.

(2) All sales of vehicles, pursuant to the provisions of this chapter, shall be under the direction of an appropriate governmental agency which shall prior to sale be satisfied that all prerequisites in this chapter have been satisfied.

SECTION 13. That Chapter 36, 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 49-3616, Idaho Code, and to read as follows:

49-3616. CLAIMING OF ABANDONED VEHICLES. (1) The owner of an abandoned vehicle may take possession of the abandoned vehicle at any time prior to sale by proving ownership and paying the costs relative to towing and storing the vehicle and costs of advertising except as
otherwise provided in section 49-3609(6), Idaho Code.

(2) A lien holder, as defined in section 49-532, Idaho Code, of an abandoned vehicle may take possession of the abandoned vehicle at the sale by proving the presence of the lien and by paying the costs relative to towing and storing the vehicle and costs of advertising. The lien holder may also take possession of the abandoned vehicle by purchasing the vehicle at the sale. Nothing in this chapter shall be construed to abate any cause of action that a lien holder has against the owner of an abandoned vehicle.

SECTION 14. That Chapter 36, 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 49-3617, Idaho Code, and to read as follows:

49-3617. REMOVAL WITHOUT PAYMENT PROHIBITED. Removal of an abandoned vehicle from the custody of the sheriff, state police or police department or from the custody of any person holding the abandoned vehicle for the sheriff, state police or police department without payment in full of all charges and costs that have been incurred under the provisions of this chapter shall be a misdemeanor and the abandoned vehicle may be recovered and disposed of by the sheriff, state police or police department or person.

SECTION 15. That Section 49-3619, Idaho Code, be, and the same is hereby amended to read as follows:

49-36198. DISPOSITION OF LOW-VALUED VEHICLES. (1) If the vehicle is appraised at a value not exceeding two hundred dollars ($200), the provisions of sections 49-3613, 49-3614 and 49-3615, Idaho Code, shall not apply, and the person or public agency which removed the vehicle shall:

(a) Within forty-eight (48) hours after the appraisal, notify the division bureau of motor vehicles of the removal of such vehicle;
(b) Prepare a certificate, forwarding a copy to the bureau of motor vehicles, containing a description of the vehicle stating the appraised value of the vehicle and indicating one of the following:
1. A possessory lien holder has submitted a certified statement to the public agency that the registered and legal owners did not sign and return within ten (10) days to the division bureau of motor vehicles a declaration of opposition contesting the claim which gives rise to the lien.
2. The registered and legal owners have signed a certified release disclaiming any interest, which release shall be included with the certificate.
3. The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record.
(c) Upon completion of the certificate, execute and deliver a bill of sale, together with a copy of the certificate, either to the possessory lien holder, who shall endorse the bill of sale to an automobile parts dealer or to a scrap processor for disposal.
(2) Automobile parts dealers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees which would otherwise be due to the motor vehicle division bureau. Certificates of title shall not be issued for vehicles disposed of pursuant to this section.

(3) A public agency may authorize, by contract, the removal or disposal of low-valued vehicles. Such contract shall be issued to the lowest responsible bidder. Bills of sale shall then be executed and delivered, pursuant to subsection (1)(c), to such contractor.

(4) The following persons shall have the authority to make appraisals for purposes of this chapter:

(a) Any member of the Idaho state police.
(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.
(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.
(d) Any officer or employee of the motor vehicle bureau of the department designated by the director.
(e) Any regularly salaried employee of a city, county, or city and county designated by a board of county commissioners or by a city council.
(f) Any regularly employed and salaried peace officer or other employee of the department of parks and recreation designated by the director of that department.

(5) An appraiser, upon completion of an appraisal within the meaning of this chapter, shall notify the department of the appraisal and of the facts upon which the appraisal was based.

SECTION 16. That Chapter 36, 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 49-3619, Idaho Code, and to read as follows:

49-3619. DISPOSITION OF LOW-VALUED VEHICLES -- PROCEDURE. The procedure for the disposition of low-valued vehicles is as follows:

(1) The person or agency which removes the vehicle shall, within fifteen (15) working days following the date of possession of the vehicle, make a request to the department for the names and addresses of all persons having an interest in the vehicle. No storage charge shall accrue beyond the fifteen (15) day period unless the possessory lien holder has made a request to the bureau of motor vehicles as provided in this section.

(2) The person or agency which removes the vehicle shall immediately upon receipt of this information send, by certified mail with return receipt requested, the following prescribed forms and enclosures to the registered owner and legal owner at their addresses of record with the bureau of motor vehicles, and to any other person known to have an interest in the vehicle:

(a) A completed form entitled "Notice of Intent to Dispose of a Vehicle Valued at $200 or Less."
(b) A blank form entitled "Declaration of Opposition."
(c) A return envelope preaddressed to the person or agency which removed the vehicle.
(3) All notices to persons having an interest in the vehicle shall be signed under penalty of perjury and shall include all of the following:

(a) A description of the vehicle, including make, year model, identification number, license number, and state of registration. For motorcycles, the engine number shall also be included.
(b) The names and addresses of the registered and legal owners of the vehicle and any other person known to have an interest in the vehicle.
(c) The following statements and information:
   1. The amount of the lien.
   2. The facts concerning the claim which give rise to the lien.
   3. The person has a right to a hearing in court.
   4. If a hearing in court is desired, a declaration of opposition form shall be signed under penalty of perjury and returned to the possessory lien holder within ten (10) days of the date the "notice of intent to dispose of a vehicle valued at $200 or less" form was mailed.
   5. The declarant may be liable for court costs if a judgment is entered in favor of the possessory lien holder.

(d) A statement that the possessory lien holder may dispose of the vehicle to a certified automobile parts dealer if it is not redeemed or if a declaration of opposition form is not signed and mailed to the possessory lien holder within ten (10) days of the date the "notice of intent to dispose of a vehicle valued at $200 or less" form was mailed.

(4) If the possessory lien holder receives a completed declaration of opposition form within the time prescribed, the vehicle shall not be disposed of for an additional fifteen (15) day period during which time the individual filing the declaration of opposition must file an action with the appropriate court and cause the possessory lien holder to be served with the summons and complaint.

The filing and service of the action will stay disposal of the vehicle pending decision by the court unless the declarant subsequently releases his interest in the vehicle.

SECTION 17. That Chapter 36, 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 49-3620, Idaho Code, and to read as follows:

49-3620. DISPOSITION OF LOW-VALUED VEHICLE -- AUTOMOBILE PARTS DEALER. (1) Any vehicle determined to have a value not exceeding two hundred dollars ($200) pursuant to section 49-3618, Idaho Code, which was stored pursuant to this chapter, and which remains unclaimed, or for which reasonable towing and storage charges remain unpaid, shall be disposed of only to a automobile parts dealer not earlier than fifteen (15) days after the date the "notice of intent to dispose of a vehicle valued at $200 or less" form was mailed, unless a declaration of opposition form has been signed and returned to the possessory lien holder.

(2) If the vehicle has been disposed of to a automobile parts
dealer, the person or agency removing the vehicle shall forward the following forms and information to the department within five (5) days:

(a) A statement, signed under penalty of perjury, that a properly executed declaration of opposition form was not received;
(b) A copy of the notice sent to all interested parties;
(c) A certification from the public agency which made the determination of value pursuant to section 49-3618, Idaho Code;
(d) The proof of service or a copy of the court judgment;
(e) The name, address, and telephone number of the automobile parts dealer who received the vehicle; and
(f) The amount the person or agency removing the vehicle received for the vehicle.

SECTION 18. That Section 49-3621, Idaho Code, be, and the same is hereby amended to read as follows:

49-3621. FEE TO ACCOMPANY INFORMATION REQUEST OR LIEN SALE APPLICATION. Upon the filing of a request for title and registration information or an application to conduct a lien sale of an abandoned motor vehicle, the department shall charge receive a fee of ten dollars ($10.00) for costs incurred in processing the application. The fee shall be recoverable as a cost by the possessory lien holder if a lien sale is conducted.

The fee shall be deposited in the abandoned vehicle trust account.

Approved April 4, 1983.
SECTION 1. That Section 1-2001, Idaho Code, be, and the same is hereby amended to read as follows:

1-2001. SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES -- AGE OF RETIREMENT -- COMPENSATION ON RETIREMENT. (1) Every person who served as a justice of the Supreme Court or judge of the district court prior to June 30, 1983, and established a right to benefits from the judges' retirement fund for such service, and who is not an actively serving justice or judge on July 1, 1983, shall be entitled to benefits from the fund according to the formula for calculating such benefits as such formula existed on June 30, 1983.

(2) On and after July 1, 1983, any person who is now serving or who shall hereafter serve as a justice of the Supreme Court or a judge of a district court of this state upon attaining the age of sixty-five (65) years, and having a minimum service of four (4) years in either or both of said offices, may retire or resign from office and be entitled to receive and to have paid to him from the date of his retirement or resignation until his death, an annual retirement compensation equal to four per cent (4%) of the current annual compensation of the office from which he retired or resigned, multiplied by the number of years he has served as either, or both justice or judge for the first ten (10) years of service, and equal to two and one-half per cent (2 1/2%) of the current annual compensation of the office from which he retired or resigned, multiplied by the remaining number of years he has served as both justice or judge, not-to-exceed-twenty-five-(25)-years but such amount of annual retirement compensation shall not exceed sixty-two and one-half per cent (62 1/2%) of the current annual compensation of the office from which he retired or resigned, payable in monthly installments on the first day of each month.

(3) On and after July 1, 1983, each person who is now serving or who shall hereafter serve who shall retire or resign as justice of the Supreme Court or district judge in the state of Idaho who has served for an aggregate period of twenty (20) years or more, continuous or otherwise, in either or both of such offices shall be entitled to receive and to have paid to him from the date of his retirement or resignation until his death, an annual retirement or resignation compensation equal to four per cent (4%) of the current annual compensation of the office from which he retired or resigned, multiplied by the number of years he has served as either, or both justice or judge for the first ten (10) years of service, and equal to two and one-half per cent (2 1/2%) of the current annual compensation of the office from which he retired or resigned, multiplied by the remaining number of years he has served as both justice or judge, not-to-exceed-twenty-five-(25)-years but such amount of annual retirement compensation shall not exceed sixty-two and one-half per cent (62 1/2%) of the current annual compensation of the office from which he retired or resigned, payable in monthly installments on the first day of each calendar month.

(4) On and after July 1, 1983, each justice or judge who is now serving or who shall hereafter be appointed or elected and who shall retire by reason of disability preventing him from further performance
of the duties of his office, after a service in either or both of said courts of four (4) years or more, shall upon retirement, be entitled to receive and to have paid to him until his death an annual retirement compensation equal to four per cent (4%) of the current annual compensation of the office from which he retired or resigned, multiplied by the number of years he has served as either or both justice or judge for the first ten (10) years of service, and equal to two and one-half per cent (2 1/2%) of the current annual compensation of the office from which he retired or resigned, multiplied by the remaining number of years he has served as both justice or judge, but such amount of annual retirement compensation shall not exceed sixty-two and one-half per cent (62 1/2%) of the current annual compensation of the office from which he retired or resigned, payable in monthly instalments on the first day of each month.

(5) All retirement compensation shall be paid out of the judges' retirement fund, provided, however, that a justice or judge who has served less than four (4) years shall be entitled to have refunded to him all contributions made by him to the judges' retirement fund, with six and one-half per cent (6 1/2%) interest computed annually but shall not be entitled to any other compensation from the fund.

SECTION 2. That Section 1-2006, Idaho Code, be, and the same is hereby amended to read as follows:

1-2006. APPLICATION OF ACT. Title-17-chapter-20--of-the Chapter 20, title 1, Idaho Code, as--by--this--act--amended shall operate prospectively in its application as to all persons who are receiving retirement benefits thereunder, provided that the Supreme Court may by order apply all of the provisions of this chapter to service under section 1-611, Idaho Code.

In no case shall any justice or judge, serving at the time this act becomes effective, receive and have paid to him, at the time of his retirement, retirement compensation in any lesser amount than he would have become entitled to receive and have paid to him under the act as it existed prior to this amendment.

SECTION 3. That Section 1-2009, Idaho Code, be, and the same is hereby amended to read as follows:

1-2009. BENEFIT TO SURVIVING SPOUSE OF JUSTICE OR JUDGE. The legislature hereby finds and declares that the payment of allowances to the surviving spouses of justices of the Supreme Court and judges of the district court of the state of Idaho, serves the public purpose of promoting the public welfare by encouraging experienced jurists to continue their service and that their continued service and increased efficiency will be secured in the expectation that the legislature will fairly provide for their surviving spouses, and that such continued service and increased efficiency of such jurists, secure in this knowledge, will be of substantial benefit to the state.

The surviving spouse, of any such justice or judge entitled to benefits under this chapter who dies on or after July 1, 1965, shall receive an allowance from the judges' retirement fund, payable
(a) In the case of a justice or judge receiving retirement compensation at the time of death, allowance to his surviving spouse shall commence immediately and be payable to such spouse from such fund in an amount equal to thirty per cent (30%) of the retirement compensation being paid to such justice or judge.

(b) In the case of a justice or judge under the age of sixty-five (65) years and not receiving retirement compensation at the time of death, commencing immediately, the surviving spouse shall be paid an allowance from such fund in the amount of thirty per cent (30%) of the retirement compensation to which the justice or judge would have been entitled if then of the age of sixty-five (65) years.

(c) In the case of a justice or judge of age sixty-five (65) years or older and not receiving retirement compensation at the time of death, commencing immediately, his surviving spouse shall receive an allowance payable from the fund in an amount equal to thirty per cent (30%) of the retirement compensation to which the justice or judge would have been entitled if then retired.

(d) Each justice or judge upon retirement or upon termination may elect to receive a reduced retirement compensation in the amount of eighty-five per cent (85%) of the retirement compensation to which the judge would have been entitled, and the judge having elected to receive the lesser retirement compensation, at the time of the judge's death, the allowance to his surviving spouse shall commence immediately and be payable to such spouse from such fund in an amount equal to fifty per cent (50%) of the retirement compensation to which the judge would have been entitled prior to electing a reduced retirement compensation.

(e) The allowance to the surviving spouse shall be based upon the current annual compensation of the office held by the deceased justice or judge, as distinguished from the salary of the office at the time of death or retirement. The allowance shall be paid until death or remarriage of the surviving spouse.

SECTION 4. That Section 1-2003, Idaho Code, be, and the same is hereby amended to read as follows:

1-2003. ADDITIONAL FEES IN CIVIL ACTIONS AND APPEALS. (a) In addition to the fees and charges to be collected by the clerks of the district courts of the state and by other persons authorized by rule or administrative order of the Supreme Court as now or hereafter provided by law, such clerks and authorized persons are directed to charge and collect the additional sum of eleven dollars ($811.00) for filing a civil case or proceeding of any type in the district court or magistrate's division of the district court including cases involving the administration of decedents' estates, whether testate or intestate, conservatorships of the person or of the estate or both and guardianships of the person or of the estate or both, except that no fee shall be charged or collected for filing a proceeding under the Summary Administration of Small Estates Act. The additional sum of eleven dollars ($811.00) shall also be collected from any party, except the plaintiff, making an appearance in any civil action in the district court, but such eleven dollars ($811.00) fee shall not be
collected from the person making an appearance in civil actions filed in the small claims departments of the district court.

(b) The sum of eleven dollars ($811.00) shall also be collected:
   (1) from an intervenor in an action;
   (2) from a party who files a third party claim;
   (3) from a party who files a cross claim;
   (4) from a party appealing from the magistrate's division of the district court to the district court;
   (5) from a party appealing the decision of any commission, board or body to the district court.

(c) The clerk of the Supreme Court is authorized and directed to charge and collect, in addition to the fees now prescribed by law and as a part of the cost of filing the transcript on appeal in any civil case or proceeding, other than criminal, appealed to the Supreme Court, the additional sum of eleven dollars ($811.00); for filing a petition for rehearing, the additional sum of ten dollars ($10.00); for filing an application for any writ for which a fee is now prescribed, the additional sum of ten dollars ($10.00); for filing appeals from the industrial accident board, the additional sum of five dollars ($5.00).

(d) The clerks of the district courts, persons authorized by rule or administrative order of the Supreme Court and the clerk of the Supreme Court are directed and required to remit all additional charges and fees authorized by this section and collected during a calendar month, to the state treasurer within five (5) days after the end of the month in which such fees were collected. The state treasurer shall place all such sums in the judges' retirement fund.

SECTION 5. This act shall be in full force and effect on and after July 1, 1983, and provided that the amendments to Section 1 implemented by this act shall apply only to those persons who are in active service on and after July 1, 1983.

Approved April 4, 1983.

CHAPTER 145
(S.B. No. 1165, As Amended in the House)

AN ACT
RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR INTOXICATING SUBSTANCES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 49-301, IDAHO CODE, TO CONFORM THE DEFINITION OF MOTOR VEHICLE WITH OTHER REQUIREMENTS OF LAW; AMENDING SECTION 49-329, IDAHO CODE, TO PROVIDE CONDITIONS FOR THE MANDATORY REVOCATION OF DRIVING PRIVILEGES, TO PROVIDE NOMENCLATURE CHANGES, AND TO STRIKE REFERENCE TO THE CRIME OF OPERATING A MOTOR VEHICLE IN VIOLATION OF DEPARTMENT-IMPOSED RESTRICTIONS; AMENDING SECTION 49-330, IDAHO CODE, TO PROVIDE NOMENCLATURE CHANGES, AND TO PROVIDE CONDITIONS FOR THE SUSPENSION OF DRIVING PRIVILEGES BY THE DEPARTMENT; AMENDING SECTION 49-334, IDAHO CODE, TO PROVIDE CONDITIONS FOR THE RIGHT OF AN APPEAL TO A
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The use of the public highways of this state is a privilege granted by the state for the enjoyment and well being of all citizens. It is a privilege, and not a right. In order to make sure that this privilege is not abused, it is necessary that such privilege be controlled or restricted, and appropriate fines, jail terms and evaluation of offenders be provided for. It is the purpose of the several sections of law contained within this act to provide the necessary administrative and judicial procedures to insure that the highways are safe for travel by law-abiding citizens, to restrict or control the use of the highways by those persons who cannot or will not conform their actions to the accepted standards of civilized behavior, and to punish those malfeasors who, after due process of law, are convicted of criminal acts. In addition to the substantial amendments provided for in this act, it is the intent of the Idaho state legislature to provide:

First, that those who abuse the privilege of driving upon the
highways while under the influence of alcohol, drugs or other intoxicating substances shall be viewed by the judiciary as a serious threat to the health and safety of law abiding users of the highways.

Second, that the mandatory evaluations provided for in this act be used by the sentencing judge to require those who have been identified as abusers to receive counseling and treatment at their own expense.

Third, as an integral part of any sentence, the legislature intends that the court consider public service as a part of the overall sentence. Public service is an important consideration in the overall intent of this legislature. It is also intent that this alternative be used totally at the expense of the defendant.

Fourth, where there has been damage to other individuals, a loss of property, or other financial consequence to victims of those who abuse the use of alcohol, drugs, or other intoxicating substances, it is the intent of this legislature that any sentence provide for restitution, as appropriate, to make the victims whole.

Fifth, a period of incarceration is appropriate to deter the abuse of alcohol, drugs or other intoxicating substances. This is true, even with those that are first-time offenders; however, it is recognized that in certain special cases incarceration would not be appropriate, so it is legislative intent to leave incarceration of the first-time offender to the discretion of the court, but to mandate incarceration for repeat offenders.

Sixth, the fines in all areas of this act have been substantially increased to bring the level of fines imposed to a more realistic level. It is legislative intent that fines be imposed as part of the sentence in an amount that reflects the seriousness of the crimes provided for in this act.

And last, that loss of driving privileges be vigorously enforced whenever indicated by the provisions of this act, and additionally, when the court deems appropriate. In all of this, the legislature has tried to carefully balance the rights of the individual who is accused or convicted of wrongdoing against the rights of all other citizens, who desire nothing more than to be safe and secure in their use of the public highways.

SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DEFINITIONS. For the purposes of this chapter:
(1) "Board" means the Idaho transportation board of this state.
(2) "Chauffeur" means a person who is employed by another for the principal purpose of driving a motor vehicle and a person who drives a motor vehicle while in use as a public contract or common carrier of persons or property.
(3) "Department" means the Idaho transportation department of this state acting directly or through its duly authorized officers and agents.
(4) "Director" means the director of the Idaho transportation department of this state.
(5) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(6) "Motor vehicle" means a vehicle which is self-propelled or which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails motor vehicle as defined by section 49-101, Idaho Code.

(7) "Nonresident" means a person who is not a resident of this state.

(8) "Operator" means a person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(9) "Owner" means a person who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(10) "Person" means a natural person, firm, copartnership, association or corporation.

(11) "Resident" means a person who has resided continuously in the state of Idaho for a period of ninety (90) days.

(12) "School bus" means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(13) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(14) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or horsedrawn or used exclusively upon stationary rails or tracks.

SECTION 3. That Section 49-329, Idaho Code, be, and the same is hereby amended to read as follows:

49-329. MANDATORY REVOCATION BY DEPARTMENT -- TEMPORARY RESTRICTED PERMIT. The department shall forthwith revoke the license; permit or driving privilege of any operator or chauffeur upon receiving a record of such operator's or chauffeur's person's conviction of any of the following offenses, when such conviction has become final, if the court has not ordered the revocation of such privilege:

1. Vehicular manslaughter (or negligent homicide) resulting from the operation of motor vehicle;

2. Any felony in the commission of which a motor vehicle is used;

3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

4. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating
to the ownership or operation of motor vehicles;

5. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

Whenever any license, permit or driving privilege has been revoked by the department as provided in this section, the department may, however, issue a temporary restricted permit upon recommendation of the judge entering the conviction and upon a showing that the regular livelihood of the person whose license, permit or driving privilege has been revoked requires such person to operate a motor vehicle, except when restricted driving privileges are specifically prohibited by other provisions of law, except that no temporary restricted permit may be issued upon conviction of vehicular manslaughter (or negligent homicide) resulting from the operation of a motor vehicle.

Such temporary restricted permit shall specify the restrictions as to time and area of use and such further restrictions as the department, in its discretion, may impose. Any person who knowingly operates a motor vehicle in violation of such restrictions or any of them shall be guilty of a misdemeanor and upon conviction of such violation shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and, in addition, there may be imposed a fine of not more than three hundred dollars ($300) and, in addition, such temporary restricted permit shall be revoked.

SECTION 4. That Section 49-330, Idaho Code, be, and the same is hereby amended to read as follows:

49-330. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE. [Effective March 1, 1983] (a) If the court has not ordered the suspension of a license, permit or privilege, or made a determination with respect thereto, the department is hereby authorized to suspend the license of any person whose personal physician, is afflicted with any condition which brings about momentary or prolonged lapses of consciousness or control, or when such person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.

(1) Any person who in the opinion of the department, based upon recommendation of such person's personal physician, is afflicted with any condition which brings about momentary or prolonged lapses of consciousness or control, or when such person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.

(2) Any person who shall not have minimum visual acuity with or
without glasses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to drive a motor vehicle, provided, however, that the department shall have the authority to license such person upon recommendation of an ophthalmologist or qualified physician. Any person who applies for or receives any type of tax welfare or other benefits or exemptions for the blind shall be conclusively presumed incompetent to drive a motor vehicle.

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

4. Has permitted an unlawful or fraudulent use of such license;
5. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;
6. Has been convicted of the offense of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug and providing that the driving privilege shall be suspended for a period of ninety (90) days upon conviction and providing that if a second conviction occurs within a two-(2)-year-period-of time from the time of the first conviction, the suspension shall be for six-(6)-months; and if a third conviction shall occur within a three-(3)-year-period-of time from the time of the first conviction, the period of suspension shall be for one-(1)-year under the provisions of section 49-1102, Idaho Code;
7. Has been convicted of the offense of reckless driving as provided in section 49-1103, Idaho Code, and providing that the driving privilege shall be suspended for a period of thirty (30) days upon conviction and providing further, that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for ninety (90) days, and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year;
8. Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period; or
9. Is an habitual violator of the traffic laws of the state of Idaho.

(b) The term "violation" as herein used shall mean conviction of a misdemeanor charge involving a moving traffic violation; or an admission or judicial determination of commission of an infraction involving a moving traffic infraction, except bicycle infractions.

The term "conviction" as herein used shall mean a final conviction.

The term "habitual violator" as herein used shall mean any person who has a driving record which shows a violation point count of eighteen (18) or more points in any consecutive twenty-four (24) month period; or twenty-four (24) or more points in any consecutive thirty-six (36) month period.
In determining the "violation point count" as herein used, conviction of any charge, or proof of any infraction, involving a moving traffic violation shall be given a value of one (1) point for less serious violations to four (4) points for more serious violations; provided, that conviction or proof of infraction for only one (1) violation arising from one (1) occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

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

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

SECTION 5. That Section 49-334, Idaho Code, be, and the same is hereby amended to read as follows:

49-334. RIGHT OF APPEAL TO COURT. Any person denied a license or whose license has been canceled, suspended, or revoked by the department, except where such cancelation, suspension, or revocation is mandatory under the provisions of this act court ordered, shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty (30) days' written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine
whether the petitioner is entitled to a license or is subject to suspension, cancelation, or revocation of license under the provisions of this act title.

SECTION 6. That Section 49-337, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 3, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-337, Idaho Code, and to read as follows:

49-337. DRIVING WITHOUT PRIVILEGES. (1) Any person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge that his driving privilege has been canceled, revoked or suspended in this state or any other jurisdiction is guilty of a misdemeanor.

(2) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for the first time:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than two (2) days, and may be sentenced to not more than six (6) months; and

(b) May be fined an amount not to exceed five hundred dollars ($500); and

(c) Shall have his driving privileges suspended or denied by the court for an additional six (6) months following the end of any period of suspension or revocation existing at the time of the violation.

(3) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for a second time within five (5) years, irrespective of the form of the judgment(s) or withheld judgment(s):

(a) Shall be sentenced to jail for a mandatory minimum period of not less than twenty (20) days, and may be sentenced to not more than one (1) year; and

(b) May be fined an amount not to exceed one thousand dollars ($1,000); and

(c) Shall have his driving privileges suspended or denied by the court for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the second violation.

(4) Any person who has pled guilty to or been found guilty of more than two (2) violations of the provisions of subsection (1) of this section within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), or who has pled guilty to or been found guilty of more than two (2) violations of any provision of law that makes it a crime to drive or be in actual physical control of a motor vehicle with knowledge that he has no driving privileges in this state within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a felony; and

(a) Shall be sentenced to the custody of the state board of correction for not to exceed three (3) years; and

(b) May be fined an amount not to exceed three thousand dollars ($3,000); and
(c) Shall have his driving privileges revoked or denied by the court for an additional three (3) years following the end of any period of suspension or revocation existing at the time of the violation.

(5) A minor may be prosecuted for a violation of subsection (1) of this section under title 16, Idaho Code.

(6) If a person is convicted for a violation of section 49-1102 or 49-1102B, Idaho Code, and at the time of arrest had no driving privileges, the penalties imposed by this section shall be in addition to any penalties imposed under the provisions of section 49-1102A or 49-1102B, Idaho Code, and not in lieu thereof.

SECTION 8. That Section 49-352, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 3, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-352, Idaho Code, and to read as follows:

49-352. TEST OF DRIVER FOR BLOOD ALCOHOL. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to an evidentiary test for alcohol concentration as defined in section 49-1102, Idaho Code, provided that such test is administered at the request of a police officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle while under the influence of alcohol, drugs or of any other intoxicating substances, and in accordance with the rules and regulations established by the Idaho department of law enforcement.

(2) At the time an evidentiary test for alcohol concentration is requested, the person shall be informed that:

(a) If the test is refused, his license or permit will be seized by the police officer and forwarded to the court; and

(b) Upon receipt of a sworn statement by the police officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred twenty (120) days; and

(c) That he has the right to request a hearing before the court to show cause why he did not take or successfully complete the evidentiary test for alcohol concentration; if requested, the hearing must be scheduled within thirty (30) days of the request; that the hearing shall be limited to the question of why the defendant did not take the test, and that the burden of proof shall be upon the defendant; and

(d) He does not have the right to consult with an attorney before submitting to an evidentiary test for alcohol concentration; and

(e) After submitting to the test at the request of the police officer, he may, when practicable, have additional tests made by a person of his own choosing, and at no expense to the state, county or city. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of an evidentiary test for alcohol concentration taken at the direction of the police officer unless the additional test was denied by the police.
officer.

(3) Suspension of driving privileges under this section shall be separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes, and may be appealed to the district court.

(4) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho shall be held liable in damages in any civil proceeding for a cause of action based upon assault, battery or false imprisonment, or be subject to prosecution under chapter 9 or 29, title 18, Idaho Code, for any act arising out of administering an evidentiary test for alcohol concentration at the request of a police officer in the manner described by this section.

(5) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

SECTION 10. That Section 49-354, Idaho Code, be, and the same is hereby amended to read as follows:

49-354. PERSONS AUTHORIZED TO MAKE-TEST WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING CONTENT OF ALCOHOL OR OTHER INTOXICATING SUBSTANCES. (1) Only a licensed physician, qualified medical technologist, or registered nurse, phlebotomist trained in a licensed Idaho hospital or educational institution or other medical personnel trained to withdraw blood can, acting at the request of a police officer, withdraw blood for the purpose of determining the alcohol content of alcohol, drugs or other intoxicating substances therein. This limitation shall not apply to the taking of a urine, saliva or breath specimen. For purposes of this section: (a) the term "qualified medical technologist" shall be deemed to mean a person who meets the standards of a "clinical laboratory technologist" as set forth by the then current rules and regulations of the social security administration of the United States department of health, education, and welfare; and (b) the term "phlebotomist" and "other medical personnel trained to withdraw blood" shall be deemed to mean a person who meets the standards for the withdrawing of blood as designated and qualified by that person's employing medical facility or other employing entity.

(2) The person tested may, at his own expense, have a person of his own choosing, who is authorized to make a test, administer an evidentiary test for alcohol concentration in addition to the one administered at the request of a police officer.

SECTION 11. That Section 49-355, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 49-1102, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Chapter 11, 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 49-1102, Idaho Code, and to read as
follows:

49-1102. PERSONS UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) It is unlawful for any person who is under the influence of alcohol, drugs or any other intoxicating substances, or who has 0.10 percent or more, by weight, of alcohol in his blood, urine or breath, as shown by chemical analysis of his blood, urine, breath, or other bodily substance, to drive or be in actual physical control of a motor vehicle within this state, whether upon a highway, street or bridge, or upon public or private property open to the public.

(2) Any person having less than 0.10 percent, by weight, of alcohol in his blood, urine or breath, as shown by chemical analysis of his blood, urine, breath, or other bodily substance by a test requested by a police officer shall not be prosecuted for driving under the influence of alcohol, except as provided in subsection (3). Any person who does not take a test to determine alcohol concentration may be prosecuted for driving or being in actual physical control of a motor vehicle while under the influence of alcohol, drugs, or any other intoxicating substances, on other competent evidence.

(3) If the results of the test requested by a police officer show less than 0.10 percent, by weight, of alcohol in the person's blood, such fact may be considered with other competent evidence of drug use other than alcohol in determining the guilt or innocence of the defendant.

(4) For purposes of title 49, Idaho Code, an evidentiary test for alcohol concentration is a determination of the percent by weight of alcohol in blood and shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath or sixty-seven (67) milliliters of urine. Chemical analysis of blood, urine or breath for the purpose of determining the blood alcohol concentration 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, or by any other method approved by the Idaho department of health and welfare.

(5) It is unlawful for any person who is an 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 alcohol and any drug to a degree which renders him incapable of safely driving a motor vehicle, to drive or be in actual physical control of 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 subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of a violation of this subsection.

(6) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(7) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the pur-
poses of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 14. That Chapter 11, 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 49-1102A, Idaho Code, and to read as follows:

49-1102A. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of section 49-1102, Idaho Code, for the first time is guilty of a misdemeanor; and
(a) May be sentenced to jail for not to exceed six (6) months; and
(b) May be fined an amount not to exceed one thousand dollars ($1,000); and
(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for second or subsequent violations of section 49-1102, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall have his driving privileges suspended by the court for not to exceed one hundred eighty (180) days; the defendant may request restricted driving privileges during the period of the suspension, which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.
(2) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, for the second time within five (5) years, irrespective of when the previous violation occurred with respect to the effective date of this act and notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and
(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, and may be sentenced to not more than one (1) year; and
(b) May be fined an amount not to exceed two thousand dollars ($2,000); and
(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of section 49-1102, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall surrender his license or permit to the court; and
(e) Shall have his driving privileges suspended or denied by the court for an additional mandatory minimum period of six (6) months after release from confinement, and may have his driving privileges suspended or denied by the court for an additional period of up to one (1) year after release from confinement; after thirty (30) days have passed following release from confinement, during which thirty (30) day period absolutely no driving privileges of any kind may be granted, the defendant may request restricted driving privileges during the balance of the suspension period,
which the court may allow, if the defendant shows by a preponder­ance of the evidence that driving privileges are necessary for his employment or for family health needs.

(3) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, for a third time within five (5) years, irrespective of when the previous violations occurred with respect to the effective date of this act, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and

(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; and

(b) May be fined an amount not to exceed five thousand dollars ($5,000); and

(c) Shall surrender his license or permit to the court; and

(d) Shall have his driving privileges suspended, revoked, or denied by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privi­leges suspended, revoked or denied by the court for not to exceed five (5) years after release from imprisonment.

(4) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, shall undergo, at his own expense and prior to the sentencing date, an alcohol evalu­ation by a licensed physician or alcohol evaluation facility approved by the Idaho department of health and welfare. Said person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment.

(5) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs; and

(b) A computer or teletype copy of the person's driving record; and

(c) Information as to whether the defendant has pled guilty to or been found guilty of violating section 49-1102 or 49-1102B, Idaho Code, or a similar offense within the past five (5) years, not­withstanding the form of the judgment(s) or withheld judgment(s).

(d) The alcohol evaluation required by subsection (4) of this section.

(6) A minor may be prosecuted for a violation of section 49-1102, Idaho Code, under title 16, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of section 49-1102, Idaho Code, he shall have his driving privileges sus­pended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches age eighteen (18), whichever period is greater. During the period of additional suspension or denial, abso­lutely no driving privileges shall be allowed.

SECTION 15. That Chapter 11, 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 49-1102B, Idaho Code, and to read as follows:

49-1102B. AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) Any person causing great bodily harm, permanent disability or permanent disfigurement to any person other than himself in committing a violation of section 49-1102, Idaho Code, is guilty of a felony, and upon conviction:
(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; and
(b) May be fined an amount not to exceed five thousand dollars ($5,000); and
(c) Shall surrender his license or permit to the court; and
(d) Shall have his driving privileges suspended, revoked, or denied by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended, revoked or denied by the court for not to exceed five (5) years after release from imprisonment; and
(e) Shall, when appropriate, be ordered by the court to pay restitution.
(2) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 16. That Chapter 11, 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 49-1121, Idaho Code, and to read as follows:

49-1121. CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND FOR TRAFFIC OFFENSES. (1) Whenever a person has received a written uniform judgment(s) or withheld judgment(s) traffic citation, summons or complaint containing a notice to appear before a magistrate, and if the attorney prosecuting the case and the defendant concur that it is in the best interest of justice that the defendant may post and forfeit an amount of the bond agreed upon by the parties, the court shall dismiss the charge. When bond is forfeited under the provisions of this subsection, no violation points, as prescribed in section 49-330, Idaho Code, shall accrue. A forfeiture of bond under the provisions of this subsection shall not be recorded as a conviction.
(2) The provisions of subsection (1) of this section shall not be available when citations, summons or complaints are written for a violation of sections 49-337, 49-1102, 49-1102B or 49-1103, Idaho Code.

SECTION 17. That Section 18-4006, Idaho Code, be, and the same is hereby amended to read as follows:

18-4006. MANSLAUGHTER DEFINED. Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds:
1. Voluntary—upon a sudden quarrel or heat of passion.
2. Involuntary—in the perpetration of or attempt to perpetrate any unlawful act, other than arson, rape, robbery, kidnapping, burglary, or mayhem; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; or in the operation of any firearm or deadly weapon in a reckless, careless or negligent manner which produces death; or in the operation of a motor vehicle.
3. Vehicular—in the operation of a motor vehicle:
   (a) In the commission of an unlawful act, not amounting to a felony, with gross negligence; or,
   (b) In the commission of a lawful act which might produce death, in an unlawful manner; and--with--gross--negligence violation of section 49-1102 or 49-1102B, Idaho Code; or,
   (c) In the commission of an unlawful act, not amounting to a felony, without gross negligence; or,
   (d) In the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence;
Provided;--this-provision-relating-to-operation-of-a-motor-vehicle shall not be construed as making any homicide--in--the--driving--of--a vehicle--punishable--as-involuntary-manslaughter--which--is--not--a--proximate result of the commission of an unlawful act; not amounting to a felony; or of the commission of a lawful act which might produce death in an unlawful manner;
Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 18. That Section 18-4007, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Chapter 40, 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 18-4007, Idaho Code, and to read as follows:

18-4007. PUNISHMENT FOR MANSLAUGHTER. Manslaughter is punishable as follows:
1. Voluntary—by a fine of not more than fifteen thousand dollars ($15,000), or by a sentence to the custody of the state board of correction not exceeding fifteen (15) years, or by both such fine and imprisonment.
2. Involuntary—by a fine of not more than ten thousand dollars ($10,000), or by a sentence to the custody of the state board of correction not exceeding ten (10) years, or by both such fine and imprisonment.
3. Vehicular—in the operation of a motor vehicle:
   (a) For a violation of section 18-4006 3. (a) or (b), Idaho Code, by a fine of not more than seven thousand dollars ($7,000), or by a sentence to the custody of the state board of correction not
exceeding seven (7) years, or by both such fine and imprisonment.
(b) For a violation of section 18-4006.3, Idaho Code, by a fine of not more than two thousand dollars ($2,000), or by a jail sentence not exceeding one (1) year, or by both such fine and jail sentence.

SECTION 20. It is legislative intent that any moneys that come to the state of Idaho as a result of the passage of this act, with its emphasis on the increased penalties for conviction of driving while under the influence, pursuant to the provisions of P.L. 97-364, shall be transferred, and distributed as follows, and any such amounts are hereby appropriated:
(1) One-third (1/3) of all such moneys shall be utilized by the department of law enforcement for traffic safety programs;
(2) One-third (1/3) of all such moneys shall be paid to the various counties, in the same manner as moneys are distributed to counties under the provisions of section 40-405(b)3., Idaho Code, for traffic safety programs; and
(3) One-third (1/3) of all such moneys shall be paid to the various cities which maintain a city police force, in the same manner as moneys are distributed to cities under the provisions of section 40-405(a), Idaho Code, for traffic safety programs.

Approved April 6, 1983.

CHAPTER 146  
(H.B. No. 358)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1315, IDAHO CODE, BY DEFINING THE REQUIREMENTS FOR THE EXCLUSION OF SERVICES PERFORMED BY ALIEN FARMWORKERS FROM THE DEFINITION OF AGRICULTURAL LABOR; AMENDING SECTION 72-1346, IDAHO CODE, BY EXTENDING AUTHORIZATION OF USE OF REED ACT CREDITS FROM 25 TO 35 YEARS FROM THE DATE SUCH MONEYS WERE FIRST CREDITED TO THIS STATE'S ACCOUNT; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1346A, IDAHO CODE, TO AUTHORIZE THE GOVERNOR TO REQUEST ADVANCES FROM THE FEDERAL UNEMPLOYMENT ACCOUNT, AND TO ESTABLISH A FEDERAL ADVANCE INTEREST REPAYMENT FUND TO PAY ANY INTEREST CHARGES INCURRED PURSUANT TO TITLE XII OF THE SOCIAL SECURITY ACT, AS AMENDED; REPEALING SECTION 72-1350, IDAHO CODE; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1350, IDAHO CODE, TO PROVIDE A FLEXIBLE WAGE BASE, TO ESTABLISH NEW SCHEDULES OF CONTRIBUTION RATES, TO PROVIDE THAT SCHEDULE VI WILL BE EFFECTIVE FOR CALENDAR YEAR 1983, THAT SCHEDULE VII WILL BE EFFECTIVE FOR CALENDAR YEAR 1984, AND THAT SCHEDULE VIII WILL BE EFFECTIVE FOR CALENDAR YEAR 1985, AND TO PROVIDE FOR THE ASSIGNMENT OF RATES AS ELIGIBLE AND STANDARD-RATED EMPLOYERS AND DEFICIT EMPLOYERS BY EXPERIENCE UNDER THE PROVISIONS OF SECTIONS 72-1319, 72-1319A AND 72-1351, IDAHO CODE, TO PROVIDE FOR
NOTICE TO EMPLOYERS OF THEIR CONTRIBUTION RATES, AND TO PROVIDE A
PROCEDURE FOR PROTESTING THE RATE ASSIGNMENT; AMENDING SECTION
72-1366, IDAHO CODE, TO PROVIDE THAT TO BE ELIGIBLE FOR UNEMPLOY-
MENT COMPENSATION, A CLAIMANT MUST APPLY FOR AVAILABLE SUITABLE
WORK, WHETHER OR NOT SUCH CLAIMANT IS DIRECTED TO DO SO BY A
REPRESENTATIVE OF THE DIRECTOR, TO PROVIDE THAT THE LONGER A
CLAIMANT HAS BEEN UNEMPLOYED THE MORE WILLING HE MUST BE TO SEEK
TYPES OF WORK OTHER THAN IN HIS ORDINARY OCCUPATION AND TO ACCEPT
WORK AT A LOWER RATE OF PAY, TO PROVIDE THAT A BENEFIT CLAIMANT
FOUND INELIGIBLE UNDER CERTAIN SUBSECTIONS OF THIS SECTION MUST
OBTAIN BONA FIDE WORK AND RECEIVE WAGES THEREOF OF AT LEAST
TWENTY TIMES HIS WEEKLY BENEFIT AMOUNT TO REESTABLISH HIS ELIGI-
BILITY, TO PROVIDE THAT A BENEFIT CLAIMANT CANNOT RECEIVE BENEFITS
IN A SECOND SUCCESSIVE BENEFIT YEAR UNLESS HE RECEIVED REMUNERA-
TION FOR SERVICES IN AN AMOUNT EQUAL TO FIVE AND ONE-HALF TIMES
HIS WEEKLY BENEFIT AMOUNT DURING HIS FIRST BENEFIT YEAR, AND TO
PROVIDE THAT INDIVIDUALS EMPLOYED AS NONPROFESSIONALS IN EDUCA-
TIONAL INSTITUTIONS WHO ARE DENIED BENEFITS BETWEEN SCHOOL TERMS
MAY RECEIVE RETROACTIVE PAYMENT OF COMPENSATION IF SUCH INDIVIDU-
ALS ARE NOT OFFERED AN OPPORTUNITY TO PERFORM SUCH SERVICES
FOLLOWING THE PERIOD BETWEEN SUCCESSIVE SCHOOL TERMS; AMENDING
SECTION 72-1367, IDAHO CODE, TO PROVIDE THAT WEEKLY BENEFIT
AMOUNTS WHICH ARE NOT IN AN EVEN DOLLAR AMOUNT SHALL BE COMPUTED
TO THE NEXT LOWER FULL DOLLAR AMOUNT, TO PROVIDE THAT TO BE ELI-
GIBLE FOR BENEFITS AN INDIVIDUAL SHALL HAVE AT LEAST ELEVEN HUN-
DRED FORTY-FOUR DOLLARS AND ONE CENT IN TOTAL WAGES FOR SERVICES
PERFORMED IN THE HIGH QUARTER OF HIS BASE PERIOD AND SHALL HAVE
TOTAL BASE PERIOD WAGES OF AT LEAST ONE AND ONE-HALF TIMES HIS
HIGH QUARTER WAGES, AND TO PROVIDE THAT THE MAXIMUM WEEKLY BENEFIT
AMOUNT WHICH BECAME EFFECTIVE ON JULY 1, 1982, SHALL REMAIN IN
EFFECT UNTIL JUNE 30, 1984, AND UNTIL JULY 1 OF SUCH YEAR WHEN THE
TRUST FUND HAS NOT BEEN BORROWING FOR TWO PRECEDING QUARTERS;
AMENDING SECTION 72-1369, IDAHO CODE, TO PROVIDE THAT OVERPAYMENTS
DUE TO NONFRAUD MAY BE COLLECTED FOR UP TO FIVE YEARS FROM THE
DATE OF THE FINAL DETERMINATION; DECLARING AN EMERGENCY AND PRO-
VIDING FOR RETROACTIVE APPLICATION OF SECTIONS 3, 4 AND 5.

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 indi-
vidual was in employment in each such day). For purposes of this sub-
section 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 when it is performed before January 1, 1982, 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, 1988, such labor must be included in calculating agricultural wages and agricultural labor as used in subsections (e)(1) and (2) of this section unless the individual is required to be covered by the federal unemployment tax act.

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

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

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

(i) 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.

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

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

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

SECTION 2. That Section 72-1346, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(c) Withdrawals. Moneys requisitioned by the director through the treasurer from this state's account in the unemployment trust fund shall be used exclusively for the payment of benefits and for refunds pursuant to the provisions of this act, except that money credited to this state's account pursuant to section 903 of the Federal Social Security Act, as amended, shall be used exclusively as provided in subsection (e) of this section. The director through the treasurer shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of such benefits and refunds for a reasonable future period. Upon receipt thereof such moneys shall be deposited in the benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, nor shall such expenditures require the approval of the state board of examiners. All warrants issued for the payment of benefits and refunds shall bear the signature of the director or his duly authorized agent for that purpose. Upon approval and agreement by and between the director and state auditor, amounts in the benefit account may be transferred to a revolving account established and maintained in a depository bank from which the director may issue checks for the payment of benefits and refunds in accordance with the provisions of this act, and for no other purpose. Moneys so transferred shall be deposited subject to the same requirements as provided with respect to moneys in the clearing and benefit accounts in this section, subdivision (b). Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account or revolving account referred to herein, after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits and refunds during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund, as provided in subsec-
(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b), and (c) of this section, to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys belonging to the employment security fund of this state shall be administered by the director as a trust fund for the purpose of paying benefits under this act, and the director shall have authority to hold, invest, transfer, sell, deposit, and release such moneys, and any properties, securities, or earnings acquired as an incident to such administration; provided, that such moneys shall be invested in accordance with the provisions of the State Depository Law; provided, further, that such investment shall be at all times made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits.

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

(1) Such money may not be obligated after the close of the two year period which began on the date of the enactment of the appropriation law; and

(2) The amount which may be obligated during any twelve (12) month period beginning on July 1 and ending on the next June 30 does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Federal Social Security Act, as amended, during the same twelve (12) month period and the twenty-third-four (234) preceding twelve (12) month periods, exceeds (ii) the aggregate of the amounts used pursuant to this subsection and charged against the amounts credited to the account of this state during any such twentythird-five (235) twelve (12) month periods. For the purposes of this subsection, amounts used during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for the administration of this act during any such twelve (12) month period may be charged against any amount cred-
SECTION 3. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1346A, Idaho Code, and to read as follows:

72-1346A. ADVANCES UNDER TITLE XII OF THE SOCIAL SECURITY ACT TO EMPLOYMENT SECURITY FUND -- FEDERAL ADVANCE INTEREST REPAYMENT FUND. (a) In the event the director determines that it is necessary to obtain an advance or advances from the federal unemployment account in the unemployment trust fund pursuant to title XII of the Social Security Act, as amended, and that a request for such an advance is authorized under section 1201 of the Social Security Act, as amended, or under any other act of congress extending such authority, the director shall request the governor to make application to the secretary of labor of the United States for such an advance.

(b) When so requested by the director, the governor is hereby authorized to make application to the secretary of labor of the United States to obtain an advance or advances pursuant to title XII of the Social Security Act, as amended. Funds so advanced shall be for the payment of unemployment insurance benefits.

(c) Any amount transferred to the employment security fund by the secretary of the treasury of the United States under the terms of any agreement entered into in accordance with the authority extended in this section shall be repaid from the employment security fund and as provided in section 1202 of the Social Security Act, as amended.

(d) There is hereby established in the state treasury a special fund to be known as the "Federal Advance Interest Repayment Fund." This fund shall consist of all moneys collected pursuant to subsection (e) of this section and interest earned upon any moneys in the fund. All moneys in the fund are hereby perpetually appropriated and made available to the director for the payment of interest on any advance made to this state pursuant to title XII of the Social Security Act, as amended, except that if at the end of any calendar year, all advances and interest have been repaid, any remaining balance in the fund shall be transferred to the employment security fund. Interest charges due and payable pursuant to section 1202 of the Social Security Act, as amended, shall be paid by the director from the federal advance interest repayment fund. Such expenditures shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, nor shall such expenditures require the approval of the state board of examiners. All moneys in the fund shall be mingled and undivided.

(e) A federal advance interest repayment tax shall be levied in accordance with the following provisions when required under paragraph (2):

(1) On the first day of the third month of a calendar quarter, the director shall:
(A) Estimate the interest payable on federal advances obtained under subsections (a) and (b) of this section;
(B) Estimate the amount of federal advance interest repay-
ment tax receipts expected to be collected during the quarter for any preceding calendar quarter in which such tax was assessed;
(C) Add the amount in the federal advance interest repayment fund on the last day of the immediately preceding calendar quarter to the estimate in paragraph (B) of this subsection; and
(D) Subtract the sum obtained in paragraph (C) from the estimate in paragraph (A) of this subsection.

(2) If the remainder obtained under paragraph (D) of subsection (e)(1) of this section is more than zero, each covered employer subject to this section shall be assessed a federal advance interest repayment tax. Such tax shall be a percentage of the contributions payable under sections 72-1349 and 72-1350, Idaho Code, for the calendar quarter, but in no case shall be less than one dollar ($1.00). The percentage shall be determined by dividing the remainder in paragraph (D) of subsection (e)(1) of this section by the estimated amount of contributions due and payable on wages paid during the quarter. The percentage shall be rounded up to the next one-tenth of a percent (0.1%).

(3) The tax assessed shall be collected and paid in accordance with such rules and regulations as the director may prescribe. All such taxes collected shall be deposited in the federal advance interest repayment fund, notwithstanding other provisions of this act to the contrary. Any such tax imposed in a calendar quarter shall be paid on or before the last day of the second month following the close of such calendar quarter. An extension of time for payment may be granted for good cause in accordance with section 72-1349(d), Idaho Code.

(4) If any covered employer fails to pay such tax on or before the date on which they are due and payable, such tax shall bear penalty at a rate of five dollars ($5.00) for each month or fraction thereof until paid; provided, that in no case shall the penalty exceed the actual amount of the tax due and payable. The date of payment shall be deemed the date of actual receipt by the director, or if mailed, the date of mailing. Penalties collected pursuant to this subsection shall be paid into the federal advance interest payment fund. Furthermore, if any employer becomes delinquent in making payment of the tax as required by this subsection, such employer shall be subject to the collection provisions in sections 72-1355 and 72-1360, Idaho Code.

(5) A covered employer may make application to the director for a refund or credit of any amount erroneously paid as tax under this subsection, such applications and the director's determinations regarding such applications to be made in accordance with the provisions of section 72-1357, Idaho Code.

(6) This section does not apply to covered employers eligible and electing the cost reimbursement payment method under sections 72-1349A, 72-1349B and 72-1349C, Idaho Code.

SECTION 4. That Section 72-1350, Idaho Code, be, and the same is hereby repealed.
SECTION 5. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1350, Idaho Code, and to read as follows:

72-1350. TAXABLE WAGE BASE AND CONTRIBUTION RATES. (a) All remuneration for personal services as defined in section 72-1328, Idaho Code, equal to the average annual wage in covered employment for the penultimate calendar year, rounded to the nearest multiple of six hundred dollars ($600), or the amount of taxable wage base specified in the federal unemployment tax act, whichever is higher, shall be the taxable wage base for purposes of this act.

(b) All covered employers, except those eligible and electing the cost reimbursement payment method, shall pay contribution rates as assigned annually by the director in accordance with the following, provided, however, and notwithstanding any other provision of the employment security law, for the calendar year 1983, the contribution rates for all covered experience-rated employers shall be determined in accordance with schedule VI, and for the calendar year 1984, the contribution rates for all covered experience-rated employers shall be determined in accordance with schedule VII, and for the calendar year 1985, the contribution rates for all covered experience-rated employers shall be determined in accordance with schedule VIII.

(c) The ratio of unencumbered balance in the employment security fund to the total wages reported by covered employers for the penultimate calendar year will determine the appropriate rate schedule for the calendar year 1983, and for each calendar year thereafter.

(d) The ratios at the top of each tax schedule in the tax table in subsection (f) of this section represent the minimum fund level required for a specific tax schedule to be in effect.

(e) Employer rates will be assigned with the rates provided in each schedule for eligible, standard-rated and deficit employers, based upon their experience as determined under the provisions of sections 72-1319, 72-1319A and 72-1351, Idaho Code.
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<th>Schedules of Contribution Rates</th>
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<tr>
<td>Minimum Ratio of Fund to Total Wages</td>
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<td>Cumulative Taxable Payroll Limits</td>
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<td>Equal to or Less Than (% of Total Payroll)</td>
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<td>Contribution Rates for Eligible Employers</td>
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<tr>
<td>Standard-Rated Employers:</td>
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<td>Cumulative Taxable Payroll Limits</td>
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(g) Each employer shall be notified of his rate of contribution as determined for any calendar year pursuant to this section and section 72-1351, Idaho Code. Such determination shall become conclusive and binding upon the employer, unless within fourteen (14) days after delivery or mailing of the notice thereof to his last known address, the employer files an application for redetermination, setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which has become final. The employer shall be promptly notified of the redetermination, which shall become final unless an appeal is filed within fourteen (14) days after delivery or mailing of notice to his last known address. Proceedings on the appeal shall be in accordance with the provisions of section 72-1361, Idaho Code.

SECTION 6. 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 consistent therewith, as the director may prescribe—
(1) 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 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 a training course to which he has been assigned by a representative of the director if the claimant has submitted with each claim a written certification from the training course that claimant is enrolled in and is attending and satisfactorily completing the training course. A claimant may be assigned to a training course under the following conditions:

(1) The claimant is lacking in skills which would make him competitive in the labor market and is in need of available training or retraining in skills required by demand occupations. A demand occupation is an occupation in which work opportunities are available and there is not a surplus of qualified applicants; and
(2) The claimant has been unemployed continuously for four (4) or more weeks and the lack of employment opportunities is expected to continue for an extended period of time, or if the claimant's occupation is one for which there is a seasonal variation in demand, that the lack of demand for his skills is the result of a decline in demand expected to continue for an extended period of time and is not the result of a seasonal fluctuation; and
(3) The training relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in claimant's market area and there is not a substantial surplus of workers with requisite skills in the occupation in that area; and
(4) The training course is one approved by a representative of the director and can be completed within one (1) year; and
(5) The training course is prescribed for the purpose of training claimant in skills that will allow him to obtain immediate employment in a demand occupation and is not primarily intended to meet the requirements of a degree from a college or university; and
(6) The claimant can be reasonably expected to complete the training successfully.

(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, otherwise eligible for benefits, shall not be eligible for any week in which he fails, without good cause, to attend a training course to which he has been assigned under the provisions of subsection (f) of this section, if such course is available at no cost to the claimant.

(hi) Notwithstanding any other provisions of this section, no individual who is otherwise eligible shall be denied benefits for any week because he or she is in training approved under section 236(a)(1) of the trade act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training; provided, the work left is not suitable employment, or because of the application to any such week in training of provisions in this law, or any applicable federal unemployment compensation law relating to availability for work, active search for work, or refusal to accept work. For purposes of this subsection, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the trade act of 1974, and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the trade act of 1974.

(ij) 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.

(jk) 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.

(rl) 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.
A benefit claimant shall not be entitled to benefits if his principal occupation is self-employment.

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 times twenty (20) times his weekly benefit amount.

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.

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 times five and one-half (5 1/2) times his weekly benefit amount established during the first benefit year.

(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 successive academic years, or during a similar period between two 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 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 indi-
individual will perform such services in the second of such school years or terms, except that if compensation is denied to any individual under this subparagraph and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this clause.

(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.

(qr) 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).

(rs) (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 7. 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 nine-hundred-ten eleven hundred forty-four dollars and one cent (§9144.01) 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) one-half (1 1/2) 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 state average weekly wage paid by covered employers for the preceding calendar year. Provided, however, and notwithstanding any provisions to the contrary, the maximum weekly benefit amount until June 30, 1984, shall remain the same as the maximum weekly benefit amount which became effective on July 1, 1982, and until July 1 of such year when the trust fund has not been borrowing for two (2) preceding quarters.

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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<tr>
<th>Ratio of Total Base Period Earnings to Highest Quarter Earnings</th>
<th>Full Weeks of Benefit Entitlement</th>
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<td>At Least</td>
<td>Less Than</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-should-be-computed-to-the-next-higher-multiple-of-a-dollar.

(e) Any amount of unemployment compensation payable to any individual for any week, if not an even dollar amount, shall be rounded to the next lower full dollar amount.

SECTION 8. 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 five (5) years from the date of the initial final 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 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.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, sections 3, 4 and 5 of this act shall be in full force and effect on and after passage and approval, and retroactively to April 1, 1983. The remaining sections of this act shall be in full force and effect on and after July 1, 1983.

Approved April 6, 1983.
A SCHEDULE OF PAYMENTS BY THE STATE BOARD OF EDUCATION OF THE GENERAL ACCOUNT APPROPRIATION FOR PUBLIC SCHOOL SUPPORT AND OTHER MONEYS ACCRUING TO THE PUBLIC SCHOOL INCOME FUND, AND TO PROVIDE FOR LEVY CERTIFICATIONS RESULTING FROM THE FAILURE TO TRANSFER THE FULL GENERAL ACCOUNT APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND BY TAKING INTO ACCOUNT THE FULL AMOUNT OF MONEYS RECEIPTED INTO THE PUBLIC SCHOOL INCOME FUND AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL MAKE THE REQUIRED CERTIFICATION AND NECESSARY CALCULATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1009, Idaho Code, as amended by House Bill No. 130, First Regular Session, Forty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1009. APPORTIONMENTS PAYMENTS 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 the fund for the preceding year, and it shall apportion to each school district that same ratio, but not to exceed forty percent on the fifteenth day of July and not to exceed twenty percent on the fifteenth day of October, of the apportionments received by any school district for the preceding school year.

a. Payments of the state general account appropriation for public school support shall be made each year by the state board of education to the public school districts of the state in five (5) payments. Payments to the districts shall be made not later than the fifteenth day of August, the first day of October, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. Each payment by the state board of education shall be approximately twenty percent (20%) of the total general account appropriation for the fiscal year.

b. Payments of moneys, other than the state general account appropriation, that accrue to the public school income fund shall be made by the state board of education to the school districts of the state on the fifteenth day of November, February, May and July each year. The total amount of such payments shall be determined by the state department of education and shall not exceed the amount of moneys available and on deposit in the public school income fund at the time such payment is made.

c. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4 of this section shall not be subject to this the limitation imposed by paragraphs a and b.

2. Payments made to the school districts in August, October and November are advance payments for the current year and will be based upon payments from the public school income fund for the preceding school year. Each school district shall receive its proportionate share of the advance payments in the same ratio that its total payment for the preceding year was to the total payments to all school dis-
districts for the preceding year.

32. 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 average daily attendance for the first semester of the then current school year. The factor will be used in apportionments payments of state funds in February and May.

As of the thirtieth day of June of each year the state board of education shall determine final apportionments payments 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. The apportionments July payments 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 payments distributed for the current fiscal year to the several school districts,

d. apportionments payments made or due for the transportation support program and the exceptional education support program.

37 The state board of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund as-of-the-fifteenth-day-of-July,-October,-February and-May; in each year, taking into account the advance made under subsection 32 of this section, in such amounts as will provide in full for each district its support program, and not more than therefor required, and no school district shall receive less than fifty dollars ($50.00).

4. If the full amount appropriated from the general account by the legislature is not transferred to the public school income fund by the end of the fiscal year, the deficiency resulting therefrom shall either be restored or reduced through a special transfer from the general account in the first sixty (60) days of the following fiscal year, or shall be calculated in computing district levies, and any additional levy shall be certified by the state board of education 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. If the deficiency is restored or reduced by special transfer, the amount so transferred shall be in addition to the amount appropriated to be transferred in such following fiscal year, and shall be apportioned to each school district in the same amount as each would have received had the transfer been made in the year the deficiency occurred. The board shall distribute to the school district the full amount of the special transfer as soon as practical after such transfer is made. In making the levy computations required by this subsection the state board of education shall take into account and consider the full amount of money received into the public school income fund from all sources for the given fiscal year. Deficits in the transfer of the appropriated amount of general account revenue to the public school income fund shall be reduced by the amount, if any, that the total amount received from other sources into the public school income fund exceeds the official estimated amount from those sources. The official
estimate of receipts from other sources shall be the total amount stated by the legislature in the appropriation bill.

5. 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 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.

6. 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. The payments shall be prior to the payment of funds from the public school income fund to the several school districts as provided herein.

SECTION 2. An emergency existing therefor, 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 6, 1983.

CHAPTER 148
(S.B. No. 1065, As Amended in the House)

AN ACT
RELATING TO GROUP HEALTH INSURANCE PURCHASED BY THE STATE OF IDAHO FOR ITS EMPLOYEES; AMENDING SECTION 67-5761, IDAHO CODE, TO ALLOW THE ADMINISTRATOR TO NEGOTIATE DEDUCTIBLES TO ANY GROUP INSURANCE CONTRACT, AND TO REPEAL THE REQUIREMENT THAT GROUP HEALTH CARE INSURANCE COVERAGES FOR STATE EMPLOYEES BE AT A LEVEL COMPARABLE TO THE COVERAGES IN EXISTENCE AS OF THE ORIGINAL EFFECTIVE DATE OF THE ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5761, Idaho Code, be, and the same is hereby amended to read as follows:

67-5761. 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 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. The administrator may negotiate deductibles to any group plan or coverage.

(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 2. An emergency existing therefor, 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 6, 1983.
AN ACT
RELATING TO CONSENT REQUIRED FOR ABORTIONS; AMENDING SECTION 18-609, IDAHO CODE, TO SPECIFY INFORMATION TO BE PROVIDED BY A PHYSICIAN TO ASSURE THAT CONSENT TO AN ABORTION IS INFORMED CONSENT, TO REQUIRE CERTAIN PRINTED MATERIALS TO BE PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 18-609, Idaho Code, be, and the same is hereby amended to read as follows:

18-609. PHYSICIANS AND HOSPITALS NOT TO INCUR CIVIL LIABILITY -- CONSENT TO ABORTION -- NOTICE. Any physician may perform an abortion not prohibited by this act and any hospital or other facility described in section 18-608, Idaho Code, may provide facilities for such procedures without, in the absence of actual negligence, incurring civil liability therefor to any person, including but not limited to the pregnant woman patient and the prospective father of the fetus to have been born in the absence of abortion, if informed consent for such abortion has been duly given by the pregnant woman and, if she be a married person at the time of conception or at any time during the pregnancy, and that fact is actually known by the physician; and, if the said husband has not abandoned her, then by the said husband as well; provided that, in obtaining a valid consent for the performance of such an abortion, the physician shall not be required to possess or claim special expertise but shall, nonetheless, and in his best judgment, advise and counsel such pregnant woman or her husband regarding such matters as possible emotional or psychological consequences of the abortion; the probable health or characteristics of the child otherwise to be born of such pregnancy; the likelihood of such woman becoming pregnant again or of the husband or prospective father again fathering a child, and provided further, if the abortion be within the provisions of patient.

(2) In order to provide assistance in assuring that the consent to an abortion is truly informed consent, the director of the department of health and welfare shall publish, after consultation with interested parties, easily comprehended printed material to be made available at the expense of the physician, hospital or other facility providing the abortion, and which shall contain the following:

(a) Descriptions of the services available to assist a woman through a pregnancy, at childbirth and while the child is dependent, including adoption services, a comprehensive list of the names, addresses, and telephone numbers of public and private agencies that provide such services and financial aid available;
(b) Descriptions of the physical characteristics of a normal fetus, described at two (2) week intervals, beginning with the fourth week and ending with the twenty-fourth week of development.
accompanied by scientifically verified photographs of a fetus during such stages of development. The description shall include information about physiological and anatomical characteristics, brain and heart function, and the presence of external members and internal organs during the applicable stages of development; and

(c) Descriptions of the abortion procedures used in current medical practices at the various stages of growth of the fetus and any reasonable foreseeable complications and risks to the mother, including those related to subsequent child bearing.

(3) No abortion shall be performed unless, prior to the abortion, the attending physician or the attending physician's agent (i) confirms or verifies a positive pregnancy test and informs the pregnant patient of a positive pregnancy test, and (ii) certifies in writing that the materials provided by the director of the department of health and welfare have been provided to the pregnant patient, if reasonably possible, at least twenty-four (24) hours before the performance of the abortion. If the materials are not available from the director of the department of health and welfare, no certification shall be required. The attending physician, or the attending physician's agent, shall provide any other information required under this act. In addition to providing the material, the attending physician may provide the pregnant patient with such other information which in the attending physician's judgment is relevant to the pregnant patient's decision as to whether to have the abortion or carry the pregnancy to term.

(4) If the attending physician reasonably determines that due to circumstances peculiar to a specific pregnant patient, disclosure of the material is likely to cause a severe and long lasting detrimental effect on the health of such pregnant patient, disclosure of the materials shall not be required. Within thirty (30) days after performing any abortion without certification and delivery of the materials, the attending physician, or the attending physician's agent, shall cause to be delivered to the director of the department of health and welfare, a report signed by the attending physician, preserving the patient's anonymity, which explains the specific circumstances that excused compliance with the duty to deliver the materials. The director of the department of health and welfare shall compile the information annually and report to the public the total number of abortions performed in the state where delivery of the materials was excused; provided that any information so reported shall not identify any physician or patient in any manner which would reveal their identities.

(5) If section 18-608(3), Idaho Code, applies to the abortion to be performed and either the pregnant woman or the said husband of the patient is for any reason unavailable or unable to give a valid consent therefor, the requirement for that person's pregnant patient's consent shall be met as provided required by law for other medical or surgical procedures and shall be determined in consideration of the desires, interests, wishes and welfare of the pregnant patient.

(2 6) In addition to the requirements of subsection (1) of this section, if the woman pregnant patient is an unmarried woman and under eighteen (18) years of age or unemancipated, the physician shall provide notice, if possible, of the pending abortion to the parents or
legal guardian of the woman pregnant patient at least twenty-four (24) hours prior to the performance of the abortion.

(7) If any one or more the subsection or provisions of this section, or the application thereof to any person or circumstance, shall ever be held by any court of competent jurisdiction to be invalid, the remaining provisions of this section and the application thereof to persons or circumstances other than those to which it is held to be invalid, shall not be affected thereby, it being the intention of the legislature to enact the remaining provisions of this section notwithstanding such invalidity.

Approved April 6, 1983.

CHAPTER 150
(S.B. No. 1170)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 201, LAWS OF 1982; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 2, Chapter 201, Laws of 1982, there is hereby appropriated to the Department of Agriculture for the Animal Industry Program, the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

FOR:
Personnel Costs
FROM:
Livestock Disease Control and T.B. Indemnity Account

$50,000
$50,000

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 April 6, 1983.

CHAPTER 151
(S.B. No. 1163)

AN ACT
RELATING TO ELECTION CAMPAIGN EXPENDITURE REPORTING; AMENDING SECTION 67-6608, IDAHO CODE, TO STRIKE REQUIREMENTS FOR FILING QUARTERLY REPORTS AND TO REQUIRE AN ANNUAL REPORT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6608, Idaho Code, be, and the same is hereby amended to read as follows:

67-6608. DISPOSITION OF UNEXPENDED BALANCES. (a) If a statement filed under paragraph (4) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate or political committee shall continue to make file annual reports on the tenth day of the months of January 31, April, July, and October, unless such day falls within the reporting periods covered by statements filed pursuant to section 67-6607, Idaho Code, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

(c) A political committee which is organized after an election shall file reports required by subsection (a) of this section.

Approved April 6, 1983.

CHAPTER 152
(S.B. No. 1011)

AN ACT
RELATING TO JOINT OPERATION OF PORTS OF ENTRY WITH CONTIGUOUS STATES; AMENDING CHAPTER 1, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-146, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION DEPARTMENT TO ENTER INTO AGREEMENTS WITH CONTIGUOUS STATES FOR OPERATION OF JOINTLY OCCUPIED PORTS OF ENTRY FOR THE COLLECTION OF USE FEES AND THE ENFORCEMENT OF SIZE AND WEIGHT LIMITS.

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

SECTION 1. That Chapter 1, 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 40-146, Idaho Code, and to read as follows:

40-146. JOINT OPERATION OF PORTS OF ENTRY. The Idaho department of transportation may negotiate and enter into bilateral agreements with designated representatives of other contiguous states. The agree-
ments may provide for the manning and operation of jointly occupied ports of entry, for the collection of highway user fees, registration fees and taxes which may be required by law, rule and regulation. The agreements may further provide for the collection of these fees and taxes by either party state at jointly occupied ports of entry before authorization is given for vehicles to legally operate within that state or jurisdiction, and for the enforcement of safety, size and weight laws, rules or regulations of the respective states.

Approved April 6, 1983.

CHAPTER 153
(S.B. No. 1096, As Amended, As Amended in the House)

AN ACT
RELATING TO THE IDAHO BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4101, IDAHO CODE, TO PROVIDE ADDITIONAL LEGISLATIVE INTENT; AMENDING SECTION 39-4105, IDAHO CODE, TO REDEFINE CERTAIN DEFINITIONS; AMENDING SECTION 39-4106, IDAHO CODE, TO CHANGE THE NUMBER AND COMPOSITION OF THE BOARD AND FREQUENCY OF MEETING; AMENDING SECTION 39-4107, IDAHO CODE, TO GRANT ADDITIONAL POWERS; AMENDING SECTION 39-4108, IDAHO CODE, TO REQUIRE CERTIFICATION EVERY THREE YEARS AND TO PROVIDE FEES; AMENDING SECTION 39-4109, IDAHO CODE, TO MAKE CERTAIN ADDITIONS AND DELETIONS OF UNIFORM CODES CURRENTLY IN EFFECT; AMENDING SECTION 39-4110, IDAHO CODE, TO CHANGE A REFERENCE AND MAKE A DELETION; AMENDING SECTION 39-4111, IDAHO CODE, TO REMOVE THE PERMIT REQUIREMENT FOR MOBILE HOMES; AMENDING SECTION 39-4112, IDAHO CODE, TO CORRECT A REFERENCE; AMENDING SECTION 39-4113, IDAHO CODE, TO CHANGE A REFERENCE, TO STRIKE REFERENCE TO MOBILE HOMES, TO ELIMINATE THE REQUIREMENT TO CHECK CERTAIN PLANS AND TO REQUIRE A REVIEW OF PLANS; AMENDING SECTION 39-4114, IDAHO CODE, TO STRIKE REFERENCE TO INSPECTIONS; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE PROCEDURES FOR LOCAL JURISDICTIONS TO OPT INTO OR OUT OF COMPLIANCE REQUIREMENTS; REPEALING SECTIONS 39-4118 AND 39-4119, IDAHO CODE; AMENDING SECTION 39-4120, IDAHO CODE, TO STRIKE REFERENCE TO THE LOCAL APPEALS BOARD; AND REPEALING SECTION 39-4123, IDAHO CODE.

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

SECTION 1. That Section 39-4101, Idaho Code, be, and the same is hereby amended to read as follows:

39-4101. LEGISLATIVE FINDING AND INTENT. (1) Uniformity of building codes and uniformity in procedures for enforcing building codes throughout the nation and state are matters of nationwide and statewide concern and interest, in that uniformity would enhance elimination of obsolete, restricting, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of
installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

The legislature also finds that the factory production of housing and other buildings presents unique problems with respect to uniformity of codes and inspections throughout this state and nation.

(2) It is the intent of the legislature to:
   (a) Promote the health, safety and welfare of the occupants or users of buildings and structures and the general public;
   (b) Require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety;
   (c) Require standards and requirements in terms of performance, energy efficiency, effect upon construction costs and consistency with nationally accepted standards;
   (d) Permit the use of modern technical methods, devices and improvements; and
   (e) Provide for a uniform interpretation of the building and safety codes for the state of Idaho.

SECTION 2. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Director" means the director of the department of labor and industrial services for the state of Idaho.

(2) "Department" means the department of labor and industrial services of the state of Idaho.

(3) "Board" means the Idaho building code advisory board, herein created.

(4) "Person" means a natural person, corporation, partnership, trust, society, club, association, or other organization.

(5) "Building" means a combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.

(6) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building (other than in-kind), or the installation of equipment therein normally a part of the structure.

(7) "Equipment" means facilities or installations including, but not limited to, heating, ventilating, air conditioning, and refrigerating facilities or installations, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.

(8) "Local inspection agency" means the agency or agencies of local government with authority to make inspections of buildings and to enforce the codes, laws, rules and regulations of the state of Idaho which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings.

(9) "Local government" means any city or county of this state.

(10) "Manufactured building" means any building or building
component, other than a mobile home, which is constructed according to standards contained in the Uniform Building Code, as adopted or any amendments thereto, which is of closed construction and which is made or assembled in manufacturing facilities; on or off the building site; for installation; or assembly and installation; on and is either entirely or substantially prefabricated or assembled at a place other than the building site.

(11) "Building site" means any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.

(12) "Closed construction" means any manufactured building; or building component;--assembly-or-system-manufactured-in-such-a-manner that-all-concealed-parts-or-processes-of-manufacture--cannot--be inspected--before--installation--at-the--building--site--without disassembly;--damage-or-destruction which may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(13) "Commercial coach" means a factory-assembled-structure manufactured building equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.

(14) "Mobile Manufactured home" (formerly mobile home) means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and or is thirty-two-(32) forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq.

(15) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth-wheel camper, and motor home.

"Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

"Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Travel trailer or fifth-wheel camper" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not
to require special highway movement permits when drawn by a motorized
vehicle, and with a living area of less than two hundred twenty (220)
square feet, excluding built-in equipment (such as wardrobes, closets,
cabinets, kitchen units or fixtures) and bath and toilet rooms.

"Truck camper" means a portable unit constructed to provide tempo­
rary living quarters for recreational, travel or camping use, consist­
ing of a roof, floor, and sides, designed to be loaded onto and
unloaded from the bed of a pick-up truck.

(16) "Temporary facility" means a structure designed and con­
structed to service actual construction projects and which is com­
pletely removed upon completion of the project. This structure shall
not be a place of employment or human habitation, and does not include
those temporary structures used for the protection of the public
around and in conjunction with construction work.

(17) "Human habitation," when used in respect to temporary
facilities, means a space in a structure for living, sleeping, eating
or cooking. Bathrooms, toilet compartments, storage or utility space
and similar areas are not considered space for human habitation.

(18) "Telecommunications facilities" means all wires, cables,
equipment, apparatus or other installations necessary to furnish ser­
vice, by which there is accomplished or may be accomplished, the
sending or receiving of information, data, message writing signs,
signals, pictures, and sounds of all kinds, by aid of such wires,
cables, equipment, apparatus or other installations, but shall not
include the habitable structure in which such telecommunications
facilities are housed.

(19) "Farm" means an agricultural unit of five (5) acres or more.

SECTION 3. 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
two (52) members of the general public; one (1) of which can be a
fire official; one (1) registered engineer or licensed architect; one
(city) local building inspector; one-(1)--material-supplier; one-(1)
licensed-architect; one (1) homebuilder or general contractor; 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 or recreational vehicle
industry; --provided--that--no-two-(8)--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)--years;--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. Board members shall be appointed for a term of four
(4) years. Three (3) consecutive failures by a member to attend meet­
ings 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 meet­
ing 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. 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 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
biannually.

SECTION 4. That Section 39-4107, Idaho Code, be, and the same is
hereby amended to read as follows:

39-4107. POWERS AND DUTIES. (1) The board shall determine the
suitability of alternate materials and methods of construction.

(2) The board shall function as a board of appeals and shall pro­
vide for reasonable interpretations of the provisions of the codes
enumerated in this act.

(3) The decisions of the board shall, in respect to code inter­
pretations, be final, and the board shall render all decisions and
findings in writing to the appropriate enforcement official and
agency, the appellant, and the director within ten (10) days of the
conclusion of a hearing.

(4) For each appeal brought before the board, the chairman shall
appoint not less than three (3) members of the board to hear the
appeal and render a decision and finding in the name of the board,
provided at least one (1) member of which shall be a public member.

(5) The board shall continually study the operation of adopted
codes, standards, rules and regulations relating to the construction
of buildings to ascertain their effect upon the public safety and sup­
port an ongoing effort to promote the uniform adoption, application
and interpretation of safety and building codes statewide.

(6) The board shall adopt the latest changes to the codes enumer­
ated in this act, and shall recommend to the director such amendments
deemed necessary for the safety of the public. Such amendments shall
be promulgated only after public hearings on the subject amendments.

(7) The board shall utilize experts, consultants, and technical
advisors for assistance and recommendations relative to codes, stan­
dards, and appeals.

SECTION 5. That Section 39-4108, Idaho Code, be, and the same is
hereby amended to read as follows:

39-4108. CERTIFICATION -- DURATION -- FEES -- RENEWAL -- REVOCATION OR SUSPENSION -- HEARINGS. (1) The board is hereby authorized and empowered to conduct examinations and to pass upon the qualifications
of state and local government inspectors, and the director is hereby authorized and empowered to grant and issue certificates of competency to such applicants as are found to be qualified by the board to be engaged as building code inspectors. All certificates issued hereunder shall not be transferable.

(2) All certificates shall bear the date of issue, the expiration date, and shall expire on the first day of January next three (3) years following the date of issue, unless renewed as provided in this act.

(3) All applicants shall pay to the director at the time of application for examination, a fee of ten twenty-five dollars ($1025.00).

(4) Certification once issued under this act, unless revoked or suspended as herein provided, may be renewed at any time during the month of December next on the third year following its issuance on the payment of the renewal fee of five fifteen dollars ($15.00), and any certification which has expired may be renewed at any time within one (1) year from the first day of January next following its issuance, by payment of the examination fee.

(5) The director shall have the power to revoke or suspend any certification if the same was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has wilfully violated any of the rules and regulations prescribed by said director or as prescribed by this act; provided before any certification shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said director. The provisions of chapter 52, title 67, Idaho Code, shall apply to all cases of revocation or suspension of certification.

(6) The director shall have power to appoint, by an order in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the director shall be based on his examination of the testimony taken and the records produced. Any person whose certification has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for new certification.

SECTION 6. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. ADOPTION OF CODES. The following codes are hereby adopted for the state of Idaho:


(b) The 1982 Uniform Building Code, published by the International Conference of Building Officials, and appendices thereto, excepting appendices chapter 1 as it relates to existing buildings, chapter 11 as it relates to agricultural buildings and structures, chapter 12 as it relates to group R division 3 occu-
pances, chapter 35 as it relates to sound transmission control, and chapter 70 as it relates to excavation and grading;

(2) The Uniform Housing Code, 1973, published by the International Conference of Building Officials;


(4) The Uniform Mechanical Code, 1973, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;


(6) Scheme for the Identification of Piping Systems, ASA A13.1-1956, published by the American Society of Mechanical Engineers; and shall be applicable to public and private hospitals;


(106) National Fire Protection Association Code numbers 501B-1974 (ANSI A119.1), and 501C-1974 (ANSI A119.2), and the accepted engineering practice standards therein, for compliance by the mobile home and recreational vehicle industry, published by the National Fire Protection Association; and

(117) National Fire Protection Association Code numbers 501A-1974, and 501D-1974, published by the National Fire Protection Association; and

(112) National Fire Protection Association Code number 54-1974 (ANSI A119.1), and the appendices thereto, as it pertains to natural gas and National Fire Protection Association number 59A-1972, both published by the National Fire Protection Association; these codes shall not be applicable to gases produced as a by-product internal to the process of manufacture.

SECTION 7. That Section 39-4110, Idaho Code, be, and the same is hereby amended to read as follows:

39-4110. PROPOSAL AND ADOPTION OF NEW STANDARDS -- COMMERCIAL COACHES -- FOAMED PLASTICS. (1) The board may propose new standards and requirements which apply to buildings and the director may adopt such standards and requirements if:

(a) The adoption will not substantially reduce uniformity of building regulations; and

(b) Such adoption does not discriminate against particular technologies, techniques and materials, unless such is necessary
for the safety of the public.

(2) The board shall propose construction codes and standards for commercial coaches and the director shall adopt such codes and standards and such rules and regulations deemed necessary for the enforcement thereof for commercial coaches. Such codes and standards shall be applicable to all commercial coaches manufactured after January 1, 1976.

(3) The board shall propose codes and standards for foamed plastics and the director shall adopt such codes and standards and such rules and regulations deemed necessary for the enforcement thereof for foamed plastics. Such codes and standards shall include the requirements for either an International Conference of Building Officials Research Committee recommendation or the submission of sufficient technical data to substantiate compliance with section 17172 of the Uniform Building Code regarding the uses of foamed plastics in or on walls and ceilings of all structures, and shall also include all uses in mobile-homes, recreational vehicles and commercial coaches.

(4) All adoptions of codes and standards under this section shall be in conformity with the provisions of chapter 52, title 67, Idaho Code.

SECTION 8. That Section 39-4111, Idaho Code, be, and the same is hereby amended to read as follows:

39-4111. PERMITS REQUIRED. It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure, coming under the purview of this act, in the state of Idaho without first procuring a permit from the appropriate agency authorizing such work to be done.

For the purposes of permit requirements for mobile-homes, recreational vehicles, commercial coaches and manufactured buildings, a single permit covering all aspects of construction shall be issued by the director.

SECTION 9. That Section 39-4112, Idaho Code, be, and the same is hereby amended to read as follows:


SECTION 10. That Section 39-4113, Idaho Code, be, and the same is hereby amended to read as follows:

39-4113. PLAN CHECKING -- MAXIMUM FEES. (1) Notwithstanding the provisions of section 3012(b)4, Uniform Building Code, 1973, the board may require the submission of plans and specifications with the application for a building permit. Plan checking, if required, shall be accomplished prior to the issuance of a permit, and the director shall establish a program for total plan checking and permit issue entirely within the safety inspection division of the department. The
requirement--for--submission-of-such-plans-and-specifications-shall-be
optional-for-local-governments-who-enforce-the-provisions-of-this-act.

(2) Notwithstanding-the-provisions-of-paragraph-B,-section-303;
Uniform--Building-Code,-1973,-the-plan-checking-fee-for-buildings-with
"U1"-and-"U2"-occupancy-shall-not-exceed-fifty-per-cent-(50%)--of--the
permit--fee.--The--plan-checking-fee-for-all-other-buildings-shall-not
exceed-sixty-five-per-cent-(65%)-of-the-permit-fee Plan review fees
shall be as required by section 304(b), Uniform Building Code, 1982.

(3) Each manufacturer of mobile--homes, recreational vehicles,
commercial coaches and manufactured buildings shall submit the build­
ing plans for every model of such structure to the director for the
purpose of inspection—the director—shall—cause-such-plans-to-be
checked-for—all—structural,—electrical—and—plumbing—requirements
review. The manufacturer must certify that each such building plan
meets the appropriate construction and safety standards in force at
that time before the model involved is produced.

SECTION 11. That Section 39-4114, Idaho Code, be, and the same is
hereby amended to read as follows:

39-4114. INSPECTION FEES. In all instances where the department
enforces the codes enumerated in this act, the director shall estab­
lish and charge a reasonable and uniform schedule of fees therefor,
which shall not exceed the expenses of providing such inspection ser­
vice.

SECTION 12. That Section 39-4116, Idaho Code, be, and the same is
hereby amended to read as follows:

39-4116. ENFORCEMENT -- ASSISTANCE. (1) Local governments may,
effective July 1 of any year, by affirmative action by resolution or
ordinance taken by the governing board of a local government, prior to
December 31 of the previous year, comply with the codes enumerated in
this act, and such codes, rules and regulations promulgated pursuant
to this act, and such inspection and enforcement may be provided by
the local government, or may be provided by the department if such
local government opts to comply with the provisions of this act but
not to provide such inspection and enforcement, except that the
department shall retain jurisdiction of inspection and enforcement of
construction standards enumerated in section 39-4109(10), Idaho Code,
for mobile homes and recreational vehicles, and for inspection and
enforcement of construction standards for manufactured buildings and
commercial coaches, whether or not a local government opts to comply
with the other provisions of this act. Any decision to comply with
the provisions of this act must be communicated to the director in writ­
ing, and compliance must be for an entire year commencing July 1. The
minimum codes a local government must adopt in order to opt into this
act are the latest editions of the Uniform Building Code and the Uniform
Mechanical Code. The remaining codes enumerated in the act are
optional as to whether or not the local government wishes to adopt
them.

(2) All building code inspectors, including those of local
governments which have opted to comply with the provisions of this
act, shall be certified as provided by section 39-4108, Idaho Code.

(3) The department may contract to assist a local government in such matters as technical assistance, code interpretation, education, training, personnel, and information and dissemination of information and statistics.

(4) The department may conduct or sponsor pre-entry and in-service education and training programs on the technical, legal, and administrative aspects of building code administration and enforcement. For this purpose, it may cooperate and contract with educational institutions, local, state, regional or national building officials' organizations, and any other appropriate organization.

(5) Local governments who do not want to opt into the act may at any time of the year contract with the department of labor and industrial services to administer the building code enforcement program for them. The terms of such a contract shall be negotiated between the local unit of government and the director.

SECTION 13. That Sections 39-4118 and 39-4119, Idaho Code, be, and the same are hereby repealed.

SECTION 14. That Section 39-4120, Idaho Code, be, and the same is hereby amended to read as follows:

39-4120. APPEALS. (1) The board shall, within twenty (20) days after receipt of notice for an appeal, hear such appeals brought before it by persons affected by any code, rule, regulation or decision pursuant to this act; provided, such appeals shall be heard only after the appellant has received a decision from the local appeals board; if any, as provided for in section 39-4119, Idaho Code. An appeal from a determination by a local appeals board may be taken directly to the state board, as provided for in section 39-4119, Idaho Code. An appeal from a determination by a local appeals board may be taken directly to the state board, provided such appeal is filed with the state board within ten (10) days from the date of decision by a local appeals board. Final decision by the board, other than code interpretations, are reviewable upon appeal to the district court in the county wherein the person praying for the appeal is a resident, or in the county of Ada, and shall be heard de novo.

(2) Appeals of board decisions shall be in such form and manner as provided by the Idaho rules of civil procedure.

SECTION 15. That Section 39-4123, Idaho Code, be, and the same is hereby repealed.

Approved April 6, 1983.
VIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES; TO PROVIDE DEFINITIONS; TO PROVIDE FOR CONSISTENCY WITH FEDERAL LAW; TO PROVIDE FOR RULES AND REGULATIONS IN GENERAL; TO PROVIDE FOR GENERAL POWERS AND DUTIES OF THE DIRECTOR; TO PROVIDE FOR IDENTIFICATION OF HAZARDOUS WASTES; TO PROHIBIT UNAUTHORIZED TREATMENT, STORAGE, RELEASE OR DISPOSAL OF HAZARDOUS WASTES; TO PROVIDE PERMIT REQUIREMENTS; TO PROVIDE FOR RULES REGULATING TRANSPORTATION OF HAZARDOUS WASTE; TO PROVIDE FOR RECORDS, REPORTING AND MONITORING; TO PROVIDE FOR INSPECTION AND ENTRY; TO PROVIDE ADMINISTRATIVE AND CIVIL ENFORCEMENT PROCEDURES; TO PROVIDE FOR REMEDIES; TO PROVIDE THAT VIOLATIONS CONSTITUTE MISDEMEANORS; TO PROVIDE FOR CITIZENS' SUITS; TO PROVIDE FOR THE HAZARDOUS WASTE EMERGENCY ACCOUNT; TO PROVIDE FOR LOCAL GOVERNMENT NOTICE; TO PROVIDE FOR INTERSTATE COOPERATION; TO PROVIDE FOR EMPLOYMENT SECURITY; TO PROVIDE FOR GOOD SAMARITAN PROTECTION; AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 44, Title 39, Idaho Code, and to read as follows:

CHAPTER 44
HAZARDOUS WASTE MANAGEMENT

39-4401. SHORT TITLE. This act may be known and cited as the "Hazardous Waste Management Act of 1983."

39-4402. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature of the State of Idaho finds:
(a) That continuing technological progress, increases in manufacturing, and the abatement of air and water pollution have resulted in ever-increasing quantities of hazardous waste;
(b) That the public health and safety, and the environment, are threatened when hazardous wastes are not managed in an environmentally sound manner;
(c) That the knowledge and technology necessary for alleviating adverse health, environmental and aesthetic impacts resulting from current hazardous waste management and disposal practices are generally available; and,
(d) That the problem of proper management of hazardous waste has become a matter of great statewide concern.
(2) Therefore, it is hereby declared that the purposes of this act are:
(a) To protect the public health and safety, the health of living organisms, and the environment from the effects of the improper, inadequate, or unsound management of hazardous waste;
(b) To establish a program to track and control hazardous wastes from the time they are generated through transportation, treatment, storage, and disposal; and,
(c) To assure the safe and adequate management of hazardous
wastes within this state.

39-4403. DEFINITIONS. As used in this chapter:
(1) "Board" means the Idaho board of health and welfare.
(2) "Department" means the Idaho department of health and welfare.
(3) "Director" means the director of the Idaho department of health and welfare or the director's authorized agent.
(4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
(5) "Generator" means any person, who by virtue of ownership, management, or control, is responsible for causing or allowing to be caused the creation of a hazardous waste.
(6) "Hazardous waste" means a waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:
(a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illnesses; or
(b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the Federal Water Pollution Control Act, as amended, 33 U.S.C., Section 1251 et seq., or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C., Section 2011 et seq.
(7) "Hazardous waste management" means the systematic control of the collection, source separation, storage, treatment, transportation, processing, and disposal of hazardous wastes.
(8) "Hazardous waste facility or site" means any property, structure, or ancillary equipment intended or used for the transportation, treatment, storage or disposal of hazardous wastes.
(9) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste identification code(s), and destination of hazardous waste during any transportation from the point of generation to the point of treatment, storage or disposal.
(10) "Person" means any individual, association, partnership, firm, joint stock company, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency, or instrumentality, or any other legal entity which is recognized by law as the subject of rights and duties.
(12) "Storage" means the containment of hazardous wastes, on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous wastes.

(13) "Transportation" means the movement of any hazardous waste to or from a hazardous waste facility or site.

(14) "Transporter" means any person who transports a hazardous waste to or from a hazardous waste facility or site.

(15) "Treatment" means any method, technique, or process, including neutralization, which is designed not to be an integral part of a production process, but which is rather designed to change the physical, chemical, or biological character or composition of any hazardous waste prior to storage or final disposal so as to neutralize such waste or so as to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(16) "Waste" means any solid, semisolid, liquid or contained gaseous material for which no reasonable use or reuse is intended or which is intended to be discarded.

39-4404. CONSISTENCY WITH FEDERAL LAW. The legislature intends that the state of Idaho enact and carry out a hazardous waste program that will enable the state to assume primacy over hazardous waste control from the federal government.

The legislature finds that the RCRA, as amended, 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto, establish complex and detailed provisions for regulation of those who generate, transport, treat, store, and dispose of hazardous wastes. The legislature cannot conveniently or advantageously set forth in this chapter all the requirements of all of the regulations which have been or will be established under RCRA. However, by the provisions of this chapter, the legislature desires to avoid the existence of duplicative, overlapping or conflicting state and federal regulatory systems.

Therefore, the board is directed to promulgate rules and regulations which are in substance consistent with federal regulations adopted by the administrator of the United States environmental protection agency to implement RCRA. The board may not promulgate rules or regulations governing activities affected by such federal regulations until at least six (6) months after the promulgation of such regulations by the environmental protection agency. The six (6) months' delay shall apply, but not be limited, to rules and regulations concerning mining waste, mineral processing waste, and all other materials under study by the administrator of the environmental protection agency as required by 42 U.S.C. sections 6982(f) and 6982(p). Until such time as the board has promulgated rules and regulations concerning mining and mineral wastes and materials under study by the administrator, those wastes and materials shall not be considered or defined as hazardous wastes under this chapter. Farmers and ranchers who treat, store, or dispose of waste pesticides from their operations on lands owned or controlled by them shall not be required by board rules or regulations to do anything more than follow the instructions
on the pesticide label and triple rinse empty containers in accordance with the RCRA regulations of the environmental protection agency. The board may not promulgate any rule or regulation that would impose conditions or requirements more stringent or broader in scope than the RCRA regulations of the environmental protection agency. The board may, however, promulgate procedural rules and regulations and rules and regulations specifically authorized by this chapter or other state statutes without showing that those rules and regulations are required by RCRA or the regulations of the environmental protection agency; provided that those rules and regulations shall not conflict with this section, other sections of this chapter, RCRA, or the rules and regulations of the environmental protection agency. Any rule or regulation promulgated by the board shall be valid until it is repealed or modified through the administrative process of section 67-5201, Idaho Code, et seq.

39-4405. RULES AND REGULATIONS IN GENERAL. Pursuant to the procedures established by the Idaho administrative procedures act, chapter 52, title 67, Idaho Code, the board shall adopt such rules and regulations as are necessary and feasible for the management of the post generation handling, collection, transportation, treatment, storage, and disposal of hazardous wastes within the state. The rules and regulations promulgated by the board shall be a part of this code and shall have the force and effect of law. Such rules and regulations shall include, but not be limited to:

1. Criteria for the determination of whether any waste or combination of wastes is hazardous for the purposes of this chapter;
2. Rules and regulations for those who generate, transport, treat, store, or dispose of hazardous wastes;
3. Rules and regulations, consistent with those issued by the United States environmental protection agency and the United States department of transportation, for containerization, labeling and manifesting of hazardous wastes;
4. Rules and regulations specifying the terms and conditions under which the department shall issue, modify, suspend, revoke, or deny such permits as shall be required by this chapter;
5. Lists of those wastes or combinations of wastes which are not compatible and which may not be stored or disposed of together;
6. Procedures and requirements for the reporting of the generation, transportation, treatment, storage or disposal of hazardous wastes;
7. Rules and regulations establishing standards and procedures for the training of personnel at generation sites and at hazardous waste facilities and sites.

39-4406. GENERAL POWERS AND DUTIES OF DIRECTOR. The director:
1. Shall take all actions not inconsistent with this chapter as are necessary and feasible to enable the department to assume and continue primacy over hazardous waste management, pursuant to the RCRA as amended, 42 U.S.C., Sections 6901-6987;
2. May conduct and publish studies of hazardous waste management in this state;
3. Shall develop, publish, and revise as necessary a plan for
the safe and effective management of hazardous wastes within this state. Such a plan may identify those locations in the state which are not suitable for the establishment of hazardous waste treatment or disposal facilities or sites;

(4) Shall exercise all powers and discharge all duties expressed in or implied from the other sections of this chapter.

39-4407. IDENTIFICATION OF HAZARDOUS WASTES. (1) The board shall establish criteria for determining if any waste or combination of wastes is hazardous or nonhazardous, for the purposes of this chapter. Any waste which meets the hazardous waste criteria established by the board shall be considered a hazardous waste regardless of whether or not it is included by the board in a list of hazardous wastes.

(2) The board may adopt, and amend from time to time a list or lists of hazardous wastes. The board may, with public notice but without the necessity of a public hearing, list as hazardous any waste or combination of wastes determined to be hazardous by the United States environmental protection agency.

39-4408. UNAUTHORIZED TREATMENT, STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS WASTE PROHIBITED. No person shall treat or store hazardous waste, nor shall any person discharge, incinerate, release, spill, place, or dispose any hazardous waste in such a manner that the waste, or any constituent thereof, may enter the environment, unless the department has issued said person a permit or a variance as required for the specific activity involved or exempted the activity from permit requirements.

39-4409. PERMIT REQUIREMENTS FOR HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES. (1) No person shall construct, operate, or modify a hazardous waste treatment, storage, or disposal facility or site without a permit from the department. The owner or operator of the facility or site rather than the builder shall be responsible for obtaining the permit. The board may exempt classes or categories of hazardous waste treatment, storage, or disposal facilities from the permit requirement if the exemption is in the public interest and consistent with RCRA requirements. The fact that a class or category of such facilities is not required to obtain a federal permit shall be persuasive evidence that an exemption is in the public interest. Interim status granted by RCRA or a permit issued by the United States environmental protection agency prior to the date that the state program is authorized by the administrator of that agency shall be adopted by the department as a state granted interim status or as a state granted permit until the department issues a new state permit.

(2) The board shall promulgate rules and regulations establishing the terms and conditions for issuing permits to the described facilities and sites. The rules and regulations shall provide for, but not be limited to:

(a) Standards and procedures for the safe operation and maintenance of the facilities and sites;

(b) Education and training qualifications of personnel at the facilities and sites;

(c) Contractual commitment or consent to each facility or site
from all holders of interests in the real property committed to that facility or site;
(d) Monetary assurances in such form and amount as are necessary for effective management, maintenance, and monitoring of the facilities and sites during and after operation;
(e) Liability insurance in such form and amount as is necessary to compensate for potential damages caused by the facilities and sites; provided, that liability insurance shall not be required in the event that liability insurance is not required by the federal regulations adopted pursuant to the RCRA;
(f) Emergency equipment and emergency response plans appropriate to the facilities and sites;
(g) Public participation in the permitting process consistent with 42 U.S.C. section 6974(b).
(3) Permits shall be issued for a period not to exceed ten (10) years or the maximum period allowed under RCRA, whichever is greater. Permits issued to hazardous waste facilities and sites by the department prior to the effective date of this chapter shall be reissued to conform with the provisions of this chapter and the rules and regulations promulgated under this chapter.
(4) Any permit issued under this section may be revoked by the director, pursuant to the provisions of section 39-4413, Idaho Code, if the permitted party fails to comply with the terms and conditions of the permit, this chapter, or the rules and regulations promulgated under this chapter.
(5) The department may issue a variance from the requirements of the rules and regulations promulgated under this section, if, in the judgment of the director, application of the requirements would cause unreasonable hardship and the granting of a variance would not be harmful to the public interest or inconsistent with RCRA requirements. A variance shall not exceed one (1) year in duration and may be renewed or extended only after the department provides public notice and an opportunity for public comment.

39-4410. TRANSPORTATION OF HAZARDOUS WASTE. (1) The board shall promulgate hazardous waste transportation rules and regulations to control the intrastate and interstate transportation of federally regulated types and quantities of hazardous waste. The rules and regulations shall be consistent with the rules and regulations issued by the United States department of transportation and the United States environmental protection agency. The rules and regulations shall also be consistent with the rules and regulations of the Idaho public utilities commission unless such consistency would impair the primacy or the effectiveness of the state's hazardous waste management program. In that case the board shall confer with the commission and endeavor to develop mutually acceptable transportation rules and regulations. If mutually acceptable rules and regulations cannot be developed, the board shall promulgate transportation rules and regulations that minimize conflict with the commission's rules and regulations while assuring the primary authority and effectiveness of the state's hazardous waste management program. Rules and regulations so promulgated by the board shall prevail over conflicting rules and regulations of the commission.
(2) The hazardous waste transportation rules and regulations shall apply to all transporters of federally regulated types and quantities of hazardous waste generated either by themselves or by others. These rules and regulations shall apply to any movement of hazardous wastes to or from a hazardous waste facility or site.

(3) The hazardous waste transportation rules and regulations shall provide for but not be limited to:

(a) Standards for the containerization and labeling of hazardous wastes;

(b) Standards for the handling and placarding of hazardous waste shipments;

(c) A hazardous waste tracking system requiring that:
   (i) All transporters of federally regulated types and quantities of hazardous waste obtain an identification number from the department, the environmental protection agency, or another approved state program, before accepting hazardous waste for transport;
   (ii) All shipments of federally regulated types and quantities of hazardous waste to be shipped off site or received from off site be accompanied by a manifest or similar form describing the hazardous waste being shipped and its destination;
   (iii) A copy of each manifest or similar form be returned to the generator and/or originator of the shipment and a copy be retained by the transporter for a minimum of three (3) years.

(4) The hazardous waste transportation rules and regulations may provide for special routing of hazardous waste shipments in this state when necessary to protect the public health, the public safety, or the environment.

39-4411. RECORDS -- REPORTING -- MONITORING. (1) Pursuant to the provisions of section 39-4405, Idaho Code, the board shall adopt, and amend as necessary, such rules and regulations relating to records, reporting, and monitoring as may be needed to achieve the purposes of this chapter. These rules may include, but shall not be limited to, prescribing procedures and requirements for:

(a) The establishment, maintenance, and format of records and reports;

(b) The submittal of records and reports;

(c) The taking of samples and the performing of tests and of analyses;

(d) The use of approved monitoring methods and techniques;

(e) The installation, calibration, use, and maintenance of monitoring equipment; and

(f) The provision of relevant information to the department.

(2) Sixty (60) days after promulgation of the criteria and lists specified under section 39-4407, Idaho Code, and the rules and regulations required under section 39-4405, Idaho Code, and subsection (1) of this section, the generation, transportation, treatment, storage, or disposal of a hazardous waste in this state by any person without reporting such activity to the department as required by the regulations issued pursuant to subsection (1) of this section shall be unlawful.
Information obtained by the department or by agents, contractors, or other representatives of the department, under the provisions of this section and under section 39-4412, Idaho Code, shall be available to the public, unless the director certifies such information must be kept confidential. The director may make such certification upon a showing, to the satisfaction of the director, that the information, or parts thereof, if made public, would divulge methods, processes, or activities constituting trade secrets. Nothing in this subsection shall be construed as limiting the disclosure of information by the department to any officer, employee, or authorized representative of the state or the United States, as necessary to carry out the provisions of this chapter or the provisions of RCRA. The provisions of this section shall not limit the department's authority to release confidential information during an emergency involving hazardous waste, if the director determines that release of the information is necessary to safeguard the public interest.

39-4412. INSPECTIONS -- RIGHT OF ENTRY. (1) All inspections and searches conducted under the authority of this chapter shall be performed in conformity with the prohibitions against unreasonable searches and seizures contained in the fourth amendment to the constitution of the United States and article I, section 17, of the constitution of the state of Idaho. The state shall not, under the authority granted by this chapter, conduct warrantless administrative searches of private property in the absence of either consent from the property owner or occupier or exigent circumstances such as a public health or environmental emergency.

(2) For the purposes of developing or enforcing any provision of this chapter or any rule or regulation authorized by this chapter, any duly authorized state employee or representative may, upon presentation of appropriate credentials, at any reasonable time:

(a) Enter upon any private or public property where hazardous wastes are or have been generated, transported, treated, stored, or disposed of to inspect and to secure samples of such wastes, their containers, and their labels;

(b) Enter into any aircraft, vehicle, vessel, rail car, trailer, van, or other means of conveyance where hazardous wastes are or have been contained to inspect and to secure samples of such wastes, their containers, and their labels;

(c) Enter any private or public property, or means of conveyance, where records, reports, information or test results relating to the generation, transportation, treatment, storage, or disposal of hazardous wastes exist to inspect and copy such documents.

(3) Upon request by an authorized agent of a property owner or facility operator, the department shall provide the property owner or facility operator with a receipt for samples taken and a copy of sample analysis. Duplicate samples shall similarly be provided upon request if the requesting party agrees to have the samples analyzed and to share the results of the analysis with the department.

(4) The right of entry of a duly authorized state employee or representative shall not be subject to the waiver of any potential tort liability of the facility owner or operator. The right of entry of a duly authorized state or health district employee shall not be
subject to any confidentiality requirements other than those specified in section 39-4411(3), Idaho Code. The right of entry of a private contractor working in a representative capacity for the department may, however, be made subject to additional confidentiality requirements so long as those requirements do not interfere unreasonably with the development of information by the department or the transmission of information from the contractor to the department or the United States environmental protection agency.

(5) Any magistrate or district court judge is authorized to issue an administrative search warrant upon a request from the director describing reasonable cause for issuance of the warrant or the existence of a reasonable program of inspection.

39-4413. ENFORCEMENT PROCEDURES. Whenever the director determines that any person is in violation of any provision of this chapter or any permit, standard, regulation, condition, requirement, compliance agreement or order issued or promulgated pursuant to this chapter, the director may commence one or more of the following:

(1) ADMINISTRATIVE ACTIONS.
(a) Departmental Negotiated Compliance Proceedings.

1. Notice. The director may commence a departmental enforcement action by giving a person believed to be in violation of the law a written notice of violation. The notice shall state with reasonable specificity the nature of the problem and likely actions which the recipient should take to remedy the alleged violation. The notice shall also state that a civil penalty could be imposed against the recipient if the violation is not remedied within thirty (30) days. The notice shall inform the person to whom it is directed of an opportunity to confer with the director concerning the alleged violation. The notice may require a written response within fifteen (15) days.

2. Scheduling Compliance Conference. If a recipient of a notice of violation contacts the department within fifteen (15) days of the time the recipient received the notice, the recipient shall be entitled to a compliance conference. The conference shall be held within twenty (20) days of the date the notice was delivered to the recipient, unless a later date is agreed to. The conference shall be held during normal working hours at the local field office of the department's division of environment located closest to the recipient's place of business or at any other date, time and location mutually agreeable to the recipient and the department.

3. Compliance Conference. The compliance conference shall provide an opportunity for a recipient of a notice of violation to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for future compliance. If the recipient and the director agree on a plan to bring the recipient into compliance, they may enter into a voluntary compliance agreement formalizing their understanding. The compliance agreement may include provisions for the payment of state costs associated with the alleged violation and monetary assessments in lieu of civil penalties. All
funds secured by a compliance agreement shall be paid into the hazardous waste emergency account created by section 39-4417, Idaho Code.

4. Effect of Compliance Agreement. A compliance agreement shall be effective immediately upon its being signed. If a party does not comply with the terms of the compliance agreement the director may seek and obtain in any appropriate district court specific performance of the agreement and such other relief authorized by section 39-4414, Idaho Code, as the court considers to be just and reasonable under the circumstances.

(b) Permit Suspension or Revocation Proceedings.

1. Grounds. The director may revoke or temporarily suspend the permit of any hazardous waste facility or site if the permitted party fails to meet the requirements of a compliance agreement or if the permitted party commits a violation of the law or a permit which:

(i) Creates or has created a substantial threat to the public health or to the environment; or
(ii) Is repetitious of prior violations of the same or different provisions of the law; or
(iii) Is allowed to continue or is not corrected within thirty (30) days of a notice of violation.

A violation that is shown to have occurred as the result of an unforeseeable act of God despite a permitted party's reasonable efforts to comply with all applicable legal requirements shall not be grounds for a suspension or revocation.

2. Notice of Hearing. The director may commence a permit suspension or revocation action by giving a permitted party a written notice of intent to suspend or revoke. The notice shall inform the permitted party of facts or conduct which warrant suspension or revocation of the permit. The notice, hearing, and record requirements for contested cases contained in the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and subsection (1)(c) of this section shall apply to proceedings initiated under this subsection.

Revocation or suspension of a permit shall become final fifteen (15) days after delivery of the notice of intent to revoke or suspend unless the permitted party requests a hearing.


(i) Upon a timely request by a permit holder for a hearing to review the director's action under subsection (1)(b) of this section, the director shall promptly conduct a hearing open to the public. The contested case provisions of the Idaho administrative procedure act shall apply to all hearings conducted under this subsection.

(ii) The director shall have the authority to request from the district court in and for Ada county or any other appropriate district court the issuance of an order in the nature of a subpoena compelling the attend-
ance and testimony of witnesses and the production before the director of papers, books, drawings, documents, test results, and other evidence relevant to a permit suspension or revocation investigation or adjudication.

(iii) After the hearing, the director shall issue a written opinion setting forth findings of fact, conclusions of law and an order. An aggrieved person subject to the director's order may seek its review as a final order in a district court as provided by the Idaho administrative procedure act. District court review of the director's decision shall be limited to the record developed before the director.

(2) CIVIL ENFORCEMENT ACTION. The director may commence and prosecute in district court a civil enforcement action against any person who is alleged to have violated this chapter or any permit, standard, regulation, condition, requirement, compliance agreement, or order which has become effective pursuant to this chapter. Such actions may be for appropriate relief or remedies specified in this chapter or any other applicable law. The director shall not be required to initiate or prosecute an administrative action before commencing and prosecuting a civil action.

(3) LIMITATION OF ACTION FOR ADMINISTRATIVE AND CIVIL COURT PROCEEDINGS BROUGHT UNDER THE PROVISIONS OF THIS CHAPTER. No civil or administrative proceeding may be brought to recover for a violation of this chapter or any permit, standard, regulation, condition, requirement or order issued or promulgated pursuant to this chapter more than two (2) years after the director had knowledge or ought reasonably to have had knowledge of the violation.

39-4414. REMEDIES. The remedies specified in this section are cumulative and nonexclusive.

(1) MONETARY PENALTIES.
(a) Any person who makes a false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for the purpose of complying with the provisions of this chapter shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) for each separate violation or for each day of a continuing violation.
(b) Any person who violates this chapter or any permit, standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated pursuant to this chapter shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) for each separate violation or for each day of a continuing violation.
(c) The imposition or computation of monetary penalties may take into account the seriousness of the violation and good faith efforts to comply with the law.

(2) ASSESSMENT OF COSTS. Any person who violates this chapter or any permit, standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated pursuant to this chapter may be assessed for:
(a) The state's costs for any nonroutine investigations, inspections, monitoring, or surveys which lead to evidence of the viola-
tion;
(b) The state's costs, including the reasonable value of attorneys' services, for preparing and litigating the case;
(c) The state's costs for mitigating, removing, correcting or terminating adverse effects upon soil, air, or water quality resulting from the violation;
(d) The state's costs for impounding, storing, and disposing of contaminated property;
(e) Compensation for damages to publicly held resources including but not limited to, land, water, recreational uses, wildlife, fish and aquatic life to restore the resource to its highest previous use.
(f) The imposition or computation of costs may take into account the seriousness of the violation and good faith efforts to comply with the law.
(3) RESTRAINING ORDERS, INJUNCTIONS AND OTHER RELIEF.
(a) Any person who violates any provision of this chapter or any permit, standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated pursuant to this chapter shall be subject to a permanent or temporary injunction, restraining order, or other relief deemed appropriate. Upon a showing to the court that a violation is causing an imminent hazard to the public health, the public safety, or to the environment, the department need not allege or prove at any stage of the proceeding that long term irreparable damage will occur should the injunction or order not be issued or that the remedy at law is inadequate.
(b) A receiver may be appointed to oversee or operate any hazardous waste facility or site which is established or operated in violation of this chapter or any standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated pursuant to this chapter.
(4) PAYMENT TO HAZARDOUS WASTE EMERGENCY ACCOUNT. Moneys recovered by the department pursuant to subsections (1), (2), and (3) of this section and any moneys paid to settle any enforcement proceeding instituted under section 39-4413, Idaho Code, shall be paid into the hazardous waste emergency account created by section 39-4417, Idaho Code.

39-4415. VIOLATIONS CONSTITUTING MISDEMEANORS. (1) Any person who knowingly makes any false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained or used for the purpose of complying with the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than ten thousand dollars ($10,000) or to imprisonment not to exceed one (1) year, or to both, for each violation.
(2) Any person who knowingly violates any provision of this chapter or any permit, standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated pursuant to this chapter shall be guilty of a misdemeanor and subject to a fine of not more than ten thousand dollars ($10,000) or to imprisonment not to exceed one (1) year, or to both, for each violation.
(3) An action may be commenced and prosecuted by the attorney general. The director shall not be required to initiate or prosecute
an administrative or civil action before the attorney general may commence and prosecute a criminal action.

39-4416. CITIZEN SUITS. (1) Except as provided in subsection (2) of this section, any person who has been injured or damaged by an alleged violation of any permit, standard, regulation, condition, requirement, or order which has become effective pursuant to this chapter, may commence a civil action on that person's own behalf against any person alleged to have committed the violation. A person commencing an action under this section shall be required to file a bond or equivalent security in an amount not less than one thousand dollars ($1,000).

(2) No action may be commenced under subsection (1) of this section if the department has commenced and is diligently prosecuting an administrative, civil, or criminal action to require compliance with the law. Further, no action may be commenced under subsection (1) of this section unless the plaintiff has given the department sixty (60) days' notice and substantial evidence of the violation upon which the citizens' action is based. However, if the department commences an action in a court of the state of Idaho, any interested person may intervene as provided in rule 24(a) of the Idaho Rules of Civil Procedure.

(3) In any action under this section, the department may intervene as a matter of right.

(4) When issuing any final order in any action brought pursuant to this section, the court may award costs of litigation, including reasonable attorney and expert witness fees, to any prevailing party, whenever the court determines such an award is appropriate, except that the state of Idaho shall not be required to pay such costs in any citizen suit where the state has become a party.

(5) Nothing in this section shall restrict any right which a person, or class of persons, may have under any other statute or the common law.

39-4417. HAZARDOUS WASTE EMERGENCY ACCOUNT. (1) There is hereby created an account in the agency asset fund in the state treasury to be designated the hazardous waste emergency account.

(2) The account shall consist of moneys appropriated to the account by the legislature, moneys allotted to the account as a result of departmental compliance proceedings, moneys allotted to the account in a court ordered award or judgment, moneys allotted to the account in a court approved settlement, and moneys contributed to the account from other sources.

(3) Moneys in the account may be used by the director in the case of a hazardous waste emergency to pay the necessary costs of preventing, neutralizing, or mitigating any threat to the public health or safety, or to the environment caused by that emergency.

(4) The board may promulgate regulations for the withdrawal and use of funds from the account as specified in subsection (3) of this section.

(5) All moneys placed in the account are hereby perpetually appropriated to the department for the purposes described in subsection (3) of this section. All expenditures from the account shall be
paid out in warrants drawn by the state auditor upon presentation of the proper vouchers.

(6) Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code. Interest earned on the investments shall be returned to the account.

39-4418. LOCAL GOVERNMENT NOTICE. A permit for a new hazardous waste land disposal facility or site shall not be issued until the department has given ninety (90) days' notice to the board of county commissioners of the county in which the proposed facility or site is to be located.

39-4419. INTERSTATE COOPERATION. The director shall have the power and the duty to encourage cooperative activities between the department and other states for the improved management of hazardous wastes, and so far as is practical, to provide for uniform state regulations and for interstate agreements relating to hazardous waste management. The state may enter into such agreements with other states to accomplish the purposes as set out in this chapter.

39-4420. EMPLOYMENT SECURITY. (1) No employee of a hazardous waste generator, transporter or treatment, storage, or disposal facility or site shall be dismissed, suspended, or otherwise discriminated against because the employee testifies, provides information or otherwise assists in the enforcement or administration of the provisions of this chapter.

(2) Any employer who knowingly violates the provisions of subsection (1) of this section shall be liable for damages, costs and attorneys' fees, in addition to any other liability or relief authorized by this chapter, by any other statute, or by the common law.

39-4421. GOOD SAMARITAN PROTECTION. (1) Notwithstanding any provision of law to the contrary, no person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened leakage, seepage, or other release of hazardous waste, or in preventing, cleaning up, or disposing of or in attempting to prevent, clean up or dispose of any such leakage, seepage or other release, shall be subject to civil liabilities or penalties of any type.

(2) The immunities provided in subsection (1) of this section above shall not apply to any person:
(a) Whose act or omission caused in whole or in part such actual or threatened leakage, seepage or other release and who would otherwise be liable therefor; or
(b) Who receives compensation other than reimbursement for out-of-pocket expenses for services in rendering such assistance or advice.

(3) Nothing in section (1) above shall be construed to limit or otherwise affect the liability of any person for damages resulting from such person's gross negligence, or from such person's reckless, wanton, or intentional misconduct.
39-4422. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 7, 1983.

CHAPTER 155
(S.B. No. 1118)

AN ACT
RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; PROVIDING A STATEMENT OF POLICY; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE THE STATE BOARD OF EDUCATION WITH THE GENERAL POWER TO PRESCRIBE COURSES AND PROGRAMS OF STUDY OFFERED AT THE INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-2814, IDAHO CODE, TO PROVIDE THAT THE BOARD OF REGENTS SHALL HAVE THE POWER TO PRESCRIBE COURSES AND PROGRAMS OF STUDY AT THE UNIVERSITY OF IDAHO; AND AMENDING SECTION 33-3002, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL HAVE THE POWER TO PRESCRIBE COURSES AND PROGRAMS OF STUDY AT IDAHO STATE UNIVERSITY.

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

SECTION 1. It is recognized as a matter of state policy that the state board of education and board of regents of the University of Idaho have the authority to prescribe programs and courses available at the University of Idaho, Idaho State University, Boise State University, and Lewis-Clark State College, basing their decisions on the efficient and effective use of resources and the statewide and regional missions of the institutions, and a statewide plan for higher education adopted by the board of education. To this end, from time to time the board shall establish criteria for initiation, expansion, consolidation, or termination of programs or courses of study and shall utilize such criteria in any review of placement of programs or courses of study at the various institutions.

SECTION 2. That Section 33-107, Idaho Code, be, and the same is hereby amended to read as follows:

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:
(1) perform all duties prescribed for it by the school laws of the state;
(2) acquire, hold and dispose of title, rights and interests in real and personal property;
(3) have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;
(4) delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;

(5) through its executive departments and offices;

(a) enforce the school laws of the state,
(b) study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;

(6) in addition to the powers conferred by chapter 24, title 33, Idaho Code;

(a) maintain a register of courses and programs offered anywhere in the state of Idaho by postsecondary institutions outside of the state of Idaho and not under control of the state board of education and to critically evaluate each of the components of such offerings by comparison with courses, programs and faculty of postsecondary institutions under the direction and control of the state board of education,
(b) establish minimal standards for out of state institutions which desire to offer courses or programs in Idaho,
(c) establish criteria consistent with generally accepted professional standards relating to the use of false or misleading advertising, solicitations or false promises of employment,
(d) provide a system of record keeping and registration,
(e) violation of the provisions of this act will be referred to the attorney general for appropriate action,

(7) prescribe the courses and programs of study to be offered at the public institutions of higher education, after consultation with the presidents of the affected institutions, excepting those junior colleges organized pursuant to chapter 21, title 33, Idaho Code.

SECTION 3. That Section 33-2814, Idaho Code, be, and the same is hereby amended to read as follows:

33-2814. COURSES. Subject to the authority of the regents to prescribe programs and courses of study, the college or department of arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to the industrial arts, such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture and commerce, and such branches included in the college of letters as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits; and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title. The college of letters shall be coexistent with the college of arts and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the college of arts as the regents of the university shall prescribe.

SECTION 4. That Section 33-3002, Idaho Code, be, and the same is
hereby amended to read as follows:

33-3002. PURPOSES OF IDAHO STATE UNIVERSITY. Subject to the authority of the board of trustees to prescribe programs and courses of study, the Idaho State University shall offer and give instruction to male and female students in four (4) year college courses in science, arts and literature, and general engineering with emphasis on nuclear science, but not in mechanical, electrical, chemical or civil engineering, giving such courses or programs as are usually included in liberal arts colleges leading to the granting of the degree of Bachelor, and such graduate courses of study, or programs, leading to the granting of the degree of Master, or other degrees, upon completion of such courses or programs as have been approved by the state board of education.

Courses of instruction in the college of pharmacy shall be such as shall meet the standard requirements as are now, or hereafter may be, recommended by the recognized accrediting agency for schools or colleges of pharmacy, and the usual degrees shall be granted for completion of courses in pharmacy.

The board of trustees may establish vocational and other courses or programs, as it may deem necessary, and such courses or programs may be given or conducted on or off campus, or in night schools, summer schools, or by extension courses.

Approved April 7, 1983.

CHAPTER 156
(H.B. No. 207)

AN ACT
RELATING TO INCOME TAX REFUNDS AND TAX LIABILITIES; AMENDING SECTION 63-3067, IDAHO CODE, TO PROVIDE FOR PAYMENT OF MONEYS INTO THE DRUG ENFORCEMENT DONATION ACCOUNT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3067C, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS MAY DESIGNATE A PORTION OF THEIR INCOME TAX REFUND OR IN THE CASE OF A TAX LIABILITY DONATE AN AMOUNT IN EXCESS OF THE LIABILITY TO BE PLACED IN THE DRUG ENFORCEMENT DONATION ACCOUNT, CREATING THE DRUG ENFORCEMENT DONATION ACCOUNT, AND DIRECTING THE TAX COMMISSION TO PROVIDE THE MANNER AND FORM IN WHICH SUCH CONTRIBUTIONS MAY BE MADE; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3067, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067. REVENUE RECEIVED -- STATE REFUND ACCOUNT. All moneys, except as hereinafter provided, received by the state of Idaho under this act shall be deposited by the state tax commission, as received
by it, with the state treasurer and shall be placed in and become a part of the general account under the custody of the state treasurer. Providing however, that an amount equal to twenty per cent (20%) of the amount deposited with the state treasurer shall be placed in the "state refund account" which is hereby created for the purpose of repaying overpayments made under this act, for the purpose of depositing in the fish and game trust account, such amounts as may be designated by individuals receiving refunds for such overpayment, for the purpose of depositing in the United States Olympic account created by section 63-3067B, Idaho Code, an amount not exceeding five dollars ($5.00), as may be designated by the individual receiving a refund for such overpayment, for the purpose of depositing in the drug enforcement donation account, such amounts as may be designated by individuals receiving refunds for such overpayment, and for the purpose of paying any other erroneous receipts illegally assessed or collected, penalties collected without authority and taxes and licenses unjustly assessed, collected or which are excessive in amount, where the proceeds of such collection, tax, license or receipt are credited to the general account; and provided further that whenever necessary for the purpose of making prompt payment of refunds, the board of examiners, upon request from the state tax commission, and after review, may authorize the state tax commission to transfer any additional specific amount from income tax collections to the "state refund account." There is hereby appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds herein provided for. No appropriation is made hereunder for refunds for gasoline tax or licenses, taxes, penalties, collections or any other payment, the proceeds of which go into an account or fund other than the general account. Claims for, and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho.

Any unencumbered balance remaining in the state refund account on June 30 of each and every year in excess of the sum of four hundred thousand dollars ($400,000) shall be transferred to the general account and the state auditor is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3067C, Idaho Code, and to read as follows:

63-3067C. DESIGNATION BY INDIVIDUALS -- DRUG ENFORCEMENT DONATION ACCOUNT. (a) Beginning with tax year 1983, every individual who has a refund due and payable for overpayment of taxes under this act may designate all or any portion thereof to be deposited in the drug enforcement donation account, which is hereby created in the state operating fund.

(b) Beginning with tax year 1983, every individual who has an income tax liability may, in addition to his tax obligation, include a donation to be deposited with the state treasurer which shall be
placed in the drug enforcement donation account.

(c) A designation under subsection (a) or (b) of this section may be made in any taxable year in such manner as may be prescribed by the state tax commission. The manner and form so prescribed shall be a conspicuous portion of the principal form provided for the purpose of individual taxation.

(d) Prior to the transfer of moneys into the drug enforcement donation account from the refund account established under section 63-3067, Idaho Code, the state tax commission shall retain sufficient funds for the commission's direct actual cost of the collection and administration of these drug enforcement donation account moneys.

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, 1983.

Approved April 8, 1983.

CHAPTER 157
(H.B. No. 305)

AN ACT RELATING TO LICENSING OF WATER RIGHTS; AMENDING SECTION 42-218a, IDAHO CODE, TO PROVIDE THAT PROOF OF BENEFICIAL USE CAN BE FILED AFTER A PERMIT TO APPROPRIATE WATER HAS LAPSED, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MAY REINSTATE A PERMIT UPON RECEIPT OF INFORMATION THAT THE PERMIT CONDITIONS WERE COMPLIED WITH DURING THE AUTHORIZED PERMIT PERIOD, TO PROVIDE AN ADVANCEMENT OF THE PRIORITY DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-218a, Idaho Code, be, and the same is hereby amended to read as follows:

42-218a. LAPSE OF APPLICATION FOR FAILURE TO REQUEST EXTENSION OR SUBMIT PROOF OF APPLICATION TO BENEFICIAL USE -- NOTICE OF LAPSING. A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by the department to the applicant at the address of record by regular mail provided:

1. That within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof;

2. That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly estab-
lish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

3. The original priority date of a lapsed permit shall not be reinstated except upon a showing of error or mistake of the department.

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

Approved April 8, 1983.

CHAPTER 158
(H.B. No. 281, As Amended)

AN ACT
RELATING TO TAXES ON MOTOR FUELS; REPEALING SECTION 49-126B, CHAPTER 12, TITLE 49, AND CHAPTER 24, TITLE 63, IDAHO CODE; AMENDING SECTION 49-127, IDAHO CODE, TO ELIMINATE REPORTING UNDER SCHEDULE "B" AND TO CORRECT TYPOGRAPHICAL ERRORS; AMENDING SECTION 49-127A, IDAHO CODE, TO ELIMINATE REPORTING UNDER SCHEDULE "B" OF SECTION 49-127, IDAHO CODE; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 24, TITLE 63, IDAHO CODE, TO PROVIDE A RECODIFICATION OF FUELS TAXATION LAWS AND A SPECIAL FUELS USE REPORTING SYSTEM; AND AMENDING SECTIONS 40-3006, 40-3012A AND 57-1801, IDAHO CODE, TO CORRECT CODE SECTION REFERENCES.

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

SECTION 1. That Section 49-126B, Chapter 12, Title 49, and Chapter 24, Title 63, Idaho Code, be, and the same are hereby repealed.

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 and adjacent thereto, when the service outside is a part of a regular service rendered inside such city, the fee shall be twelve dollars ($12.00).

(b) On all hearses, ambulances and wreckers the annual fee shall
be twenty-nine dollars ($29.00), 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 six dollars ($6.00).

(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, and similar vehicles which are normally operated in an overweight or oversize condition or both, or designed, used or maintained primarily for the transportation of property for the owner of said vehicle, or for hire, compensation, or profit, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof or exempted by section 49-108, Idaho Code.

2. A farm vehicle as herein defined shall mean a vehicle or combination of vehicles used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned or grown by the owner of such vehicle; and shall include the transportation of any equipment, supplies or products to or from the operations of such owner, and shall not include vehicles of husbandry, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof, but shall include vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant.

3. A noncommercial vehicle as herein defined shall not include those vehicles required to be registered under section 49-126, Idaho Code, and shall mean all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles as herein defined, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof.

4. There shall be paid on all noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) 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 maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the department shall issue an identification plate approved-by-him, to be attached to individual self-propelled motor vehicles, and to be 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>0-16,000 inc.</td>
<td>$ 30.60</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>60.60</td>
</tr>
<tr>
<td>26,001-40,000 inc.</td>
<td>109.20</td>
</tr>
</tbody>
</table>
5. There shall be paid on all commercial vehicles having a maximum gross weight not in excess of sixty thousand (60,000) 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 department shall issue an identification plate 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</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-16,000 inc.</td>
<td>$ 30.60</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>143.40</td>
</tr>
<tr>
<td>26,001-40,000 inc.</td>
<td>223.80</td>
</tr>
<tr>
<td>40,001-50,000 inc.</td>
<td>360.00</td>
</tr>
<tr>
<td>50,001-60,000 inc.</td>
<td>515.40</td>
</tr>
</tbody>
</table>

6. There shall be paid on all commercial vehicles, irrespective of body type, and on all noncommercial vehicles, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount of one hundred twenty dollars ($120); provided, that when the vehicle against which such registration fee is assessed is a combination of vehicles, the term maximum gross weight shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further, that upon payment of such registration fee, the department shall issue an identification plate, to be attached to individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles.

In addition, an annual license fee shall be required for each trailer or semitrailer in a combination of vehicles in the amount of fifteen dollars ($15.00). Upon payment of said license fees, the department shall issue license plates 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 sixty thousand (60,000) 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. 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 "shall be charged—on the maximum gross weight—of—the—vehicle—or—combination—of—vehicles."
Maximum Gross Weight of Vehicle (Pounds) | Mills per Mile | Fuel-Only
---|---|---
16,001-18,000 | 9.30 | 9.30
18,001-20,000 | 9.99 | 9.99
20,001-22,000 | 10.69 | 10.69
22,001-24,000 | 11.25 | 11.25
24,001-26,000 | 11.98 | 11.98
26,001-28,000 | 12.00 | 12.00
28,001-30,000 | 13.15 | 13.15
30,001-32,000 | 13.75 | 13.75
32,001-34,000 | 14.40 | 14.40
34,001-36,000 | 15.00 | 15.00
36,001-38,000 | 15.60 | 15.60
38,001-40,000 | 15.65 | 15.65
40,001-42,000 | 15.75 | 15.75
42,001-44,000 | 15.75 | 15.75
44,001-46,000 | 16.40 | 16.40
46,001-48,000 | 16.60 | 16.60
48,001-50,000 | 17.25 | 17.25
50,001-52,000 | 17.80 | 17.80
52,001-54,000 | 18.40 | 18.40
54,001-56,000 | 18.95 | 18.95
56,001-58,000 | 19.60 | 19.60
58,001-60,000 | 20.29 | 20.29
60,001-62,000 | 30.05 | 20.80
62,001-64,000 | 31.35 | 21.65
64,001-66,000 | 32.60 | 22.30
66,001-68,000 | 33.90 | 23.00
68,001-70,000 | 35.15 | 23.65
70,001-72,000 | 36.40 | 24.25
72,001-74,000 | 38.55 | 24.95
74,001-76,000 | 40.65 | 25.75
76,001-78,000 | 42.75 | 26.40
78,001-80,000 | 44.90 | 27.00

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 other fuels than gasoline shall pay a fuel fee as shown in Table UB.

2. Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and purchasing sufficient fuel for miles traveled in Idaho shall be charged in accordance with schedule UB.

3. The department shall require a bond in an amount equal to the estimated quarterly tax payments of the fuel user as computed by schedule UB above, but such bond shall be in no event be less than the sum of five hundred dollars. 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 subject to the provisions of subsection (d)5, 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)57, 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)57, 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 where laden or maximum gross weight is eight thousand (8,000) 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>Maximum Laden or Gross Weight</th>
<th>Utility Trailers</th>
<th>Rental Utility Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Pounds)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-2,000</td>
<td>$ 3.00</td>
<td>$ 6.00</td>
</tr>
<tr>
<td>2,001-5,000</td>
<td>6.00</td>
<td>12.00</td>
</tr>
<tr>
<td>5,001-8,000</td>
<td>10.00</td>
<td>18.00</td>
</tr>
</tbody>
</table>

Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

(g) The fee for all duplicate plates shall be two dollars ($2.00) for one (1) plate or two dollars and fifty cents ($2.50) per set of plates.

(h) Whenever a vehicle is completely destroyed by fire or accident and such operator submits satisfactory proof of such destruction to the department, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00). None of the original fees shall be subject to refund.

(i) In addition to the registration and license fees hereinbefore
provided, there shall be paid on all noncommercial vehicles, farm
vehicles, and any commercial vehicle exclusively engaged in the trans­
portation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates thereof in bulk and
livestock having a maximum gross weight in excess of sixty thousand
(60,000) pounds, a use fee hereinafter set forth, provided, that if
any such vehicle is a combination of vehicles, such 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 such use fee.

Maximum Gross
Weight of Vehicle
(Pounds) Mills Per Mile
over 60,000.................................................$22.45

SECTION 3. That Section 49-127A, Idaho Code, be, and the same is
hereby amended to read as follows:

49-127A. ADDITIONAL USE FEES. If any motor vehicle, trailer or
semitrailer, or combinations thereof, is authorized under the provi­
sions of section 49-916, Idaho Code, to move on the highways of the
state, and such vehicle exceeds the maximum gross weight of eighty
thousand (80,000) pounds, then and in that event there shall be paid
for such vehicle, in addition to the fees required by section 49-127,
Idaho Code, for vehicles of a maximum gross weight of eighty thousand
(80,000) pounds, an additional use fee of 2.1 mills per mile for each
two thousand (2,000) pounds or fraction thereof of such permitted
excess weight for vehicles classified under Schedule A of section
49-127, Idaho Code; and _60_mills__per_mile_for_each_two_thousa nd
(2,000)-pounds_or_fraction THEREOF OF SUCH PERMITTED EXCESS WEIGHT FOR
vehicles classified under Schedule B of section 49-127, Idaho Code.

SECTION 4. 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 24, Title 63, Idaho Code, and to read as fol­
lovs:

CHAPTER 24
FUELS TAX

63-2401. DEFINITIONS. As used in this chapter:
(1) "Aircraft engine fuel" means any substance, the primary use
of which is fuel for the propulsion of aircraft.
(2) "Bond" means:
(a) A surety bond, in an amount required by this chapter, duly
executed by a surety company licensed and authorized to do busi­
ness in this state conditioned upon faithful performance of all
requirements of this chapter, including the payment of all taxes,
penalties and other obligations arising out of the provisions of
this chapter; or
(b) A deposit with the commission by any person required to be
licensed pursuant to this chapter under terms and conditions as
the commission 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 the state.
(3) "Bulk storage tank" means a tank of more than sixty (60) gal-
lons capacity which meets any of the following criteria:
(a) It is physically attached to the real property of a purchaser
of special fuels which are delivered into the tank.
(b) It is primarily used to store special fuels which are used by
the purchaser of the special fuels for purposes other than propelling
a motor vehicle on a highway.
(4) "Commercial motor boat" means any boat, equipped with a
motor, which is wholly or partly used in a profit-making enterprise or
in an enterprise conducted with the intent of making a profit.
(5) "Commission" means the state tax commission of the state of
Idaho.
(6) "Distributor" means any person who receives gasoline and/or
aircraft fuel in this state.
(7) "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 those products.
(8) "Gasoline" means a mixture of volatile hydrocarbons suitable
as a fuel for the propulsion of motor vehicles or motor boats. "Gaso-
line" also means aircraft engine fuel when used for propulsion of
motor vehicles or motor boats and includes gasohol, but does not
include special fuels.
(9) "Highways" mean all roads, streets, alleys and bridges laid
out or established for the public, or dedicated or abandoned to the
public.
(10) "Licensed distributor" means any distributor who has
obtained a license under the provisions of section 63-2409, Idaho
Code.
(11) "Licensed special fuels dealer" means any special fuels
dealer licensed under the provisions of section 63-2419, Idaho Code.
(12) "Motor vehicle" means every self-propelled vehicle designed
for operation or required to be licensed for operation upon a highway.
(13) "Person" means any individual, firm, fiduciary, copartner-
ship, association, corporation, governmental instrumentality including
the state and all of its agencies and political subdivisions, or any
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. Whenever used in any clause prescribing
and imposing a fine or imprisonment, or both, the term "person" as
applied to an association means the partners or members, and as
applied to corporations, the officers.
(14) "Recreational vehicle" means a snowmobile as defined in
section 49-2603, Idaho Code; a motorbike as defined in section
49-2702, Idaho Code; and any vehicular type unit either as an integral
part of, or required for the movement of, units defined in section
39-4105(15), Idaho Code.
(15) "Retail dealer" means any person engaged in the retail sale
of gasoline and/or aircraft engine fuel to the public or for use in
the state.
(16) "Special fuels" means all fuel suitable as fuel for diesel engines, or a compressed or liquified gas obtained as a byproduct in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures, and includes natural gas, either liquid or gas, and hydrogen, used for the generation of power for propulsion of motor vehicles. It does not include fuels for off-road agricultural use, domestic heating or other nonhighway use, nor does it include fuels used in motor vehicles over sixteen thousand (16,000) pounds maximum gross weight owned or leased and operated by an instrumentality of the federal government or of the state of Idaho including the state and all of its political subdivisions.

(17) "Special fuels dealer" means any person in the business of handling special fuels and delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him.

(18) "Special fuels user" means any person who consumes special fuels for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(19) "Use" means either:
(a) The receipt, delivery or placing of fuels by a licensed distributor or a special fuels dealer into the fuel supply tank or tanks of any motor vehicle not owned or controlled by him while the vehicle is within this state; or
(b) The consumption of fuels in propulsion of a motor vehicle on the highways of this state.

63-2402. IMPOSITION OF TAX UPON USE. (1) A tax is hereby imposed for the privilege of using the public highways upon the use or possession for use of gasoline, and the tax shall be imposed without regard to whether use is on a governmental basis or otherwise.

(2) The tax imposed in this section shall be at the same rate as specified in section 63-2405, Idaho Code, upon each gallon of gasoline used or possessed for use. This tax shall be subject to the deductions and refunds set forth in this chapter.

(3) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of gasoline for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(4) This use tax shall be a debt owing from the user to the state of Idaho.

63-2403. RECEIPT OF GASOLINE AND/OR AIRCRAFT ENGINE FUEL -- DETERMINATION. Gasoline and/or aircraft engine fuel is deemed to be received as follows:
(1) Gasoline and/or aircraft engine fuel produced, refined, manufactured, blended or compounded by any person or stored at a pipeline terminal in this state by any person is received by that person when it is loaded 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, the gasoline and/or aircraft engine
fuel is shipped or delivered to another person licensed as a distributor under this chapter, then it is received by the first licensed distributor. When the gasoline and/or aircraft engine fuel is shipped or delivered to another person not licensed as a distributor under this chapter for the account of a person that is so licensed, it is received by the distributor for whose account it is shipped.

(2) Notwithstanding the provisions of subsection (1) above, when gasoline and/or aircraft engine fuel is shipped or delivered from a refinery or pipeline terminal to another refinery or pipeline terminal, that gasoline and/or aircraft engine fuel is not received by reason of that shipment or delivery.

(3) Any product other than gasoline or aircraft engine fuel that is blended to produce gasoline 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 of the fuel at the time and place the blending is completed.

(4) Gasoline 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 fuels arrive in this state and by the person who is the owner of the gasoline and/or aircraft engine fuel when the fuels arrive in this state. Where gasoline 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 fuels shall be deemed to be received by the licensed distributor importing those fuels into this state.

63-2404. METHOD OF MEASUREMENT OF GALLONS RECEIVED. Gasoline and/or aircraft engine fuel received by distributors shall be reported under rules and regulations prescribed by the commission, and be based upon consistent methods, generally recognized and accepted for gasoline and/or aircraft engine fuel tax accounting purposes, in respect to gallonage, stock transfers and stock accounting records.

63-2405. IMPOSITION OF TAX. An excise tax is hereby imposed on all gasoline and/or aircraft engine fuel received. The tax is to be paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of twelve and one-half cents (12 1/2¢) per gallon. From May 1, 1981, to April 30, 1986, the rate of the excise tax to be imposed on gasohol, shall be four cents (4¢) per gallon less than the amount of the excise tax that is imposed on gasoline and/or aircraft engine fuel by this section. On and after May 1, 1986, the same amount of excise tax shall be imposed on gasohol as is imposed on gasoline and/or aircraft engine fuels. That tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

63-2406. DISTRIBUTOR REPORTS. (1) Each distributor shall, not later than the last day of each calendar month or for such other reporting period as the commission may authorize, render to the commission an accurate report of all gasoline and/or aircraft engine fuel received by him in this state during the preceding reporting period. The report shall be made in the manner and on forms required by the
The distributor's report shall include:

(a) An itemized statement of the total number of gallons of gasoline received during the preceding calendar month;
(b) An itemized statement of the total number of gallons of aircraft engine fuel received during the preceding calendar month; and
(c) Other information as the commission may require for the proper administration of this chapter.

63-2407. DEDUCTIONS AUTHORIZED. Each licensed distributor shall deduct from his monthly report:

(1) Gasoline and/or aircraft engine fuel exported from this state other than in the supply tanks of motor vehicles, motor boats or aircraft when supported by proper documents approved by the commission.
(2) Gasoline and/or aircraft engine fuel returned to a licensed distributor's refinery or pipeline terminal storage when supported by proper documents approved by the commission.
(3) Gasoline and/or aircraft engine fuel lost or destroyed by fire, lightning, flood, tornado, windstorm, explosion, or other accidental casualty, after presenting to the commission satisfactory proof of loss.
(4) The number of gallons which would be equal to one per cent (1%) of the total number of gallons received during the reporting period, less the total number of gallons deducted under subsections (1) through (3) of this section, which credit is granted to the licensed distributor to reimburse him for the expense incurred on behalf of the state of Idaho in collecting and remitting gasoline and/or aircraft engine fuel tax moneys, maintaining necessary records for the state, preparing necessary reports and remittances in compliance with this chapter, and for loss from evaporation, handling, spillage and shrinkage, except losses caused by casualty as provided in subsection (3) of this section. The licensed distributor may in addition to the above, deduct the number of gallons equal to one per cent (1%) of the total number of gallons received during the preceding calendar month, less the total number of gallons deducted under subsections (1) through (3) of this section, to cover shrinkage, evaporation, spillage and handling losses of a retail dealer. The latter deductions are to be allowed only upon filing with the commission satisfactory evidence as may be prescribed by it indicating the credit allowance has been made in favor of the retail dealer or paid to him. The evidence shall be submitted together with the report wherein this portion of the deduction is claimed. A licensed distributor who sells and delivers gasoline directly to the consumer and not for resale shall, with respect to those sales, be deemed a retail dealer for the purposes of this section. Credit granted by the provisions of this section shall not be allowed unless the tax is duly and punctually paid and reported as provided in this chapter or as determined by the commission.
(5) When aircraft engine fuel is sold for use in aircraft and the tax imposed by section 63-2408, Idaho Code, is paid to the commission, the total number of gallons sold shall be deducted from the total gallons of gasoline and/or aircraft engine fuel received.
(6) Gasoline and/or aircraft engine fuel sold to the Idaho
national guard for use in aircraft and in vehicles used off public highways provided, however, such deduction is supported by an exemption certificate signed by an authorized officer of the Idaho national guard.

63-2408. AIRCRAFT ENGINE FUEL TAX. An excise tax is hereby imposed on all aircraft engine fuel sold in this state. The tax is to be paid by the distributor, and measured by the total number of gallons sold by him, at the rate of three and one-half cents (3 1/2¢) per gallon. The tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

63-2409. LICENSE OF DISTRIBUTORS. It is unlawful for a person to act as a distributor without a license. The license shall be obtained by application to the commission upon a form furnished by it, accompanied by a fee of fifty dollars ($50.00) and a bond in the amount required by section 63-2428, Idaho Code. The distributor license shall be nonassignable and shall continue in force until surrendered or canceled. The commission shall furnish each licensed distributor with a list of all distributors licensed pursuant to this section. The list shall be supplemented by the commission from time to time to reflect additions and deletions.

63-2410. REFUND OF GASOLINE TAX PROCEDURE. (1) Any person who shall purchase fifty (50) gallons or more, and use the gasoline in motor vehicles operated on highways outside of the state of Idaho where a duplicate tax is assessed for the same gasoline, shall be entitled to refund when a claim is presented to the commission within one (1) year from date of purchase. Claimant shall present to the commission a statement accompanied by a verification of the use determined by an audit of his operations conducted as prescribed by the tax commission; or his claim may be verified by the filing of a receipt or proof showing the payment of tax on the gasoline used in any other state.

(2) Any person who shall purchase within any one (1) calendar year fifty (50) gallons or more of gasoline used for the purposes described in this subsection shall be entitled to be refunded the amount of gasoline tax previously paid on that gasoline. Exempt uses are:

(a) Operating stationary gasoline engines;
(b) Propelling equipment or vehicles, other than motor vehicles, which are not operated on a highway; and
(c) Operating commercial motor boats.

(3) No refund of gasoline tax shall be allowed for any gasoline:

(a) Used in motor vehicles required to be licensed or used in any motor vehicle exempt from registration by reason of the ownership or residence; or
(b) Aircraft engine fuel placed in aircraft; or
(c) Gasoline used in recreational vehicles; or
(d) Gasoline used in noncommercial motor boats.

(4) Any licensed distributor paying the gasoline tax and/or aircraft engine fuel tax to the state of Idaho erroneously shall be
allowed a credit or refund of the amount of tax paid by him if a written claim for refund is filed with the commission within three (3) years after the date those taxes were paid.

(5) (a) All claims for refund of gasoline taxes arising under subsection (2) of this section shall be filed in conjunction with the claimant's income tax return due pursuant to chapter 30, title 63, Idaho Code. The gasoline tax refund claimed shall be tax paid on gasoline actually purchased during the taxable year to which the income tax return relates. The gasoline tax refund due shall be offset against any other taxes, penalties or interest due before any balance is refunded by the commission to the claimant. Subject to a limitation as to the amount of refund to be claimed as the commission may provide by regulation, refund claims may be submitted and paid on a quarterly basis and reconciled on the income tax return when it is filed.

(b) If a claimant is not required to file an income tax return, the refund claim shall be made on forms and in the manner as the commission may provide. The claim shall relate to taxes paid on gasoline actually purchased in the calendar year preceding the filing and the claim shall be filed on or before April 15 following the close of the calendar year.

(c) All claims shall be accompanied by the original signed invoice or invoices issued to the claimant, showing the total amount of gasoline on which a refund is claimed and the reason, the amount of the tax and any additional information required by the commission. Each separate delivery shall constitute a purchase and a separate invoice shall be prepared, at least in duplicate, to cover the delivery. All invoices, except those prepared by a computer or similar machine, shall be prepared in ink or double-spaced carbon shall be used between the original and first duplicate.

(6) (a) Should the commission find that the claim contains errors, it may correct the claim and approve it as corrected, or the commission may require the claimant to file an amended claim. The commission may require any person who makes a claim for refund to furnish a statement under oath, giving his occupation, description of the machine or equipment in which the gasoline was used, the place where used and any other information as the commission may require. If the commission determines that any claim has been fraudulently presented, or is supported by an invoice or invoices fraudulently made or altered, or that any statement in the claim or affidavit is willfully false and made for the purpose of misleading, the commission may reject the claim in full. If the claim is rejected, the commission may suspend the claimant's right to any refund for purchases made during a period not to exceed one (1) year beginning with the date the rejected claim was filed, and it shall take all other action deemed appropriate.

(b) The commission has authority, in order to establish the validity of any claim, to examine the books and records of the claimant for that purpose, and failure of the claimant to accede to the demand for the examination may constitute a waiver of all rights to the refund claimed.

(7) In the event of the loss or destruction of the original
invoice or invoices, the person claiming a refund may submit a duplicate copy of the invoice certified by the vendor, but payment based on the duplicate invoice shall not be made until one (1) year after the date on which the gasoline was purchased.

63-2411. PURCHASE OF GASOLINE BY RETAIL DEALERS. It shall be unlawful for any retail dealer in gasoline or aircraft engine fuel or for any person in the state of Idaho other than a licensed distributor to purchase, receive or accept any gasoline from any other person, unless that person is a licensed distributor. Any person in violation of these provisions shall be guilty of a misdemeanor.

63-2412. DISTRIBUTION OF TAX REVENUES. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2405, 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 gasoline tax requirements by the commission, as determined by the commission and certified quarterly to the state auditor, shall be transferred back to the commission. The amount transferred back to the commission shall not exceed the amount authorized to be expended by appropriation by the legislature.

(b) An amount of money shall be transferred to the gasoline refund account, which is hereby created in the dedicated fund, sufficient to pay current refund claims. All refunds authorized to be paid shall be paid from the gasoline refund account and sufficient amounts to pay those refunds are hereby continuously appropriated for that purpose.

(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 paragraphs (a), (b), (c) and (d) of subsection (1) of this section:

1. One per cent (1%) shall be transferred to the waterways improvement account, as created in chapter 15, title 57, Idaho Code;
2. One per cent (1%) shall be transferred to the off-road motor vehicle account as created in section 57-1901, Idaho Code; and
3. Ninety-eight per cent (98%) shall be transferred to the state highway account, created in section 40-2210, Idaho Code.

(2) The revenues received from the taxes imposed by section
63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be transferred to the aircraft engine fuel tax refund account, which is hereby created in the dedicated fund, sufficient to pay current refund claims. All refunds authorized to be paid shall be paid from the aircraft engine fuel tax refund account, and sufficient amounts to pay those refunds are hereby continuously appropriated for that purpose.

(b) The balance remaining of all the taxes collected shall be paid over to the state treasurer by the commission to be deposited in the state aeronautics account, as provided in section 21-211, Idaho Code.

63-2413 -- 63-2415. [RESERVED]

63-2416. TAX IMPOSED. (1) For the privilege of using the public highways, an excise tax is hereby imposed on all special fuels used for the propulsion of any motor vehicle operated on a highway in this state. The tax shall apply at the same rate as the tax imposed by section 63-2405, Idaho Code. The tax shall attach and be collected at the time of delivery into the motor fuel supply tank of a motor vehicle. Special fuels dealers shall collect the tax and pay it over to the commission.

(2) When the motor vehicle to which the special fuel is delivered displays a valid special fuels permit under section 63-2438, Idaho Code, the tax imposed by subsection (1) of this section shall not be collected by the special fuels dealer.

(3) Special fuels delivered into a bulk storage tank shall be presumed to be fuel consumed for nonhighway use and therefore not subject to the tax imposed in subsection (1) of this section.

63-2417. USE TAX IMPOSED. For the privilege of using the public highways, an excise tax is hereby imposed on the use or possession for use of all special fuels, including special fuel delivered into a bulk storage tank, used or consumed in the propulsion of a motor vehicle on a highway unless that fuel has been taxed under provisions of section 63-2416, Idaho Code. The tax imposed by this section shall be payable to the state of Idaho by the user or consumer of the fuels and shall be a debt owing to the state until it is paid.

63-2418. DISTRIBUTION OF TAX REVENUES. The revenues received from the tax imposed by sections 63-2416 and 63-2417, Idaho Code, and any penalties, interest, or deficiency additions, shall be paid to the state treasurer by the commission, to be distributed as follows:

(1) An amount of money equal to the actual cost of collecting, administering and enforcing the special fuels tax provisions by the commission, as determined by it and certified quarterly to the state auditor, shall be transferred back to the commission. The amount transferred back shall not exceed the amount authorized to be expended by appropriation by the legislature.

(2) An amount of money shall be transferred to the special fuels refund account, which is hereby created in the dedicated fund, suffi-
icient to pay current refund claims. All refunds of special fuels taxes authorized to be paid by this chapter shall be paid from the special fuels refund account, the money being hereby continuously appropriated for that purpose.

(3) The balance remaining with the state treasurer after transferring the amounts specified in subsections (1) and (2) of this section shall be transferred to the state highway account, created in section 40-2210, Idaho Code.

63-2419. SPECIAL FUELS DEALERS' LICENSES. (1) It shall be unlawful for any person to act as a special fuels dealer in this state unless the person is the holder of a valid special fuels dealer's license issued to him by the commission. Application for a special fuels dealer's license shall be made upon a form and in a manner provided by the commission, shall contain information as it deems necessary, and be accompanied by a bond in the amount required in section 63-2428, Idaho Code.

(2) Upon receipt of the application and bond in proper form the commission shall issue to the applicant a special fuels dealer's license unless the applicant:
   (a) Is a person who formerly held a license under the provisions of this chapter or any predecessor statute which license, prior to the time of filing the application, had been revoked for cause; or
   (b) Who is not the real party in interest and the real party in interest is a person described in subsection (2)(a) of this section.

(3) A special fuels dealer's license shall be valid until suspended or revoked for cause, for failure to maintain the bond required in section 63-2428, Idaho Code, or otherwise canceled.

(4) No special fuels dealer's license shall be transferable.

63-2420. RETURNS, PAYMENTS AND DEDUCTIONS BY SPECIAL FUELS DEALERS. (1) For the purpose of reporting the amount of tax due and payable under section 63-2416, Idaho Code, each special fuels dealer shall file with the commission in the manner and form prescribed by it a quarterly tax return or a return for any other reporting period as may be directed by the commission. The return shall include:
   (a) An itemized statement of the total number of gallons of special fuels held in inventory by the dealer at the beginning of the period to which the return relates;
   (b) An itemized statement of all special fuels received by the dealer during the period of time to which the return relates;
   (c) An itemized statement of the number of gallons of special fuels sold or delivered by the dealer during the period to which the return relates which are not subject to tax imposed by this chapter;
   (d) The total number of gallons of special fuels delivered into the fuel tank of motor vehicles in this state subject to tax under this chapter during the period to which the return relates;
   (e) The total number of gallons of special fuels remaining in inventory at the end of the period to which the return relates; and
   (f) Any other information the commission may require.
(2) The amount of tax due shall be computed by multiplying the taxable gallons determined under subsection (1)(d) of this section by the tax rate established in section 63-2405, Idaho Code, and deducting from the result two percent (2%) of the result. The two percent (2%) deduction authorized herein may be retained by the special fuel dealer filing the return to reimburse him for the expenses incurred by him on behalf of the state of Idaho in collecting and remitting the tax.

(3) The return shall be accompanied by a remittance of the tax shown to be due on the return together with any applicable interest and penalty.

63-2421. RETURNS AND PAYMENT OF USE TAX BY CONSUMERS. (1) Any person who consumes special fuels in a motor vehicle licensed or required to be licensed by the laws of this state, except for motor vehicles displaying a valid special fuels permit under section 63-2438, Idaho Code, and is subject to the tax imposed by section 63-2417, Idaho Code, shall report the amount of tax liability and pay the taxes due in conjunction with his income or franchise tax return due under the provisions of chapter 30, title 63, Idaho Code, in the manner and form prescribed by the commission. Payment of special fuels taxes shall be made in conjunction with any other taxes due on that return and special fuels taxes due may be offset against refunds of any other taxes shown on the return to be due the taxpayer.

(2) In the case of a person other than one who consumes special fuels in a motor vehicle displaying a valid special fuels permit under section 63-2438, Idaho Code, not required to file a return under chapter 30, title 63, Idaho Code, who is subject to the tax imposed by section 63-2417, Idaho Code, the tax shall be paid annually, on a calendar year basis, in the manner and form required by the commission. The return and payment for each calendar year shall be due on or before April 15 of the immediately succeeding calendar year.

63-2422. CREDITS AND REFUNDS TO DEALERS. Any licensed special fuels dealer having remitted any special fuels tax to the commission in excess of that which is required to be remitted under this chapter shall be allowed a credit or refund for the amount of tax paid by him if a written claim for refund is filed with the commission within three (3) years after the date the taxes to which the claim relates were paid. If the claim relates to taxes actually collected by the dealer from a person to whom the special fuels were sold or delivered, no refund shall be paid unless the commission finds that the taxes have been or will be refunded by the dealer to the person from whom they were erroneously collected.

63-2423. CREDITS AND REFUNDS TO CONSUMERS. (1) Any person who has paid his special fuels tax directly to the vendor from whom it was purchased shall be refunded the amount of:

(a) Any tax paid on special fuels used for purposes other than propulsion of motor vehicles upon the highways in the state of Idaho;

(b) Any tax paid on special fuels exported for use outside the state of Idaho. Special fuel carried from the state in the fuel tank of a motor vehicle will not be deemed to be exported from the
state unless it is subject to a like or similar tax in the state to which it is taken and that tax is actually paid to the other state; and

(c) Any tax, penalty or interest erroneously or illegally paid or collected.

(2) No refund shall be paid on special fuels used in a recreational vehicle.

(3) Refunds authorized in this section shall be claimed in the same manner as applies to refunds of gasoline tax under section 63-2410, Idaho Code.

63-2424. GASEOUS FUELS. In the case of special fuels which are in a gaseous form, the commission shall provide by regulation the method to be used for converting the measurement of the fuel to the equivalent of gallons for the purpose of applying tax rates. The method provided shall cause the tax rate provided in section 63-2405, Idaho Code, to apply to an amount of gaseous fuels having energy equal to one (1) gallon of gasoline.

63-2425 -- 63-2426. [RESERVED]

63-2427. ADMINISTRATION. The commission shall enforce the provisions of this chapter and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement of those provisions.

63-2428. BONDING. (1) At the time an application for a distributor's license under section 63-2409, Idaho Code, or a special fuels dealer's license under section 63-2419, Idaho Code, is submitted to the commission, the applicant shall file a bond with the commission conditioned upon faithful performance of all of the requirements of this chapter. The total amount of the bond shall be fixed by the commission and shall be equivalent to at least twice the estimated average tax liability for the reporting period for which the applicant will be required to file either a distributor's report under section 63-2406, Idaho Code, or a special fuels dealer's return under section 63-2420, Idaho Code, or both. If a person is both a licensed distributor and a licensed special fuels dealer, the bonding requirements in regard to each may be consolidated into a single bond. The bond required by this section shall in no case be less than one thousand dollars ($1,000) nor more than two hundred thousand dollars ($200,000). Based on prior years' experience, the total amount required to be secured by the bond may be increased or reduced by the commission at any time. Any bond given in conjunction with this chapter shall be a continuing instrument, and shall cover the period during which the license in connection with which the bond is given is in effect, unless the surety on the bond is released or discharged by the commission. Any surety on any bond furnished by a licensee shall be discharged and released from any and all liability to the state accruing on the bond after the expiration of thirty (30) days from the date upon which the surety shall have lodged with the commission a written request to be released and discharged. The request shall not operate to relieve, release or discharge the surety from any liability
accrued, or which will accrue, before the expiration of the thirty (30) day period. The commission shall promptly, upon receipt of the notice of the request, notify the licensee and require him to furnish a new bond. Unless the licensee files a new bond with the commission in the amount provided in this section before the expiration of the thirty (30) day period, the commission shall immediately cancel the licensee's license.

(2) In the event that any taxes due under the provisions of this chapter are not paid by a licensed distributor or a licensed special fuels dealer, and the unpaid taxes are assessed by the commission, and after all avenues for appeal of the assessment have been exhausted, the commission may apply the unpaid tax liability against the bond required by this section.

63-2429. REQUIRED RECORDS. (1) Every distributor and every special fuels dealer and every person reporting, manufacturing, refining, dealing, transporting or storing gasoline, aircraft engine fuel or special fuels in this state shall keep records, receipts, invoices and other pertinent records as the commission may require. Records required and all other relevant books and records shall be available for inspection by the commission at all times during regular record keeper's business hours.

(2) Records required in subsection (1) of this section shall be kept for a period of three (3) years from the date on which the distributor's report or special fuels dealer's return to which they relate was required to be filed with the commission.

63-2430. REVOCATION OR CANCELLATION OF LICENSE. (1) The commission may revoke the license of a distributor or a special fuels dealer in any of the following circumstances:

(a) The licensee refuses or neglects to comply with the provisions of this chapter or rules and regulations of the commission promulgated pursuant to this chapter;

(b) When, upon investigation, the commission ascertains or finds that the person to whom the license was issued is no longer engaged in business as a distributor or special fuels dealer and has not been so engaged for a period of six (6) months prior to the cancellation; or

(c) The licensee files a written request with the commission asking that the license be revoked and the commission determines upon investigation, that the licensee is no longer a person required to be a licensed distributor or a licensed special fuels dealer.

(2) In the case of a cancellation under paragraph (c) of subsection (1) of this section, the cancellation shall not be effective nor shall the licensee's surety be discharged from any bond unless the licensee has paid to the state of Idaho all taxes imposed under this chapter together with all penalties, interest and additional amounts which have accrued.

(3) In the case of revocation of a license under paragraph (a) or (b) of subsection (1) of this section, prior to revoking the license the commission shall notify the licensee to show cause within thirty (30) days of the date of the notice why the license should not be revoked. Revocation shall be by certified mail addressed to the licen-
see at his last known address and shall state the reasons for the can-
cellation. The cancellation shall become effective without further
notice or hearing if, within thirty (30) days from the mailing date of
the notice, the licensee has not made good the default or delinquency
or has not requested a hearing on the cancellation. If within the
thirty (30) day period the licensee requests a hearing on the cancel-
lation, the commission shall schedule a hearing and provide the licen-
see with at least ten (10) days' notice of the time and place of the
hearing. The provisions of chapter 52, title 67, Idaho Code, shall
apply to hearings.

63-2431. TAX IN LIEU OF ALL OTHER TAXES IMPOSED. The taxes
imposed by this chapter shall be in lieu of all other excise taxes,
license fees or property taxes imposed upon gasoline, aircraft engine
fuel or special fuels by this state or any political subdivision of
this state.

63-2432. CIVIL ACTION TO PREVENT DOING BUSINESS WITHOUT LICENSE
-- INJUNCTION. If the commission determines that any person is engaged
in business as a distributor or special fuels dealer without holding a
valid license, it may proceed by injunction or other legal process to
prevent the continuance of the business, and an injunction enjoining
the continuance of the business by any unlicensed person may be
granted without bond by any court or judge authorized by law to grant
injunctions.

63-2433. DOING BUSINESS WITHOUT A LICENSE -- PENALTIES. Any
person who engages in the business as a distributor or a special fuels
dealer without being the holder of a valid license shall be guilty of
a misdemeanor. Each day of business without a valid license shall con-
stitute a separate offense.

63-2434. ENFORCEMENT PROVISIONS. For the purpose of carrying out
its duties to enforce or administer the provisions of this chapter,
the commission shall have the powers and duties provided by sections
63-3038, 63-3039, 63-3042 through 63-3066, 63-3068, 63-3071, and
63-3074 through 63-3078, Idaho Code, which sections are
incorporated by reference herein as though set out verbatim.

63-2435. TAXES ARE STATE MONEY. When a distributor sells gasoline
or aircraft engine fuel subject to tax under this chapter or a special
fuels dealer sells special fuels subject to tax under this chapter, a
portion of the receipts from those sales equal to the amount of tax
required to be paid upon the fuels sold shall, immediately upon
receipt by the distributor or special fuels dealer, be state money and
shall be held in trust for the state of Idaho and for payment to the
commission in the manner and at the times required by this chapter.
This tax money shall not, for any purpose, be considered to be a part
of the proceeds of the sale to which the tax relates and shall not be
subject to encumbrance, security interest, execution of seizure on
account of any debt owed by the distributor or the special fuels
dealer to any creditor other than the commission.
63-2436. REPORTS OF IMPORTATIONS BY CARRIER -- CONTENTS. Any railroad or other common carrier, or contract carrier, or any person, other than a licensee, who makes delivery in this state of any gasoline, aircraft engine fuel or special fuels shall report in writing to the commission, not later than the last day of each calendar month, all the deliveries for the preceding calendar month. The reports shall include the place of origin and place of destination of the gasoline, aircraft engine fuel or special fuels delivered, the names and addresses of consignors and consignees, loading ticket numbers, number of gallons delivered, and any other information the commission may require.

63-2437. INSTATE PIPELINE TERMINAL AND STORAGE REPORTS. A monthly report for each pipeline terminal located in this state shall be submitted to the commission not later than the last day of the same calendar month. The report shall include the date of withdrawal, bill of lading number, manifest number, or loading ticket number and the origin, consignee, consignor, transportation company, and number of gallons separately indicated of gasoline, aircraft engine fuel and special fuels and any other information as the commission may require.

63-2438. SPECIAL FUELS PERMIT. (1) It shall be unlawful for any person to consume special fuels in the propulsion of a motor vehicle over sixteen thousand (16,000) pounds maximum gross weight on the highways of this state unless each such motor vehicle displays a valid special fuels permit issued by the commission or a valid special fuels trip permit under section 63-2440(2), Idaho Code.

(2) The application for a special fuels permit shall be made to the commission upon a form prepared and furnished by the commission and containing such information as the commission deems necessary.

(3) No special fuels permit shall be issued to any person or continued in force unless such person has furnished bond, as defined in section 63-2401(2), Idaho Code, in such form as the commission may require to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder.

The total amount of the bond required of any person shall be equivalent to twice his estimated monthly tax payments as hereinafter provided, determined in such manner as the commission may deem proper; provided, however, that the total amount of the bond shall never be less than five hundred dollars ($500).

(4) Upon receipt of the application and bond in proper form, the commission shall issue to the applicant a special fuels permit unless the applicant:

(a) Is a person who formerly held a permit under the provisions of this chapter or any predecessor statute, which permit, prior to the time of filing the application, had been revoked for cause; or

(b) Who is not the real party in interest and the real party in interest is a person described in subsection (4)(a) of this section.

(5) A special fuels permit shall be valid until suspended or revoked for cause, for failure to maintain the bond required in this section, or otherwise canceled.
(6) No special fuels permit shall be transferable.

(7) The special fuels permit may be in the form of a decal or a cab card. It may show the special fuels tax account number of the applicant but shall not be assigned to a specific motor vehicle. The commission may collect a fee for issuance of the special fuels permit, which fee shall not exceed the cost of issuance.

(8) A person who for two (2) years has (a) furnished the bond required under subsection (3) of this section, and (b) timely filed with the commission all returns required by this chapter, and (c) paid all taxes due under this chapter in a timely manner, may petition to the commission for a waiver of the bond required by subsection (3) of this section. The commission may, upon a showing of good cause, and finding no significant risk to the revenues of the state, waive the bonding requirement for such period of time as the commission may determine.

63-2439. RETURNS AND PAYMENT BY HOLDERS OF SPECIAL FUELS PERMITS.

(1) For the purpose of reporting the amount of tax due and payable under section 63-2417, Idaho Code, each person who consumes special fuels in the propulsion of a motor vehicle upon the highways of this state, which displays a special fuels permit as required under section 63-2438, Idaho Code, shall file with the commission in the manner and form prescribed by it, a quarterly tax return. Such return shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show such information as the commission may reasonably require for the proper administration and enforcement of this chapter. The return shall be filed on or before the last day of the next scheduling calendar month following the quarterly period to which it relates.

If the final filing date falls on Saturday, Sunday or a legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing such report properly addressed to the commission, or on the date it was mailed, if proof satisfactory to the commission establishes the date it was mailed.

(2) The quarterly tax return shall be accompanied by the remittance covering the tax due hereunder, for use of special fuels during the preceding quarter. The tax due shall be calculated by multiplying the tax rate per gallon provided in section 63-2405, Idaho Code, by the number of gallons of special fuel consumed in the propulsion of a motor vehicle upon the highways of this state, which displays a special fuels permit, less any tax paid under section 63-2416, Idaho Code. The gallons consumed shall be calculated by dividing the miles traveled on the public highways of this state by such motor vehicles by the fleet average miles per gallon of such motor vehicles.

63-2440. EXEMPTIONS FROM SPECIAL FUELS PERMITS AND RETURNS.

(1) Any person who consumes special fuels in the propulsion of a motor vehicle over sixteen thousand (16,000) pounds maximum gross weight
upon the highways of this state may apply to the commission for exemp-
tion from the provisions of sections 63-2438 and 63-2439, Idaho Code,
and upon presentation of satisfactory evidence that such person con-
fines his purchases of special fuels to those delivered into the motor
fuels supply tank of his motor vehicles by a licensed special fuels
dealer in this state, the commission may exempt such person from the
display of special fuels permits, bonding and reporting requirements
of sections 63-2438 and 63-2439, Idaho Code.

(2) In lieu of obtaining a special fuels permit under section
63-2438, Idaho Code, and in lieu of paying the tax imposed by sections
63-2416 and 63-2417, Idaho Code, any person operating a motor vehicle
over sixteen thousand (16,000) pounds maximum gross weight, propelled
by special fuels in this state, shall secure a temporary trip permit
under section 49-120, Idaho Code, authorizing the operation of such
vehicle in the state for a period not to exceed ninety-six (96) hours.
The temporary trip permit shall be obtained through the Idaho trans-
portation department. The fees shall be those provided by section
49-120, Idaho Code, and the revenues shall be distributed as provided
by section 49-1301, Idaho Code.

SECTION 5. That Section 40-3006, Idaho Code, be, and the same is
hereby amended to read as follows:

40-3006. CITY'S PORTION OF STATE HIGHWAY FUNDS PAID TO AUDITOR --
FISCAL ASSISTANCE FUNDS. (1) Any city which maintains roads and
streets on the effective date [March 17, 1973] of this act shall con-
tinue to receive their proportionate share of moneys distributed under
sections 40-405(a), 49-1210A(a) and 49-1210A(e) 63-2418, Idaho Code,
but such moneys shall be paid to the county auditor for the benefit of
the county-wide highway district.

(2) Any city or county which receives moneys under the provisions
of the state and local fiscal assistance act of 1972 after January 1,
1972, may utilize such funds for any purposes that were solely the
responsibility of that city or county prior to the effective date of
chapter 273, laws of 1971, and which responsibility was transferred to
a county-wide highway district by chapter 273, laws of 1971. Any city
or county which receives moneys under the provisions of the state and
local fiscal assistance act of 1972 after January 1, 1972, may utilize
such funds for the design, construction, reconstruction and mainte-
nance of sidewalks, when deemed to be for public safety. Utilization
of such fiscal assistance funds may be accomplished by a transfer of
the funds to a county-wide highway district, and the provisions of
sections 67-2326 through and including 67-2333, Idaho Code, may be
utilized for such transfer, provided that the provisions of the state
and local fiscal assistance act of 1972 are adhered to.

SECTION 6. That Section 40-3012A, Idaho Code, be, and the same is
hereby amended to read as follows:

40-3012A. HIGHWAY USERS' FUND BONDS DEFINED. "Highway users' fund
bonds" are defined as those bonds issued for and on behalf of dis-
solved city street systems, highway or good roads districts, and the
funds out of which such bonds are repayable shall be the moneys
received as provided by sections 40-405, 49-1218A and 49-1231A, Idaho Code.

SECTION 7. That Section 57-1801, Idaho Code, be, and the same is hereby amended to read as follows:

57-1801. CREATION OF PARK AND RECREATION CAPITAL IMPROVEMENT FUND ACCOUNT -- PURPOSE. (1) There is hereby created and established in the state treasury a fund an account to be known as the "park and recreation capital improvement fund account" to which shall be credited or deposited all moneys accruing for the purposes of the fund account. The purposes for which moneys in the fund account may be used shall be to acquire, purchase, maintain, improve, repair, furnish, and equip parks and recreation facilities and sites in the state of Idaho. The park and recreation board is charged with the administration of the fund account for the purposes specified herein. The provisions of section 67-4228, Idaho Code, are made applicable for the provisions of this section. All claims against the fund account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state.

(2) During each fiscal year, the balance of moneys exceeding the sum of three hundred thousand dollars ($300,000) transferred to the waterways improvement fund account under the provisions of section 63-2432 title 12(1)(e), Idaho Code, shall be paid into the park and recreation capital improvement fund account.

Approved April 8, 1983.

CHAPTER 159
(H.B. No. 243)

AN ACT
RELATING TO BEER LICENSES; AMENDING SECTION 23-1010, IDAHO CODE, TO DELETE CERTAIN PROHIBITED ACTS NOT ALLOWED ON LICENSED PREMISES; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1010A, IDAHO CODE, TO PROVIDE PROHIBITED ACTS THAT ARE NOT ALLOWED ON LICENSED PREMISES, TO PRESCRIBE CRIMINAL PENALTIES AND TO PROVIDE GROUNDS AND PROCEDURES FOR REVOCATION OF A BEER LICENSE.

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

SECTION 1. That Section 23-1010, Idaho Code, be, and the same is hereby amended to read as follows:

23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION PROCEDURE AND FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS. (1) Every person who shall apply for a state license to sell beer at retail shall tender the license fee to, and file written application for license with, the director. The application shall be on a form prescribed by the director which shall require such information concerning the applicant, the premises for which license is sought and
the business to be conducted thereon by the applicant as the director may deem necessary or advisable, and which shall enable the director to determine that the applicant is eligible and has none of the disqualifications for license, as provided for in this section. Such information shall include the following:

(a) The name and place of residence of the applicant and length of his residence within the state of Idaho, and if the applicant is a partnership, the names, places of residence and lengths of residence within the state of Idaho of each partner, and, if the applicant is a corporation or association, the date and place of incorporation or organization, the location of its principal place of business in Idaho and the names and places of residence of its officers, directors or members of its governing board, and of the person who manages or will manage the business of selling beer at retail;
(b) The particular place for which the license is desired, designating the same by a street and number, if practicable, or by such other apt description as definitely locates such place, and the name of the owner of the premises for which license is sought;

(2) The application shall affirmatively show:
(a) That the applicant is the bona fide owner of the business which will be engaged in the sale of beer at retail and with respect to which license is sought;
(b) That the condition of the place or building wherein it is proposed to sell beer at retail conforms to all laws and regulations of the state of Idaho and to the ordinances of the county and municipality applicable thereto relating to public health and safety and to the zoning ordinances of the municipality applicable thereto;
(c) That there is no stamp or permit outstanding and in force which has been issued to any person by the United States government for the premises for which license to sell beer at retail is sought which stamp or permit denotes payment of any special tax imposed by the United States government on a retail dealer in liquor or wines, unless said premises are premises for which a retail license for sale of liquor by-the-drink, issued under the provisions of chapter 9, title 23, Idaho Code, is in force and effect;
(d) That the individual applicant, or each partner of a partnership applicant, is a citizen of the United States; or, with respect to a corporation or association, that it is qualified to do business within the state of Idaho and that the person who is or will be the manager of the corporation's or association's business of selling beer at retail is a citizen; further, that such individual applicant, at least one (1) of the partners of the partnership applicant, and said manager of the corporation or association applicant, shall have been a bona fide resident of the state of Idaho for at least thirty (30) days prior to the date of application;
(e) That the applicant, if an individual, is not less than nineteen (19) years of age;
(f) That within three (3) years immediately preceding the date of filing the application the applicant has not been convicted of the violation of any law of the state of Idaho, any other state, or of
the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors, or, within said time, suffered the forfeiture of a bond for failure to appear in answer to charges of any such violation;

(g) That within five (5) years immediately preceding the date of filing the application the applicant has not been convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;

(h) That within three (3) years next preceding the date of filing said application the applicant has not had any license provided for herein, or any license or permit issued to the applicant pursuant to the law of this state, or any other state, or of the United States, to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

(i)--That no person, partnership, association or corporation—conducts or will conduct, knowingly permits or will permit—encourages or will encourage any of the following acts or activities—in or upon the licensed premises:

(1)--Employment—or—use—of—any—person—while—such—person—is—unclothed—or—in—such—attire;—costume—or—clothing—as—to—expose—any—portion—of—the female—breast—below—the—top—of—the areola—or—of—any—portion—of—the—pubic—hair;—anus;—cleft—of—the—buttocks;—vulva—or—genitals.

(2)—Employment—or—use—of—any—person—who—touches;—caresses—or—fondles—the—breast;—buttocks;—anus—or—genitals—of—any—person—or—any—other—person.

(3)—Employment—or—use—of—any—person—to—wear—or—use—any—device—or—covering;—exposed—to—view;—which—stimulates—the—breast;—genitals;—anus;—pubic—hair—or—any—portion—thereof.

(4)—Employment—or—use—of—any—person—to—perform—a—acts—of—or—a—acts—which—stimulates—the—sexual—intercourse;—masturbation;—sodomy;—bestiality;—oral—copulation;—flagellation—or—any—sexual—a—acts—which—are—prohibited—by—law;—the—touching;—caressing—or—fondling—or—the—breast;—buttocks;—anus—or—genitals;—the—displaying—or—the—pubic—hair;—anus;—vulva—or—genitals.


(6)—Employment—or—use—of—any—person—to—remain—in—or—upon—the—licensed—premises—who—exposes—to—the—public—view—any—portion—of—the—genitals—or—anus.

(7)—The—showing—of—the—films;—still—pictures;—electronic—reproductions;—or—other—visual—reproductions—depicting:

(a)—Acts—or—simulated—a—acts—of—the—sexual—intercourse;—masturbation;—sodomy;—bestiality;—oral—copulation;—flagellation—or—any—sexual—a—acts—which—are—prohibited—by—law;

(b)—Any—person—being—touched;—caressed—or—fondled—on—the—breast;—buttocks;—anus—or—genitals.

(c)—Scenes—wherein—a—person—displays—the—vulva—or—the—anus—or—the—genitals.
(d) Scenes—wherein—artificial—devices—or—inanimate objects—are—employed—to-portray-any-of-the-prohibited activities—described—in—section—23-1010A(2)(i)(7)—(a); (b)—or—(c);—Idaho—Code.

(3) The affirmative showing required with respect to an applicant under (e), (f), (g), and (h) of subsection (2) of this section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant, and to each person then employed by an applicant whose duties include the serving or dispensing of beer.

(4) The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

(5) If an applicant shall be unable to make any affirmative showing required in this section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued a licensee becomes unable to make the affirmative showings required by this section license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed; or, if disqualification occurs under subsection (2)(i) the license shall be suspended; and if a second or subsequent disqualification occurs under subsection (2)(i) the license shall be revoked. The procedure to be followed upon refusal, revocation or suspension of license as herein provided for shall be in accordance with the procedure set forth in this act.

(6) All licenses issued hereunder shall expire at 1:00 o'clock A.M. on January 1 of the following year and shall be subject to renewal upon proper application.

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 23-1010A, Idaho Code, and to read as follows:

23-1010A. PROHIBITED ACTS -- MISDEMEANORS -- REVOCATION. (a) No person, partnership, association or corporation shall conduct, permit, or encourage any of the following acts or activities in or upon the licensed premises:

(1) Employment or use of any person while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) Employment or use of any person who touches, caresses or fondles the breast, buttocks, anus or genitals of any other person, or who is so touched, caressed or fondled by another person.

(3) Employment or use of any person to wear or use any device or
covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(4) Employment or use of any person to perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(5) The showing of films, still pictures, electronic reproductions, or other visual reproductions depicting:
1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
2. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
3. Scenes wherein a person displays the vulva or the anus or the genitals.
4. Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in this section.

(b) A violation of any of the provisions of this section by any agent, employee, or other person in any way acting on behalf of a licensee shall constitute a misdemeanor, and upon conviction such person shall be fined not less than the sum of one hundred dollars ($100) or more than the sum of three hundred dollars ($300), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine or imprisonment. Any court in which a judgment of conviction is entered shall certify a copy thereof to the director, and the director shall thereupon commence administrative proceedings to revoke any license of such convicted person.

(c) Irrespective of misdemeanor violations or other criminal proceedings instituted under this section, upon sufficient proof to the director, the director shall revoke any license of any person found to have committed any of the above proscribed acts. The revocation proceedings shall be in accordance with procedures established in this act.

Approved April 8, 1983.

CHAPTER 160
(H.B. No. 312)

AN ACT
RELATING TO LOYALTY OATHS; REPEALING SECTION 59-401, IDAHO CODE; AMENDING CHAPTER 4, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-401, IDAHO CODE, TO REQUIRE ELECTED OR APPOINTED OFFICIALS TO TAKE A LOYALTY OATH BEFORE ENTERING OFFICE AND TO PROVIDE THE FORM OF LOYALTY OATH TO BE TAKEN; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 59-401, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 4, 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 59-401, Idaho Code, and to read as follows:

59-401. LOYALTY OATH -- FORM. Before any officer elected or appointed to fill any office created by the laws of the state of Idaho enters upon the duties of his office, he must take and subscribe an oath, to be known as the official oath, which is as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of (insert office) according to the best of my ability."

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 8, 1983.

CHAPTER 161
(H.B. No. 29, As Amended)

AN ACT
RELATING TO THE DEFINITION OF TAXABLE INCOME; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE FOR LOSS CARRYOVER AND TO PROVIDE LIMITATIONS ON LOSS CARRYBACK; 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) (1) 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.

(2) A net operating loss for any taxable year commencing on or after January 1, 1983, shall be a net operating loss carryover to each of the ten (10) taxable years following the taxable year of such loss; provided, however, such net operating loss shall be subtracted in each succeeding year in order but the total subtracted in the succeeding taxable years shall not exceed the total of such net operating loss; provided, further, that a net operating loss not to exceed one hundred thousand dollars ($100,000) arising in a taxable year commencing on or after January 1, 1983, may, at the election of the taxpayer, be carried back to the three (3) immediately preceding taxable years, and if such loss is not entirely absorbed by the income of those years, the amount of loss not exhausted may be subtracted from taxable income arising in the next ten (10) years succeeding the taxable year in which the loss arises in order until exhausted. An election under this subsection must be in the manner prescribed in the regulations of the state tax commission and once made is irrevocable for the year in which it is made. In the event that the taxpayer elects to carryback any loss arising in a year commencing on or after January 1, 1983, any loss not exhausted may be subtracted from taxable income arising in the next succeeding ten (10) taxable years in order until exhausted.

(3) 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. Provided, however, reasonable compensation paid to such nonresident officers or directors for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources.

(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. In the event that a nonresident beneficiary of a trust or estate fails to file an Idaho income tax return reporting all or any part of distributable net income taxable in Idaho or fails to pay any tax due thereon, the trust or estate making the payment or distribution shall be taxable upon the amount of such distribution or payment at the rates established by section 63-3024, Idaho Code.

(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 zero bracket amount 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. Provided, however, reasonable compensation paid to such nonresident shareholders for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources. 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 (1) or (2) at the option of the taxpayer:

(1) a. The zero bracket amount as defined by section 63, Internal Revenue Code, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.
(2) a. 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, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(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 credits have been claimed and which were not deducted on the taxpayer's federal return.

(n) Deduct any amounts added to gross income under section 86 of the Internal Revenue Code for tax credits allowable to the taxpayer under section 44E of the Internal Revenue Code.

(o) Add the ordinary income portion of any lump sum distribution deducted from gross income pursuant to section 402(e)(3) of the Internal Revenue Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1983.

Approved April 8, 1983.

CHAPTER 162
(H.B. No. 308)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 1984 AND DESIGNATING PROGRAM LIMITS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE ATTORNEY GENERAL; 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, 1983, through June 30, 1984:

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<tr>
<th>FOR:</th>
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<tbody>
<tr>
<td>Personnel Costs</td>
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<td>225,900</td>
<td>11,300</td>
<td>$2,380,400</td>
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<tr>
<td>Operating Expenditures</td>
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<tr>
<td>Capital Outlay</td>
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<tr>
<td>TOTAL</td>
<td>$2,380,400</td>
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FROM:

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<tr>
<th>GENERAL ACCOUNT</th>
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<th>INTERAGENCY BILLING AND RECEIPTS ACCOUNT</th>
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<tr>
<td>$1,182,000</td>
<td></td>
<td>$1,198,400</td>
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</table>

TOTAL: $2,380,400

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, 1983, through June 30, 1984:

A. STATE LEGAL SERVICES:

<table>
<thead>
<tr>
<th>FOR:</th>
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<tbody>
<tr>
<td>FROM:</td>
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<tr>
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<td>$1,198,400</td>
<td>$2,330,400</td>
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<tr>
<td>TOTAL</td>
<td>$2,143,200</td>
<td>$175,900</td>
<td>$11,300</td>
<td>$2,330,400</td>
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</table>

B. SPECIAL SERVICES LITIGATION:

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</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$50,000</td>
<td></td>
<td></td>
<td>$50,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
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<td>$225,900</td>
<td>$11,300</td>
<td>$2,380,400</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby reappropriated to the Attorney General any unexpended and unencumbered balances of the General Account money appropriated by Section 2, Chapter 117, Laws of 1982, for the Special Services Litigation Program, to be expended for the Special Services Litigation Program for the period July 1, 1983, through June 30, 1984.

SECTION 4. 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 April 8, 1983.
CHAPTER 163
(H.B. No. 74)

AN ACT
RELATING TO A TAX SHELTER FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1303A, IDAHO CODE, TO PROVIDE FOR THE EMPLOYER'S PAYMENT OF EMPLOYEE CONTRIBUTIONS TO THE RETIREMENT SYSTEM.

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

SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1303A, Idaho Code, and to read as follows:

59-1303A. PICK UP OF EMPLOYEE CONTRIBUTIONS. (1) An employer, pursuant to the provisions of section 414(h)(2) of the Internal Revenue Code of 1954, as amended, shall pick up and pay the contributions which would be payable by the employees as members under section 59-1303, Idaho Code, with respect to the service of employees after June 30, 1983.

(2) The members' contributions picked up by an employer shall be designated for all purposes of the retirement system as member contributions, except for the determination of tax upon a distribution from the retirement system. These accumulated contributions shall become part of the members' accumulated contributions, but accounted for separately from those previously accumulated.

(3) Member contributions picked up by an employer shall be payable from the same source as is used to pay compensation to a member, and shall be included in the member's salary as defined in subsection (31) of section 59-1302, Idaho Code.

Approved April 8, 1983.

CHAPTER 164
(H.B. No. 142)

AN ACT
RELATING TO TAXATION OF GROSS EARNINGS OF COOPERATIVE ELECTRICAL ASSOCIATIONS; AMENDING SECTION 63-3501, IDAHO CODE, BY ADDING A DEFINITION OF COST OF POWER AND PROVIDING FOR STATE TAX COMMISSION RULES AND REGULATIONS FOR THE REPORTING OF SUCH COSTS, BY ADDING GENERATING PROPERTY IN THE DEFINITION OF OPERATING PROPERTY, AND BY ADDING A DEFINITION OF WASHINGTON PUBLIC POWER SUPPLY SYSTEM NUCLEAR PROJECTS NUMBERS 4 AND 5 COSTS; AMENDING SECTION 63-3502, IDAHO CODE, TO PROVIDE FOR A TAX LEVY AGAINST GROSS EARNINGS REDUCED BY THE AMOUNT OF COST OF POWER AND WASHINGTON PUBLIC POWER...
SUPPLY SYSTEM NUCLEAR PROJECTS NUMBERS 4 AND 5 COSTS; DECLARING AN
EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3501, Idaho Code, be, and the same is
hereby amended to read as follows:

63-3501. DEFINITIONS. For the purposes of this act:
(a) The term "cooperative electrical association" means any non­
profit, cooperative association organized and maintained by its mem­
bbers, whether incorporated or unincorporated, for the purpose of
transmitting, distributing or delivering electric power to its mem­
bers.
(b) The term "cost of power" means the cost of power purchases
and generation included in reports to, and in accordance with applica­
tion requirements of, the rural electrification administration, United
States department of agriculture, by cooperative electrical associa­
tions which are borrowers from the rural electrification administra­
tion, and for cooperative electrical associations which are not bor­
rowers from the rural electrification administration, such costs which
could have been included by such cooperative electrical associations
using equivalent reporting and accounting requirements. The state tax
commission shall prescribe necessary rules and regulations for the
purpose of providing a uniform method of reporting cost of power pur­
chases and generation by cooperative electrical associations, consist­
tent with the reporting and accounting requirements of the rural
electrification administration.
(c) The term "gross earnings" means the gross receipts of a
cooperative electrical association from the distribution, delivery and
sale of electric power within the state of Idaho, but shall not
include any earnings or receipts from the distribution, delivery or
sale of electric power consumed in pumping water for irrigation or
drainage purposes within the state of Idaho, upon the land of such
consumer and for the use and benefit of his own land, and where such
consumer has received from the association a refund, rebate, or credit
of three and one-half per cent (3 1/2%) of the cost to him of the
electric power so used and consumed.
(d) The term "operating property" means and includes all real
estate, fixtures or personal property owned, controlled, operated or
managed by such association in connection with or to facilitate the
generation, transmission, distribution, delivery, or measuring of
electric power, and all conduits, ducts, or other devices, materials,
apparatus or property for containing, holding or carrying conductors
used or to be used for the transmission, distribution and delivery of
electric power, including construction tools, materials and supplies.
(e) The term "nonoperating property" means all other property,
real or personal, owned, controlled or managed by such association;
and includes all such real or personal property owned, controlled or
managed by such association for the purpose of generating electric
energy.
(f) The term "taxing unit" shall include the separate taxing
districts of the county as well as the county itself.
The term "tax levy" means the total tax levies fixed by each taxing district, as defined herein, in the year next preceding.

The term "WPPSS 4 and 5 costs" means, for a cooperative electrical association which is a participant under the Washington public power supply system nuclear projects numbers 4 and 5 participants' agreement, dated July 14, 1976, all of its costs in connection with Washington public power supply system nuclear projects numbers 4 and 5.

The term "weighted wire mileage factor" means a figure which is arrived at by multiplying the tax levy of each taxing unit by the number of wire miles of transmission and distribution lines of such cooperative electrical association situated in such taxing unit.

SECTION 2. That Section 63-3502, Idaho Code, be, and the same is hereby amended to read as follows:

63-3502. LEVY OF TAX ON ANNUAL GROSS EARNINGS. There shall be levied against every cooperative electrical association in this state a tax of three and one-half per cent (3 1/2%) of its annual gross earnings, which after first reducing such gross earnings by its cost of power and WPPSS 4 and 5 costs in such sum as the amount of its gross earnings bear to its gross receipts from the distribution, delivery and sale of electric power within the state of Idaho. This tax shall be in lieu of all other taxes on the operating property of such association for the tax year next preceding the filing of the statement hereinafter provided for, and which shall be paid in the manner and at the time prescribed 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, and retroactively to January 1, 1983.

Approved April 8, 1983.
chapter 9, title 23, Idaho Code, may sell wine for consumption on or off the licensed premises. Persons holding a valid wine by the drink license may sell wine for consumption on the premises only. Retailers who do not possess a valid license for the retail sale of liquor by the drink, or retailers who do not have a valid wine by the drink license, shall not permit consumption of wine on the licensed premises and may sell the wine only in its original unbroken container. Wine sold for consumption or dispensed on the licensed premises may be sold, consumed or dispensed only during hours that beer can be sold, consumed or dispensed pursuant to the laws of this state. Wine sold by the retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of this state.

Approved April 8, 1983.

CHAPTER 166
(H.B. No. 97)

AN ACT
RELATING TO DIRECTORS OF CORPORATIONS; REPEALING SECTION 30-1-37, IDAHO CODE, RELATING TO CLASSIFICATION OF DIRECTORS; AND AMENDING CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-37, IDAHO CODE, TO PROVIDE THAT THE ARTICLES OF INCORPORATION OF CERTAIN CORPORATIONS MAY PROVIDE FOR CLASSIFICATION OF DIRECTORS.

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

SECTION 1. That Section 30-1-37, Idaho Code, be, and the same is hereby repealed.

SECTION 2. 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 30-1-37, Idaho Code, and to read as follows:

30-1-37. CLASSIFICATION OF DIRECTORS. When the board of directors shall consist of nine (9) or more members, in lieu of electing the whole number of directors annually, the articles of incorporation may provide that the directors be divided into either two (2) or three (3) classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders 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 shareholders.

Approved April 8, 1983.

CHAPTER 167
(H.B. No. 292)

AN ACT
RELATING TO LICENSES TO RETAIL LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO STRIKE REFERENCE TO THE NUMBER OF ACRES REQUIRED IN ORDER TO QUALIFY A GOLF COURSE AS ELIGIBLE TO RECEIVE A RETAIL LIQUOR LICENSE, AND PROVIDING A FURTHER DEFINITION OF GOLF COURSE.

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

SECTION 1. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the department of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the director and the provisions of this act. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this act and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population of the city for which such license is issued. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course, or ski resort, or to the lessee of any premises situate thereon, no part of which said golf course or ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise real property of not less than forty (40) contiguous acres, laid out and improved as an actual, bona fide golf course, and which is regularly used for the playing of the
game of golf, and having not less than nine (9) tees, fairways and
greens laid out and used in the usual and regular manner of a golf
course;--including--buildings-and-other-improvements-thereon. Nine (9)
hole courses must have a total yardage of at least one thousand
(1,000) yards, and eighteen (18) hole courses must have a total
yardage of at least two thousand (2,000) yards as measured by totaling
the tee-to-green distance of all holes. The course must be planted in
grass except that it may provide artificial tee mats. Where any such
golf course is owned or leased by an association of members and is
used or enjoyed by such members, or their guests, none of the dis­
qualifications contained in section 23-910, Idaho Code, shall apply to
such association as a licensee where such disqualifications, or any of
them, would apply only to a member of such association where such
member has no interest therein except as a member thereof. Also for
the purpose of this section a ski resort shall comprise real property
of not less than ten (10) acres in size, exclusive of the terrain used
for skiing and upon which the owner, operator, or lessee of the ski
resort has made available himself, or through others, including but
not limited to the owners of condominiums, permanent bona fide over­
night accommodations available to the general public for one hundred
(100) persons or more, and which real property is contiguous to or
located within the area in which skiing occurs, and which real prop­
erty is regularly operated as a ski resort in the winter time, and
where the owner, operator, or lessee of the ski resort is also the
owner, operator, or lessee of the area served by a bona fide chair ski
lift facility or facilities. The fees for licenses granted to ski
resorts shall be the same as those prescribed for golf courses as set
forth in section 23-904, Idaho Code. Not more than one (1) licensed
premises shall be permitted on any golf course or any ski resort or
within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license
to the owner, operator, or lessee of a restaurant operated on an air­
port owned or operated by a county or municipal corporation or on an
airport owned or operated jointly by a county and municipal corpo­
tion, and which said airport is served by a trunk or local service air
carrier holding a certificate of public convenience and necessity
issued by the Civil Aeronautics Board of the United States of America.
Not more than one (1) license shall be issued on any airport.

Nothing in this chapter to the contrary shall prohibit the issu­
ance of a license to the owner, operator, or lessee of an actual, bona
fide convention center which is within the incorporated limits of a
city having a population of three thousand (3,000) or greater, and
which city does not have located therein a convention center with a
valid license to sell liquor by the drink. For the purpose of this
section, a convention center means a facility having at least one hun­
dred twenty (120) sleeping rooms and an adjoining meeting room which
will accommodate not less than three hundred fifty (350) persons,
whether or not such room may be partitioned into smaller rooms, and
provided that such meeting room shall contain at least three thousand
(3,000) square feet of floor space. Such license must be placed in
actual use in said convention center within one (1) year from the date
of its issuance. The fee for any license issued to a qualifying
convention center shall be as prescribed in subsection (c) of section
23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

Approved April 8, 1983.

CHAPTER 168
(S.B. No. 1166)

AN ACT
RELATING TO FINANCES OF IRRIGATION DISTRICTS; AMENDING CHAPTER 7, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-707A, IDAHO CODE, TO PROVIDE CONDITIONS WHEN TREASURERS OF IRRIGATION DISTRICTS MAY ACCEPT PERSONAL OR NONGUARANTEED FORMS OF BANK DRAFTS OR CHECKS FOR PAYMENT OF ASSESSMENTS AND CHARGES RELATED THERETO AND TO PROVIDE PROCEDURES THAT TREASURERS MUST FOLLOW IF THEY ACCEPT PERSONAL OR NONGUARANTEED FORMS OF BANK DRAFTS OR CHECKS.

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

SECTION 1. That Chapter 7, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-707A, Idaho Code, and to read as follows:

43-707A. ACCEPTANCE OF BANK DRAFTS OR CHECKS. (1) Notwithstanding any other provisions of title 43, Idaho Code, irrigation district treasurers may accept personal or other nonguaranteed forms of bank drafts or checks if (1) the remitter identifies by legal description the parcel for which the payment is tendered, (2) the amount for which the draft or check is presented is the exact amount of the assessment due, including, where a delinquency exists and a tax deed has not been issued, penalties, interest and county redemption fees. The following procedures shall be followed in processing payments by bank drafts or checks:

(a) The assessment number of the identified parcel shall be entered on the draft or check.

(b) The treasurer shall prepare the current tax receipt or redemption certificate or both, and deliver them to the remitter.
Such receipts shall be invalid, and shall so state, if payment of the draft or check is refused by the bank or other entity on which it is drawn. Any drafts or checks upon which payment has been refused will be noted in the records of the treasurer and notice of nonpayment shall be delivered to the county recorder. The notation and notice of nonpayment shall be sufficient reversal of any entries made upon the books of the district treasurer and upon the lien records of the county recorder.

(c) Notice shall be sent to the remitter that payment has not been received, that receipts and releases are therefore invalid and withdrawn and that the draft or check can be redeemed by payment with United States currency or a guaranteed bank draft or money order in the amount of the original draft or check plus the additional interest accrued, plus a repetition of the county filing fees and plus a handling charge not to exceed ten dollars ($10.00).

(2) Full compliance with procedures enumerated in this section shall exempt the treasurer from any personal liability for the acceptance of bank drafts or checks.

Approved April 8, 1983.

CHAPTER 169
(S.B. No. 1176)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO VARIOUS DEPARTMENTS AND PROGRAMS FOR UNEMPLOYMENT INSURANCE COSTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is legislative intent that the appropriation made in Section 2, hereof, is for the purpose of paying unemployment insurance costs from the listed accounts for the period July 1, 1982 through June 30, 1983:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$198,400</td>
</tr>
<tr>
<td>Soil Erosion Control Account</td>
<td>14,000</td>
</tr>
<tr>
<td>Park and Recreation Account</td>
<td>7,100</td>
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<tr>
<td>Park and Recreation Federal Account</td>
<td>700</td>
</tr>
<tr>
<td>Pharmacy Board Account</td>
<td>2,100</td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>123,900</td>
</tr>
<tr>
<td>Federal Meat Inspection Account</td>
<td>21,000</td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>5,900</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>5,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$378,100</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the designated departments and programs from the listed accounts, the following amounts to be expended for unemployment insurance costs for the period July 1, 1982, through June 30, 1983:

A. Department of Water Resources, Office of Energy
   FROM: General Account $12,000

B. Department of Labor and Industrial Services
   FROM: General Account $3,500

C. Department of Lands
   FROM: Soil Erosion Control Account $14,000

D. Department of Parks and Recreation
   FROM: General Account $11,200
   Park and Recreation Account 7,100
   Park and Recreation Federal Account 700
   TOTAL $19,000

E. Department of Finance
   FROM: General Account $4,500

F. State Board of Education, Lewis-Clark State College
   FROM: General Account $17,000

G. Board of Pharmacy
   FROM: Pharmacy Board Account $2,100

H. Department of Agriculture
   FROM: General Account $23,800
   Fresh Fruit and Vegetable Inspection Account 123,900
   Federal Meat Inspection Account 21,000
   TOTAL $168,700

I. Department of Correction
   FROM: General Account $25,000

J. Department of Law Enforcement
   FROM: General Account $15,100
   Motor Vehicle Account 5,900
   TOTAL $21,000

K. Department of Health and Welfare
   FROM: General Account $62,900

L. Department of Parks and Recreation, Lava Hot Springs Foundation
   FROM: Lava Hot Springs Foundation Account $5,000

M. Office of the Governor, Commission for the Blind
   FROM: General Account $12,100

N. State Board of Education, Eastern Idaho Vocational-Technical School
   FROM: General Account $11,300

GRAND TOTAL $378,100

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

Approved April 8, 1983.
CHAPTER 170
(S.B. No. 1019, As Amended)

AN ACT

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

SECTION 1. There is hereby appropriated out of the funds made available to the Department of Employment of the State of Idaho, pursuant to Section 903 of the Social Security Act, as amended, the sum of $300,000, or such lesser amount thereof as may become available as this state's share of funds allocated under the provisions of said Section 903 of the Social Security Act, as amended, to be used for the purpose of the purchase of personal property, and for repairing, remodeling and maintaining office buildings used by the Department of Employment of the State of Idaho, as authorized by and subject to the limitations of Section 72-1346(e), Idaho Code, and Section 73-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated shall be obligated after the expiration of the two-year period beginning with the first day of July, 1983.

Approved April 8, 1983.

CHAPTER 171
(S.B. No. 1184)

AN ACT
APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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 from the listed account for the period July 1, 1983, through June 30, 1984:
A. ADMINISTRATION:
   FROM:
   Industrial Administration Account $1,273,600
CHAPTER 172
(S.B. No. 1149)

AN ACT
RELATING TO THE REGULATION OF MOBILE TELEPHONES; PROVIDING A STATEMENT OF LEGISLATIVE FINDING AND PURPOSE; AMENDING SECTION 61-121, IDAHO CODE, TO EXEMPT FROM THE DEFINITION OF A TELEPHONE CORPORATION MOBILE TELEPHONE SERVICES.

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

SECTION 1. The legislature hereby finds that the regulation of the rates, charges and service of mobile telephone service should be removed from the jurisdiction of the Idaho public utilities commission because the forces of the competitive market place can provide better regulation. The legislature declares that the purpose of this act is to end all regulation of mobile telephone companies as public utilities.

SECTION 2. That Section 61-121, Idaho Code, be, and the same is hereby amended to read as follows:

61-121. TELEPHONE CORPORATION. The term "telephone corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state; provided, telephone corporations providing mobile telephone service are exempt from regulation by the commission in the provision of mobile telephone service.

Approved April 8, 1983.

CHAPTER 173
(S.B. No. 1169)

AN ACT
RELATING TO THE CIVIL COMMITMENT LAWS; REPEALING SECTIONS 66-339 AND 66-340, IDAHO CODE; AMENDING SECTION 66-338, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT DIRECTOR OR HIS DESIGNATED REPRESENTATIVE MAY CONDITIONALLY RELEASE A PATIENT FROM AN INPATIENT TREATMENT
FACILITY UPON DETERMINING THAT A PATIENT MAY BE RELEASED WITHOUT IMMINENT RISK OR HARM DUE TO MENTAL ILLNESS AND TO DEFINE THE TERM "CONDITIONAL RELEASE"; AND AMENDING CHAPTER 3, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-339, IDAHO CODE, TO PROVIDE PROCEDURES FOR THE REHOSPITALIZATION OF PATIENTS CONDITIONALLY RELEASED FROM INPATIENT TREATMENT FACILITIES.

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

SECTION 1. That Sections 66-339 and 66-340, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 66-338, Idaho Code, be, and the same is hereby amended to read as follows:

66-338. CONDITIONAL RELEASE. Except for patients confined pursuant to sections 16-1814, 16-1835, 18-211, 18-212, or 18-214, Idaho Code, upon determining that a patient may be released without imminent risk or harm due to mental illness, the department director or his designated representative may release a patient from an inpatient treatment facility on the condition that the patient receive outpatient treatment or on such other reasonable conditions as may be specified by the department director or his designee. For purposes of this chapter, "conditional release" shall refer to the situation in which a patient is discharged from an inpatient treatment facility and dispositioned to an outpatient facility, but shall not include absences, such as escape or other absences wherein the patient is expected to return to the inpatient facility upon a certain date or occurrence of an event.

SECTION 3. That Chapter 3, Title 66, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 66-339, Idaho Code, and to read as follows:

66-339. REHOSPITALIZATION OF PATIENTS CONDITIONALLY RELEASED FROM INPATIENT TREATMENT FACILITIES -- PROCEDURE. (a) Proceedings for the rehospitalization of a patient conditionally released from an inpatient treatment facility may be commenced by the filing of a written application with a court of competent jurisdiction by a prosecuting attorney, judge, designated examiner or other person interested in the patient's welfare.

(b) The application shall state the patient's name and last known address; the name and address of either the patient's spouse, guardian, next of kin or friend, if any; and a simple and precise statement of the facts showing that either the patient has violated a condition of the release or is again in need of placement in an inpatient treatment facility.

(c) Upon receipt of an application, the court shall issue notice of the time and place of hearing not more than five (5) days, excluding Saturdays, Sundays and holidays, from the filing of the application, ensure that the notice and copy of the application are served on the patient, ensure that the patient is represented by counsel and is
advised of his or her right to challenge the allegations of the application, ensure that the patient is examined by two (2) designated examiners; and enter such supplemental orders as may be necessary to protect the patient pending the hearing.

(d) The court shall authorize a dispositioner to enter a change in disposition to an inpatient treatment facility if, at the hearing, conducted substantially as a hearing under section 66-329, Idaho Code, the court finds by clear and convincing evidence that the patient:

(1) Is mentally ill;
(2) Either (i) has violated a condition of the release or (ii) is again in need of placement in an inpatient treatment facility; and
(3) Either (i) is likely to injure himself or others; (ii) is gravely disabled; or (iii) that the course of the patient's particular mental disorder is such that the patient is likely to injure himself or others in the foreseeable future if the patient is not placed in an inpatient treatment facility.

(e) Within twenty-four (24) hours of the court's authorization, a dispositioner shall determine the least restrictive available inpatient treatment facility consistent with the needs of the patient to be rehospitalized. Within seventy-two (72) hours of the court's authorization, the sheriff of the county in which the patient is present shall transport the patient to the facility designated by the dispositioner. The department of health and welfare shall assume responsibility for the usual and customary treatment costs, as defined in section 66-327(b), Idaho Code, after the patient is dispositioned, transported to and admitted by a state facility.

Approved April 8, 1983.

CHAPTER 174
(S.B. No. 1185)

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, 1983 through June 30, 1984:

FOR: $1,988,500
Public Health District Programs
FROM: $1,988,500
General Account

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, 1983 through June 30, 1984:

FOR: Public Health District Programs $1,988,500
FROM: Public Health Trust Account $1,988,500

Approved April 8, 1983.

CHAPTER 175
(S.B. No. 1191)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Agriculture not exceed the following amounts for the period July 1, 1983 through June 30, 1984:

FOR:
- Personnel Costs $7,043,200
- Operating Expenditures 1,219,400
- Capital Outlay 24,700
- Trustee & Benefit Payments 318,200
  TOTAL $8,605,500

FROM:
- General Account $1,210,600
- Dedicated Accounts 7,089,700
- Federal Accounts 305,200
  TOTAL $8,605,500

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, 1983 through June 30, 1984:
### C. 175 '83 IDAHO SESSION LAWS 483

#### PROGRAM FOR PERSONNEL COSTS FOR OPERATING EXPENDITURES FOR CAPITAL OUTLAY FOR TRUSTEE AND BENEFIT PAYMENTS TOTAL

**A. ADMINISTRATION:**

**FROM:**

<table>
<thead>
<tr>
<th>Account</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>General Account</td>
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<td>$211,200</td>
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<td>Agriculture Department Inspection Account</td>
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<td></td>
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<td>133,600</td>
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<tr>
<td>Rural Rehabilitation Account</td>
<td>17,700</td>
<td>2,400</td>
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<td>$150,000</td>
<td>170,100</td>
</tr>
<tr>
<td>Egg Inspection Account</td>
<td>9,000</td>
<td></td>
<td></td>
<td></td>
<td>9,000</td>
</tr>
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<td><strong>TOTAL</strong></td>
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<td><strong>$68,500</strong></td>
<td><strong>$150,000</strong></td>
<td><strong>$150,000</strong></td>
<td><strong>$523,700</strong></td>
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**B. ANIMAL INDUSTRY:**

**FROM:**

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<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
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<td>$272,200</td>
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<td>Livestock Disease Control &amp; T.B. Indemnity Account</td>
<td>208,400</td>
<td>170,200</td>
<td>$10,000</td>
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<td>388,600</td>
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<tr>
<td>Dairy Industry and Inspection Account</td>
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<td>42,300</td>
<td>1,000</td>
<td></td>
<td>246,900</td>
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<td>Livestock Dealer License Account</td>
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<td>2,200</td>
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<td>4,300</td>
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<td>Animal-Federal Account</td>
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<td>56,700</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td><strong>233,600</strong></td>
<td><strong>$11,000</strong></td>
<td></td>
<td><strong>968,700</strong></td>
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</tbody>
</table>

**C. PLANT INDUSTRY:**

**FROM:**

<table>
<thead>
<tr>
<th>Account</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee and Benefit Payments</th>
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<td>15,800</td>
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<tr>
<td>Commercial Feed and Fertilizer Account</td>
<td>201,100</td>
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<tr>
<td>Pesticide Account</td>
<td>160,800</td>
<td>37,300</td>
<td></td>
<td></td>
<td>198,100</td>
</tr>
<tr>
<td>Plant-Federal Account</td>
<td>126,000</td>
<td>73,500</td>
<td></td>
<td></td>
<td>199,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,000,200</strong></td>
<td><strong>354,400</strong></td>
<td></td>
<td></td>
<td><strong>1,354,600</strong></td>
</tr>
</tbody>
</table>

**D. AGRICULTURAL INSPECTIONS:**

**FROM:**

<table>
<thead>
<tr>
<th>Account</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>General Account</td>
<td>$467,900</td>
<td>$105,900</td>
<td></td>
<td></td>
<td>$573,800</td>
</tr>
<tr>
<td>Agriculture Department Inspection Account</td>
<td>106,100</td>
<td>33,300</td>
<td></td>
<td></td>
<td>142,600</td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>4,216,000</td>
<td>306,400</td>
<td>13,700</td>
<td>165,000</td>
<td>4,701,100</td>
</tr>
<tr>
<td>Egg Inspection Account</td>
<td>54,600</td>
<td>17,500</td>
<td></td>
<td></td>
<td>72,100</td>
</tr>
<tr>
<td>Public Livestock</td>
<td>2,500</td>
<td>3,800</td>
<td></td>
<td></td>
<td>6,300</td>
</tr>
<tr>
<td>Wheat Statistics Account</td>
<td>2,600</td>
<td>3,800</td>
<td></td>
<td></td>
<td>6,400</td>
</tr>
<tr>
<td>Egg and Poultry</td>
<td>33,500</td>
<td>12,300</td>
<td></td>
<td></td>
<td>45,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>4,883,200</strong></td>
<td><strong>479,800</strong></td>
<td><strong>$13,700</strong></td>
<td></td>
<td><strong>5,544,900</strong></td>
</tr>
</tbody>
</table>

**E. SHEEP COMMISSION:**

**FROM:**

<table>
<thead>
<tr>
<th>Account</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>General Account</td>
<td>$5,800</td>
<td>$7,800</td>
<td></td>
<td></td>
<td>13,600</td>
</tr>
<tr>
<td>Sheep Commission Account</td>
<td>124,600</td>
<td>63,600</td>
<td></td>
<td></td>
<td>188,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$130,200</strong></td>
<td><strong>$71,400</strong></td>
<td></td>
<td></td>
<td><strong>$201,600</strong></td>
</tr>
</tbody>
</table>

**F. HONEY ADVERTISING COMMISSION:**

**FROM:**

<table>
<thead>
<tr>
<th>Account</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>Idaho Honey Advertising Account</td>
<td>$300</td>
<td>$11,700</td>
<td></td>
<td></td>
<td>12,000</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>$7,043,200</strong></td>
<td><strong>$1,219,400</strong></td>
<td><strong>$24,700</strong></td>
<td></td>
<td><strong>$318,200</strong></td>
</tr>
</tbody>
</table>

Approved April 8, 1983.
CHAPTER 176  
(S.B. No. 1164)  

AN ACT  
RELATING TO SEX CRIMES; AMENDING CHAPTER 66, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6608, IDAHO CODE, TO PROVIDE FOR THE CRIME OF FORCIBLE SEXUAL PENETRATION BY USE OF A FOREIGN OBJECT AND TO PROVIDE A PENALTY.

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

SECTION 1. That Chapter 66, 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 18-6608, Idaho Code, and to read as follows:

18-6608. FORCIBLE SEXUAL PENETRATION BY USE OF FOREIGN OBJECT.  
Every person who causes the penetration, however slight, of the genital or anal opening of another person, by any object, instrument or device, against the victim's will by use of force or violence or by duress, or by threats of immediate and great bodily harm, accompanied by apparent power of execution, for the purpose of sexual arousal, gratification or abuse shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.

Approved April 8, 1983.

CHAPTER 177  
(S.B. No. 1160)  

AN ACT  
RELATING TO INSURANCE; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-302A, IDAHO CODE, TO DEFINE DEPOSIT GUARANTEE CORPORATIONS; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-322A, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE CERTIFICATES OF AUTHORITY TO DEPOSIT GUARANTEE CORPORATIONS; AND AMENDING CHAPTER 5, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-513, IDAHO CODE, TO DEFINE SHARE AND DEPOSIT INSURANCE.

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

SECTION 1. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-302A, Idaho Code, and to read as follows:

41-302A. "DEPOSIT GUARANTEE" CORPORATION DEFINED. A deposit guarantee corporation is an incorporated insurer without capital stock,
the members of which are policy holders and the governing body of which is elected by its members.

SECTION 2. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-322A, Idaho Code, and to read as follows:

41-322A. CERTIFICATES OF AUTHORITY FOR DEPOSIT GUARANTEE CORPORATIONS. Upon the application of a deposit guarantee corporation, the director may issue a certificate of authority to a corporation authorized to issue share and deposit insurance contracts upon such terms and conditions as the director may prescribe by rule or regulation promulgated in accordance with section 41-211, Idaho Code, and chapter 52, title 67, Idaho Code.

SECTION 3. That Chapter 5, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-513, Idaho Code, and to read as follows:

41-513. "SHARE AND DEPOSIT INSURANCE" DEFINED. Share and deposit insurance is that form of contract which guarantees the redemption of shares and deposits in a bank or a savings and loan association to its account holders and/or which guarantees to members of credit unions the redemption of shares, share accounts and deposits in a credit union.

Approved April 8, 1983.

CHAPTER 178
(S.B. No. 1182)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS; AND APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 1984.

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

SECTION 1. It is legislative intent that the expenditures for the State Tax Commission not exceed the following amounts from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$11,906,600</td>
</tr>
<tr>
<td>Idaho Travel and Convention Account</td>
<td>22,200</td>
</tr>
<tr>
<td>Highway Suspense Account</td>
<td>339,900</td>
</tr>
<tr>
<td>State Tax Commission Fish and Game Suspense Account</td>
<td>16,700</td>
</tr>
<tr>
<td>Hotel &amp; Motel Tax Suspense Account</td>
<td>15,700</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the State Tax Commission the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. ADMINISTRATION & SUPPORT:
FROM:
General Account $1,031,000
Highway Suspense Account 80,500
Interagency Billing and Receipts Account 4,200
Idaho Travel and Convention Account 7,900
State Tax Commission Fish and Game Suspense Account 3,700
United States Olympic Account 3,700
TOTAL $1,131,000

B. AUDIT AND COLLECTIONS:
FROM:
General Account $6,705,200
Interagency Billing and Receipts Account 2,400
Highway Suspense Account 259,400
Hotel & Motel Tax Suspense Account 15,700
State Tax Commission Fish and Game Suspense Account 13,000
United States Olympic Account 13,000
Idaho Travel and Convention Account 14,300
TOTAL $7,023,000

C. AD VALOREM:
FROM:
General Account $856,600
Interagency Billing and Receipts Account 21,200
TOTAL $877,800

D. CIRCUIT BREAKER TAX RELIEF:
FROM:
General Account $2,816,100

E. MULTI-STATE TAX COMPACT:
FROM:
Multi-State Tax Compact Account $69,200

F. UNIFORM ASSESSMENT:
FROM:
General Account $497,700

GRAND TOTAL $12,414,800

SECTION 3. There is hereby appropriated to the Board of Tax Appeals the following amount from the General Account, to be expended for the period July 1, 1983 through June 30, 1984:
FROM:
General Account $45,600

Approved April 8, 1983.
Chapter 179
(H.B. No. 237, As Amended in the Senate)

An Act
Relating to Operator's and Chauffeur's License Fees; Amending Section 49-312, Idaho Code, to Provide an Increase in the Required Fee to Accompany the Application for an Operator's and a Chauffeur's License; Amending Section 49-346, Idaho Code, to Establish Amounts to be Deposited in the Driver Training Account from Each Instruction Permit, Operator's and Chauffeur's License Issued; Amending Section 49-349, Idaho Code, to Prescribe Where the Balance of Fees for Instruction Permits, Operator's and Chauffeur's Licenses Are to be Deposited; Repealing Sections 40-2211 and 49-1301, Idaho Code; Amending Chapter 13, Title 49, Idaho Code, by the Addition of a New Section 49-1301, Idaho Code, to Provide for the Creation of the Idaho Law Enforcement Account and the Sources of Moneys for the Account; Amending Section 19-4811, Idaho Code, to Change the Name of the Account from Which the Idaho State Police Shall Be Funded; and Amending Section 40-2210, Idaho Code, to Provide Specific Amounts of Instruction Permit, Operator's and Chauffeur's License Fees and Motor Vehicle Registration Fees to Be Deposited to the State Highway Account.

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

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

49-312. Application for License or Instruction Permit. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department and sheriffs and their deputies are hereby authorized to administer such oaths without charge. Every application for a permit or license shall be accompanied by the required fee, to-wit: Application for instruction permit, four dollars ($4.00); application for operator's license, seven ten dollars ($710.00); application for chauffeur's license, nine twelve dollars ($912.00). Every applicant for an instruction permit or operator's license who is required to take or who elects to take a driver training course in a public school in this state shall be required to pay an additional fee of twenty-five dollars ($25.00) for deposit to the driver training account.

(b) Every said application shall state the full name, date of birth, sex, residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and the applicant may be required to submit proof of date of birth sufficient to satisfy the issuing officer.
(c) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

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

SECTION 2. That Section 49-346, Idaho Code, be, and the same is hereby amended to read as follows:

49-346. DRIVER TRAINING FUND ACCOUNT ESTABLISHED -- DEPOSIT OF FEES. The driver training fund account is hereby established in the office of the state treasurer, which fund account is continuously appropriated for the purposes of driver training. All fees paid to the department under this act shall be deposited by the department with the treasurer of the state of Idaho, and the same shall be placed in the state highway account, except that four dollars ($4.00) for each operator's license, three dollars ($3.00) for each instruction permit and four dollars ($4.00) for each chauffeur's license issued, and all of the additional driver training course fees paid shall be deposited by the department with the treasurer of the state of Idaho in the driver training fund account. All disbursements for driver training purposes made under certificate of the state board of education shall be made from the driver training fund account. All other actual and necessary expenses incurred by the department in connection with the administration of the act shall be paid from the motor vehicle fund upon claims audited and paid as other claims against the state of Idaho account.

SECTION 3. That Section 49-349, Idaho Code, be, and the same is hereby amended to read as follows:

49-349. REMITTANCE OF FEES. All moneys or fees which shall be paid to or collected by the sheriff of any county of the state of Idaho for receiving applications for or renewals of motor vehicle operators' licenses and motor vehicle chauffeurs' licenses shall, not later than the end of each and every month, be paid to the county treasurer wherein said fees were collected and the county treasurer shall deposit one dollar and five cents ($1.05) from each of said fees and one dollar and fifty cents ($1.50) from the fees charged for applications for duplicates of each license to the credit of the current expense fund and shall, at least monthly, remit the remainder of all of said fees to the department for deposit with the state treasurer to the law enforcement account as provided by section 49-1301, Idaho Code, to the driver training account as provided by section 49-346, Idaho Code, and to the state highway account as provided by section 40-2210, Idaho Code.

SECTION 4. That Sections 40-2211 and 49-1301, Idaho Code, be, and the same are hereby repealed.
SECTION 5. That Chapter 13, 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 49-1301, Idaho Code, and to read as follows:

49-1301. IDAHO LAW ENFORCEMENT ACCOUNT CREATED. For the purposes of the department of law enforcement, there is hereby created in the dedicated fund of the state of Idaho the Idaho law enforcement account, to which shall be deposited three dollars ($3.00) from each operator's license issued, three dollars ($3.00) from each chauffeur's license issued, and one-third (1/3) of all moneys collected for licenses issued by the Idaho transportation department for motor vehicles in conformance with the provisions of chapter 1, title 49, Idaho Code. From the one-third (1/3) paid into and credited to the law enforcement account, one-fourth (1/4) of all moneys will be transferred monthly by the state auditor's office to the state highway account. This transfer will not be subject to provisions of section 40-405, Idaho Code, and acts amendatory thereof. The said one-third (1/3) of moneys derived from the licensing of motor vehicles shall be of the total moneys collected, and the division of the remaining two-thirds (2/3) of said moneys shall be made pursuant to the provisions of section 40-2211, Idaho Code, and acts amendatory thereof.

SECTION 6. That Section 19-4811, Idaho Code, be, and the same is hereby amended to read as follows:

19-4811. SALARIES AND EXPENSES -- SOURCE OF PAYMENT. All salaries, costs of equipment, and expense of maintaining and operating the Idaho state police shall be paid from the motor-vehicle-fund law enforcement account and such other funds as are or may hereafter be appropriated for the purpose of operating and maintaining the Idaho state police.

SECTION 7. That Section 40-2210, Idaho Code, be, and the same is hereby amended to read as follows:

40-2210. STATE HIGHWAY FUND ACCOUNT -- CREATION. For the purpose of carrying out the provisions of this chapter, there is hereby created in the office of the state treasurer a separate fund account to be known as the state highway fund account, which fund account shall include:

1. All moneys received and-paid-over, as hereinafter provided, by the department of law enforcement and the county treasurers of the various counties for the registration and licensing of motor vehicles and dealers and manufacturers of motor vehicles, as hereinafter provided by the state treasurer for deposit to the state highway account, which amount shall include one dollar ($1.00) for each instruction permit issued, one dollar and ninety-five cents ($1.95) for each operator's license issued, three dollars and ninety-five cents ($3.95) for each chauffeur's license issued, and two-thirds (2/3) of all moneys collected for licenses issued by the Idaho transportation department for motor vehicles in conformance with the provisions of chapter 1, title 49, Idaho Code.
2. All fines, penalties and forfeitures incurred and collected for violations of the provisions of this chapter, as hereinafter provided.

3. All donations to the state from any source for the construction and improvement of highways.

4. All funds received from local boards under joint contracts for the construction of state highways, as hereinbefore in this act chapter provided; and,

5. Other funds which have heretofore or may hereafter be provided by law for the construction and improvement of state highways.

Approved April 9, 1983.

CHAPTER 180
(H.B. No. 176, As Amended in the Senate)

AN ACT
RELATING TO EXEMPTION FROM TAXES FOR ELECTRICITY OR GAS USED IN PUMPING; AMENDING SECTION 63-106, IDAHO CODE, TO REQUIRE A UTILITY TO CREDIT OR REFUND TAXES PAID ON POWER PRODUCED BY ELECTRICITY OR GAS AND USED FOR IRRIGATION OR DRAINAGE PUMPING.

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

SECTION 1. That Section 63-106, Idaho Code, be, and the same is hereby amended to read as follows:

63-106. ELECTRIC, OR NATURAL GAS, PUBLIC UTILITIES PUMPING WATER FOR IRRIGATING IRRIGATION OR DRAINAGE -- REDUCTION OF ASSESSMENT IN ACCORDANCE WITH EXEMPTION -- CREDIT ON CUSTOMERS' BILLS. The state tax commission shall, at the time of assessment of the property of any electrical, or natural gas, public utility, cooperative organized under the Rural Electrification Administration Act of the United States Congress, or other company distributing electrical power ("utility"), determine the amount of the exemption under section 63-105J, Idaho Code, and shall reduce such assessment so that any such electrical--company;--or--natural--gas--public utility shall not be required to pay any taxes upon that portion of its property so exempted.

The amount of such exemption or reduction by the state tax commission shall be as nearly as practicable, such as would yield the amount of taxes included in the rates of the such utility under the tariff schedule(s) applicable to the furnishing of such power electricity or gas.

The full amount of taxes which would have been due from such utility if such exemption had not been made, shall be credited annually, for the year in which the exemption is made, on the power electric or gas bill, or-the-natural-gas-bill; to the consumer by the utility furnishing such power; electricity or energy;--in-such-sum-as-the-amount of-power;--or-energy;--each-consumer-uses-bears-to-the-whole--amount--of
For the purposes of determining the benefit to which each consumer is entitled by virtue of this exemption, the following procedure is provided.

On or before the fifteenth day of November each year, the tax collector of each county shall transmit to the state tax commission, duplicate tax statements of each electrical company; and of each natural gas public utility, showing the taxes payable by such utility in his county. The state tax commission shall as soon as practicable thereafter, certify to the public utilities commission of Idaho each utility, the aggregate saving in taxes effected in the several counties to each utility by reason of this exemption. On or before the fifteenth day of November December of each year, such electrical company; and natural gas public each utility; shall file with the public utilities state tax commission of Idaho, a list of all its power consumers; and natural gas consumers; with the amount of power; or natural gas; used by each a statement showing the revenues which were or are to be collected from each irrigation or drainage pumping consumer, and the ratio between the aggregate savings in taxes certified to it by the state tax commission and the aggregate revenues which were or are to be collected from these consumers. The public utilities commission utility shall thereupon determine the credit to which each consumer is entitled by virtue of this exemption and shall by order require such utility to credit upon its power; or natural gas certify to the state tax commission that it has refunded or credited against the consumers' bills, the amounts respectively determined by it to be due each consumer. This refund or credit shall equal each consumer's bill for the year multiplied by the ratio calculated pursuant to the provisions of this paragraph. The public utilities commission shall have jurisdiction under the public utilities law to insure utility compliance with the provisions of this statute.

Approved April 9, 1983.

CHAPTER 181
(H.B. No. 242, As Amended, As Amended in the Senate)

AN ACT
RELATING TO LAW ENFORCEMENT COMMUNICATIONS; AMENDING SECTION 19-5202, IDAHO CODE, TO CREATE THE TELETYPEWRITER COMMUNICATIONS NETWORK ACCOUNT, AND TO PROVIDE THAT RENTAL AND USE FEES COLLECTED UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE PAID INTO THE ACCOUNT; AMENDING SECTION 19-5203, IDAHO CODE, TO PROVIDE THAT THE LAW ENFORCEMENT TELETYPEWRITER SYSTEM SHALL REMAIN UNDER THE MANAGEMENT CONTROL OF THE LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS BOARD, TO DEFINE TERMS, AND TO PROVIDE FOR THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT TO APPLY FOR AND ACCEPT FEDERAL FUNDS WHICH MUST BE DEPOSITED IN THE TELETYPEWRITER COMMUNICATIONS NETWORK ACCOUNT, AND WHICH MAY BE EXPENDED ONLY AFTER A LEGIS-
LATIVE APPROPRIATION, AND TO ACCEPT GIFTS AND DONATIONS FROM INDIVIDUALS AND PRIVATE ORGANIZATIONS OR FOUNDATIONS FOR ANY OR ALL PURPOSES OF CHAPTER 52, TITLE 19, IDAHO CODE; AND AMENDING SECTION 67-5747, IDAHO CODE, TO PROVIDE THAT THE IDAHO LAW ENFORCEMENT TELETYPETRITER SYSTEM SHALL NOT FALL UNDER THE POWERS AND DUTIES OF THE DIVISION OF GENERAL SERVICES OF THE DEPARTMENT OF ADMINISTRATION.

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

SECTION 1. That Section 19-5202, Idaho Code, be, and the same is hereby amended to read as follows:

19-5202. ESTABLISHMENT OF NETWORK -- USE -- RENTAL CHARGE -- INTERSTATE CONNECTION. (1) Establishment of network. The director of the department of law enforcement of the state of Idaho shall establish a teletypewriter communications network which will interconnect the criminal justice agencies of this state and its political subdivisions and all agencies engaged in the promotion of highway safety into a unified teletypewriter communications system. The director is authorized to lease such transmitting and receiving facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(2) Use of network. The teletypewriter communications network shall be used exclusively for the law enforcement business of the state of Idaho and all the political subdivisions thereof, including all agencies engaged in the promotion of traffic safety.

(3) Judiciary and traffic safety. Nothing in this act shall prohibit the use of or participation in the teletypewriter communications herein provided by the judicial branch of the state government or by any other department, agency or branch of state or local government engaged in traffic safety.

(4) Rental. The monthly rental to be charged each department or agency participating in the teletypewriter communications network on a terminal or unit basis by the teletypewriter communications board and in setting such rental charge the board shall take into consideration the usage of said network by each participant and of the economic position of each participant. There is hereby created the teletypewriter communications network account. All rental and use fees collected under the provisions of this chapter shall be paid into the account.

(5) Interstate connection. The teletypewriter communications network provided for herein is hereby authorized to connect and participate with teletypewriter communications network systems of other states and provinces of Canada.

SECTION 2. That Section 19-5203, Idaho Code, be, and the same is hereby amended to read as follows:

19-5203. TELETYPETRITER 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) The teletypewriter communications board shall have exclusive management control over the entire Idaho law enforcement teletypewriter system (ILETS) which includes all hardware, software, electronic switches, peripheral gear, microwave links, circuitry, and terminal devices which make up the network and any access thereto. The term Idaho law enforcement teletypewriter system (ILETS) shall mean the teletypewriter system established by the director of the department of law enforcement pursuant to subsection (1) of section 19-5202, Idaho Code, and shall not apply to any type of voice-oriented transmission whether it be by mobile radio, microwave or telephone.

(5) Salaries and expenses. Members of said board shall 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.

(6) Federal funding, gifts, donations. The director is authorized to apply for and accept federal funds granted by the congress of the United States, or by executive order, all of which must be deposited in the teletypewriter communication network account, and which may be expended only after a legislative appropriation. The director may accept gifts and donations from individuals and private organizations or foundations for all or any of the purposes of chapter 52, title 19, Idaho Code.

SECTION 3. That Section 67-5747, Idaho Code, be, and the same is
hereby amended to read as follows:

67-5747. POWERS AND DUTIES. The division of general services is hereby authorized and directed:

(a) To control and approve the additional installation of all communications equipment and facilities for all departments and institutions of state government. In approving the installation of additional communications equipment or facilities, the division shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments or institutions.

(b) To receive and hold, upon order of the board of examiners, physical custody and control of such existing communications equipment and facilities utilized by or in the possession of any department or institution, as may be necessary to carry out the purposes of this act.

(c) To provide a system of communications for all departments and institutions of state government. The administrator of general services shall prescribe adequate rules and regulations for the use of any communications equipment and facilities now in use or hereafter made available. Funds received pursuant to this subsection shall be deposited to the trustee and benefit category of the division of general services account and are hereby continually appropriated to the administrator for payment of communication and telephone charges incurred by the various agencies and institutions of state government.

(d) To provide a means whereby political subdivisions of the state may utilize the state communications system, upon such terms and under such conditions as the division may establish.

(e) To accept federal funds granted by congress or by executive order for all or any of the purposes of this act, as well as gifts and donations from individuals and private organizations or foundations.

(f) The provisions of this section shall not apply to the Idaho law enforcement teletypewriter system (ILETS) as defined in subsection (4) of section 19-5203, Idaho Code.

Approved April 9, 1983.

CHAPTER 182
(H.B. No. 267, As Amended in the Senate)

AN ACT
RELATING TO PROFESSIONAL STUDIES; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3720, IDAHO CODE, TO ESTABLISH A PROFESSIONAL STUDIES PROGRAM UNDER THE AUTHORITY OF THE STATE BOARD OF EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3721, IDAHO CODE, TO ESTABLISH THE PROFESSIONAL STUDIES ACCOUNT, AND TO PROVIDE FOR THE USE OF MONEYS IN THE ACCOUNT; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.
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 33-3720, Idaho Code, and to read as follows:

33-3720. PROFESSIONAL STUDIES PROGRAM. (1) It is hereby declared that it is in the public interest to assist Idaho citizens who wish to pursue professional studies in the fields of medicine, dentistry, veterinary medicine, and other health-related areas of study which are not available within the state by (a) entering into compacts or contractual agreements which make such courses of study available to Idaho citizens, and (b) providing a mechanism to provide funds for such Idaho citizens.

(2) The state board of education is hereby authorized to enter into loan agreements with qualified recipients to participate in qualified programs, which agreements shall include provisions for repayment of the loan on terms agreed to by the board and the qualified recipient; such repayment agreements may include provisions for decreasing or delaying or forgiving the repayment obligation in relationship to the recipient's course of study or agreement to return to Idaho to practice professionally.

(a) A qualified recipient shall be any Idaho student accepted into a qualified program who meets the residency requirements imposed by section 33-3717, Idaho Code, and the rules of the state board of education.

(b) A qualified program shall be a program enumerated in section 33-3717(8), Idaho Code, and any other medical, dental, veterinary medicine, or other health-related program in which participation by Idaho residents has been authorized by the legislature and for which funds have been obligated by the board pursuant to subsection (3) of this section.

(3) The state board of education is hereby authorized to transfer, distribute or pay such moneys as are available in the professional studies account to the school, program, or compact providing the course of study pursuant to contracts, agreements, or compacts entered into by the legislature or the state board of education.

(4) The state board of education is hereby authorized to adopt all necessary rules, subject to the provisions of chapter 52, title 67, Idaho Code, for the administration of the professional studies program.

SECTION 2. 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 33-3721, Idaho Code, and to read as follows:

33-3721. PROFESSIONAL STUDIES ACCOUNT. (1) There is hereby created in the dedicated fund, the professional studies account. The professional studies account shall be used to receive moneys from state appropriations, from private contributions, from gifts and grants, from repayment of loans, and from any other source, in support
of medical, dental, veterinary, or other health-related professional programs of study.

(2) Interest earned on investments from moneys in the account shall be paid to the account.

(3) All moneys in the account are hereby appropriated to the state board of education for the purposes of section 33-3720, Idaho Code.

SECTION 3. (1) An emergency existing therefor, which emergency is hereby declared to exist, the provisions of sections 33-3720(4) and 33-3721, Idaho Code, shall be in full force and effect on and after May 1, 1983.

(2) The provisions of subsections (1) through (3) of section 33-3720, Idaho Code, shall be in full force and effect on and after July 1, 1984.

Approved April 9, 1983.

CHAPTER 183
(H.B. No. 104)

AN ACT RELATING TO SENTENCE ENHANCEMENT; AMENDING SECTION 19-2520, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT A FIREARM BE CARRIED WHILE commitING A CRIME AND TO PROVIDE CONDITIONS UNDER WHICH THE ADDITIONAL TERMS OF INCARCERATION WILL BE IMPOSED; AMENDING SECTION 19-2520A, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH THE ADDITIONAL TERMS OF INCARCERATION WILL BE IMPOSED; AMENDING SECTION 19-2520B, IDAHO CODE, TO STRIKE AMBIGUOUS LANGUAGE; AMENDING SECTION 19-2520C, IDAHO CODE, TO STRIKE AMBIGUOUS LANGUAGE; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION, 19-2520E, IDAHO CODE, TO PROVIDE THAT MULTIPLE ENHANCEMENT PENALTIES ARE PROHIBITED.

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 18-905 (aggravated assault defined), 18-907 (aggravated battery defined), 18-909 (assault with intent to commit a serious felony defined), 18-911 (battery with intent to commit a serious felony defined), 18-1401 (burglary defined), 18-2501 (rescuing prisoners), 18-2505 (escape by one charged with or convicted of a felony), 18-2506 (escape by one charged with or convicted of a misdemeanor), 18-2703 (resisting officers), 18-4003 (degrees of murder), 18-4006 (manslaughter), 18-4015 (assault with intent to murder), 18-4501 (kidnapping defined), 18-4604 (grand larceny defined), 18-5001 (mayhem defined), 18-6101 (rape defined), or
18-6501 (robbery defined), Idaho Code, who carried, displayed, used, threatened, or attempted to use a firearm 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 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.

The additional terms provided in this section shall not be imposed unless the fact of displaying, using, threatening, or attempting to use a firearm or other deadly weapon while committing the crime is separately charged in the information or indictment and admitted by the accused or found to be true by the trier of fact at the trial of the substantive crime; provided, however, that the prosecutor shall give notice to the defendant of intent to seek an enhanced penalty at or before the preliminary hearing or before a waiver of the preliminary hearing, if any.

This section shall apply even in those cases where the use of a firearm is an element of the offense.

SECTION 2. That Section 19-2520A, Idaho Code, be, and the same is hereby amended to read as follows:

19-2520A. MANDATORY MINIMUM SENTENCES. Every person convicted of any felony enumerated in section 19-2520, Idaho Code, and who used, threatened or attempted to use a firearm or other deadly weapon or instrument while committing the felony, and who has been convicted of a previous felony in another state or if within Idaho a previous felony as enumerated in section 19-2520, Idaho Code, within a ten (10) year period prior to the commission of the subsequent felony, in substitute for the penalty prescribed in section 19-2520, Idaho Code, shall be imprisoned in the state penitentiary for a mandatory minimum period of not less than three (3) years or for such greater period as the court may impose up to a maximum of fifteen (15) years. This additional sentence shall run consecutively to any other sentence imposed for the enumerated felony or felonies. The mandatory minimum period of three (3) years incarceration shall be served without eligibility for parole less any allowance for goodtime.

The additional terms provided in this section shall not be imposed unless the fact of displaying, using, threatening, or attempting to use a firearm or other deadly weapon while committing the crime is separately charged in the information or indictment and admitted by the accused or found to be true by the trier of fact at the trial of the substantive crime; provided, however, that the prosecutor shall give notice to the defendant of intent to seek an enhanced penalty at or before the preliminary hearing or before a waiver of the preliminary hearing, if any.

SECTION 3. That Section 19-2520B, Idaho Code, be, and the same is
hereby amended to read as follows:

19-2520B. INFLECTION OF GREAT BODILY INJURY -- ATTEMPTED FELONY OR CONSPIRACY -- MANDATORY MINIMUM ENHANCEMENT OF PRISON TERM. (1) Any person who inflicts great bodily injury, and the injury was either intended or the act causing the injury was done with a reckless disregard for the safety of another person, on any person, other than an accomplice, in the commission or attempted commission of a felony or conspiracy to commit such a felony shall, in addition and consecutive to the punishment prescribed for the felony, attempted felony or conspiracy to commit such a felony of which the person has been found guilty, be punished by an additional term of a sentence enhancement of not less than five (5) nor more than twenty (20) years to be served in the state prison without eligibility for parole, unless infliction of great bodily injury is an element of the offense of which he is found guilty.

(2) As used in this section, "great bodily injury" means a significant or substantial physical injury.

(3) The terms of enhancement required by this section shall apply to any aider or abettor; a person who acts in concert with, or a person who conspires with, the perpetrator of the crime.

(4) Any term of enhancement required by this section shall be served consecutively to any other term of imprisonment or enhancement; and shall commence from the time such person would otherwise have been released from imprisonment. Any other term of imprisonment or enhancement imposed subsequent to such term of enhancement shall not be merged therein but shall commence at the time such person would otherwise have been released from prison.

(5) The additional terms provided in this section shall not be imposed unless the fact of great bodily injury is separately charged in the accusatory pleading and admitted by the accused or found to be true by the trier of fact after a verdict or finding of guilty on the substantive crime.

SECTION 4. That Section 19-2520C, Idaho Code, be, and the same is hereby amended to read as follows:

19-2520C. MANDATORY MINIMUM ENHANCEMENT OF PRISON TERMS FOR REPEATED SEX OFFENSES, EXTORTION AND KIDNAPPING. (1) Any person who is found guilty of violation of the provisions of sections 18-2801 (extortion), 18-4501 (kidnapping), 18-6101 (rape), 18-6605 (crime against nature), or 18-6607 (lewd and lascivious conduct), Idaho Code, or any attempt or conspiracy to commit such crime(s); and committed such crime(s) by force, violence, duress, menace or threat of great bodily injury in excess of that which is necessary to commit the offense; and who has been previously found guilty of any such crime, shall receive a sentence enhancement of not less than three (3) years nor more than fifteen (15) years to be served in the state prison without eligibility for parole; provided, however, that no enhancement shall be imposed under this section for any such crime occurring prior to a period of fifteen (15) years during which the person remained free of prison custody, parole and being found guilty of a crime which is a felony; provided further that no enhancement shall be imposed
under this subsection when the provisions of section 19-2520B, Idaho Code, would be applicable.

(2) Any person found guilty of an offense specified in subsection (1) of this section who has served two (2) or more prior prison terms for any crime specified in subsection (1) hereof, shall receive a sentence enhancement of not less than ten (10) nor more than twenty (20) years for each such prior term to be served in the state prison without eligibility for parole; provided, that no additional enhancement shall be imposed under this subsection for any prison term served prior to a period of fifteen (15) years during which the person remained free of prison custody, parole and being found guilty of a crime which is a felony.

(3) The terms of enhancement required by this section shall apply to any aider or abettor; a person who acts in concert with, or a person who conspires with, the perpetrator of the crime.

(4) Any term of enhancement required by this section shall be served consecutively to any other term of imprisonment or enhancement; and shall commence from the time such person would otherwise have been released from imprisonment. Any other term of imprisonment or enhancement imposed subsequent to such term of enhancement shall not be merged therein but shall commence at the time such person would otherwise have been released from prison.

(5) Any term of enhancement required by this section shall not be imposed unless the fact of the prior commission of a crime is separately charged in the accusatory pleading and admitted by the accused or found to be true by the trier of fact after a verdict or finding of guilty on the substantive crime.

SECTION 5. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2520E, Idaho Code, and to read as follows:

19-2520E. MULTIPLE ENHANCED PENALTIES PROHIBITED. Notwithstanding the enhanced penalty provisions in sections 19-2520, 19-2520A, 19-2520B and 19-2520C, Idaho Code, any person convicted of two (2) or more substantive crimes provided for in the above code sections, which crimes arose out of the same indivisible course of conduct, may only be subject to one (1) enhanced penalty.

Approved April 9, 1983.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-806, Idaho Code, be, and the same is hereby amended to read as follows:

23-806. LIQUOR LAW ENFORCEMENT ACCOUNT -- SOURCE -- APPROPRIATION -- PURPOSES FOR WHICH USED. To provide revenue for liquor law enforcement the state liquor dispensary shall transfer moneys to the liquor law enforcement account, as provided in section 23-404, Idaho Code, for use as provided herein.

All moneys accruing to the state treasury under and pursuant to the above provision shall be credited to the "liquor law enforcement account" which is hereby created in the state operating fund and the legislature shall appropriate therefrom to the department of law enforcement such sums as the legislature deems necessary for the department of law enforcement to effectually carry out the objects and purposes of title 23, chapter 8, Idaho Code, and the enforcement of the Idaho Liquor Act, and title 23, chapter 9, Idaho Code. Any unencumbered balance in excess of the sum of ten fifty thousand dollars ($150,000) remaining in the liquor law enforcement account at the end of each fiscal year shall be transferred to the general account and the state auditor is authorized and directed to make 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 April 9, 1983.

CHAPTER 185
(H.B. No. 198)

AN ACT
RELATING TO INSURANCE COMPANIES; AMENDING SECTION 41-403, IDAHO CODE, TO ENCOURAGE IDAHO INVESTMENTS BY INSURANCE COMPANIES.

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

SECTION 1. That Section 41-403, Idaho Code, be, and the same is hereby amended to read as follows:

41-403. REDUCED TAX BASED ON IDAHO INVESTMENTS. Provided that it shall comply with rules and standards duly promulgated by the director of insurance for the purposes of assuring the establishment and maintenance in this state of bona-fide-home-office services and facilities consistent with the nature and extent of its operations, any domestic insurer, other than a domestic life insurance company, having at all times throughout the year with respect to which the tax is payable twenty-five per cent (25%) or more of its assets invested
in the investments set forth below, shall, with respect to premiums on which taxes are to be computed under section 41-402, Idaho Code, compute and pay such tax at the rate of one per cent (1%) instead of at any higher rate provided for under such section 41-402, Idaho Code; and provided further, any domestic life insurance company, in order to qualify for a tax rate of one per cent (1%) instead of any higher rate provided for under section 41-402, Idaho Code, shall maintain throughout the year with respect to which tax is payable at least twenty-five per cent (25%) of the reserve required under section 41-706 (4), Idaho Code, invested in the designated investments set forth below:

1. Bonds or warrants of this state, or of any county, city or incorporated town or district within this state authorized by law to be issued, or

2. Taxable real estate within this state, or

3. First mortgages upon improved, unencumbered real estate situated within this state, or

4. Stocks or bonds of corporations organized under the laws of, or maintaining their home office and principal administrative records in this state if such stocks or bonds are lawful investments of the insurer under chapter 7 (investments) of this code, or

5. Bonds authorized by law to be issued against the revenues derived from the operation in this state of domestic water and sewage systems or off-street parking facilities, or

6. Time deposits with Idaho banks, or trust companies, or savings and loan associations, or building and loan associations or on deposit for interest income purposes with any legally organized and approved financial institution domiciled within this state and insured by any instrumentality of the United States government.

Approved April 9, 1983.

CHAPTER 186
(H.B. No. 196)

AN ACT
RELATING TO INSURANCE ADMINISTRATORS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 41, IDAHO CODE; TO PROVIDE A DEFINITION; TO PROVIDE FOR WRITTEN AGREEMENTS TO ACT AS AN ADMINISTRATOR; TO PROVIDE THAT THE ADMINISTRATOR ACT AS THE INTERMEDIARY BETWEEN THE INSURER AND THE INSURED; TO PROVIDE FOR MAINTENANCE OF RECORDS; TO PROVIDE FOR ADVERTISING; TO PROVIDE FOR CHARGES, FEES OR PREMIUMS COLLECTED TO BE HELD IN A FIDUCIARY CAPACITY; TO PROVIDE FOR PAYMENT OF CLAIMS ON BEHALF OF AN INSURER; TO PROVIDE FOR DELIVERY OF WRITTEN COMMUNICATIONS; TO PROVIDE FOR ADJUSTMENT OR SETTLEMENT OF CLAIMS; TO PROVIDE FOR BONDING OF ADMINISTRATORS; TO PROVIDE FOR NOTICE OF IDENTITY OF ADMINISTRATOR; TO PROVIDE FOR A CERTIFICATE OF REGISTRATION; TO PROVIDE FOR WAIVER OF CERTIFICATION REQUIREMENTS; AND TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER ARE NOT LIMITING.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 41, Idaho Code, and to read as follows:

CHAPTER 9
INSURANCE ADMINISTRATORS

41-901. DEFINITION. In this code, unless the context otherwise requires, "administrator" means any person who collects charges or premiums from, or who adjusts or settles claims on, residents of this state in connection with life or health insurance coverage or annuities other than any of the following:

(1) An employer on behalf of such employer's employees or the employees of one or more subsidiary or affiliated corporations of such employer.

(2) A union on behalf of its members.

(3) An insurance company which is either authorized to transact insurance in this state or acting as an insurer with respect to a policy lawfully issued and delivered by such company in and pursuant to the laws of a state in which the insurer was authorized to transact an insurance business, or a hospital, medical, dental or optometric service corporation or a health care service organization, including their sales representatives, possessing a valid certificate of authority in this state when engaged in the performance of their duties.

(4) A life or disability agent or broker licensed in this state, whose activities are limited exclusively to the sale of insurance.

(5) A creditor on behalf of such creditor's debtors with respect to insurance covering a debt between the creditor and its debtors.

(6) A trust, its trustees, agents and employees acting pursuant to such trust, established in conformity with 29 U.S.C. 186.

(7) A trust exempt from taxation under section 501(a) of the internal revenue code, its trustees, and employees acting pursuant to such trust, or a custodian, its agents and employees acting pursuant to a custodian account which meets the requirements of section 401(f) of the internal revenue code.

(8) A financial institution which is subject to supervision or examination by federal or state banking authorities.

(9) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized such collection, if such company does not adjust or settle claims.

(10) A person who adjusts or settles claims in the normal course of such person's practice or employment as an attorney-at-law, and who does not collect charges or premiums in connection with life or health insurance coverage or annuities.

41-902. WRITTEN AGREEMENT -- MAINTENANCE OF RECORDS. (1) No person may act as an administrator without a written agreement between such person as administrator and an authorized insurer. Such written agreement shall be retained as part of the official records of both the insurer and the administrator for the duration of the agreement and for six (6) years thereafter.
(2) A copy of the agreement shall be filed with the director for his confidential records.

(3) The written agreement shall contain provisions which include the requirements of sections 41-904 through 41-911, Idaho Code, except as those requirements do not apply to the functions performed by the administrator.

(4) If a policy is issued to a trustee or trustees, a copy of the trust agreement and any amendments to such agreement shall be furnished to the insurer by the administrator and shall be retained as part of the official records of both the insurer and the administrator for the duration of the policy and for six (6) years thereafter.

41-903. ADMINISTRATOR AS INTERMEDIARY BETWEEN INSURER AND INSURED -- RIGHT OF ACTION PRESERVED. If an insurer utilizes the services of an administrator under the terms of a written agreement as required in section 41-902, Idaho Code, the payment to the administrator of any premiums or charges for insurance by or on behalf of the insured shall be deemed to have been received by the insurer, and the payment of return premiums or claims by the insurer to the administrator shall not be deemed payment to the insured or claimant until such payments are received by the insured or claimant. Nothing in this chapter shall limit any right of the insurer against the administrator resulting from such administrator's failure to make payments to the insurer, insured or claimants.

41-904. MAINTENANCE OF RECORDS -- ACCESS -- CONFIDENTIALITY. (1) Every administrator shall maintain at such administrator's principal administrative office for the duration of the written agreement required by section 41-902, Idaho Code, and for six (6) years thereafter, adequate books and records of all transactions among such administrator, insurers and insured persons. Such books and records shall be maintained in accordance with prudent standards of insurance record keeping.

(2) The director shall have access to books and records maintained by the administrator for the purpose of examination, audit and inspection. Any trade secrets contained in such books and records, including the identity and addresses of policyholders and certificate holders, shall be confidential, except the director may use such information in any proceedings instituted against the administrator.

(3) The insurer shall retain the right of continuing access to books and records maintained by the administrator sufficient to permit the insurer to fulfill all of its contractual obligations to insured persons, subject to any restrictions in the written agreement between the insurer and administrator on the proprietary rights of the parties in such books and records.

41-905. ADVERTISING -- APPROVAL. An administrator may use only such advertising pertaining to the business underwritten by an insurer as has been approved by such insurer in advance of its use. All insurers shall have the prior approval of the director before approving advertising for use by an administrator.

41-906. INCLUSION OF UNDERWRITING STANDARDS. The agreement
required in section 41-902, Idaho Code, shall make provision with respect to the underwriting or other standards pertaining to the business underwritten by such insurer.

41-907. CHARGES, FEES, OR PREMIUMS COLLECTED HELD IN FIDUCIARY CAPACITY — ESTABLISHMENT OF ACCOUNT — DISBURSEMENTS. (1) All insurance charges, fees or premiums collected by an administrator on behalf of or for an insurer or insurers, and return premiums received from such insurer or insurers, shall be held by the administrator in a fiduciary capacity. Such funds shall be immediately remitted to the person or persons entitled to such funds or shall be deposited promptly in a fiduciary bank account established and maintained by the administrator.

(2) All such funds (charges, fees or premiums) shall be used to establish the premium tax under section 41-402, Idaho Code.

(3) If charges, fees or premiums deposited in a fiduciary account have been collected on behalf of or for more than one (1) insurer, the administrator shall keep records clearly recording the deposits in and withdrawals from such account on behalf of or for each insurer. The administrator shall, upon request of an insurer, furnish such insurer with copies of such records pertaining to deposits and withdrawals on behalf of or for such insurer.

(4) The administrator shall not pay any claim by withdrawals from a fiduciary account. Withdrawals from such account shall be made, as provided in the written agreement between the administrator and the insurer required by section 41-902, Idaho Code, for any of the following:

(a) Remittance to an insurer entitled to such remittance.
(b) Deposit in an account maintained in the name of such insurer.
(c) Transfer to and deposit in a claims-paying account, with claims to be paid as provided by section 41-907, Idaho Code.
(d) Payment to a group policyholder for remittance to the insurer entitled to such remittance.
(e) Payment to the administrator of such administrator's commission, fees or charges.
(f) Remittance of return premiums to the person or persons entitled to such return premiums.

41-908. PAYMENT OF CLAIMS ON BEHALF OF INSURER. All claims paid by the administrator from funds collected on behalf of the insurer shall be paid only on drafts of and as authorized by such insurer.

41-909. DELIVERY OF WRITTEN COMMUNICATIONS. Any policies, certificates, booklets, termination notices or other written communications delivered by the insurer to the administrator for delivery to its policyholders shall be delivered by the administrator promptly after receipt of instructions from the insurer to do so.

41-910. ADJUSTMENT OR SETTLEMENT OF CLAIMS — COMPENSATION. Compensation to an administrator for any policies where such administrator adjusts or settles claims shall in no way be contingent on claim experience. This section shall not prevent the compensation of an administrator from being based on premiums or charges collected or
number of claims paid or processed.

41-911. BONDING OF ADMINISTRATORS -- PURPOSE. Every administrator shall be bonded. The amount of the bond shall not be less than ten percent (10%) of the amount of total funds handled, except that in no case shall such bond be less than five thousand dollars ($5,000). For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the total funds handled by the administrator during the preceding year, or if no funds were handled during the preceding year, the amount of funds reasonably estimated to be handled during the current calendar year by the administrator. Such bond shall provide protection to the insurer or insurers against loss by reason of acts of fraud or dishonesty and may include individual bonds or schedule or blanket forms of bonds. Only one (1) such bond shall be required of the administrator for all insureds which utilize the services of the administrator, unless provided otherwise in the written agreement between the insurer and the administrator.

41-912. NOTICE -- STATEMENT OF CHARGE OR PREMIUM FOR COVERAGE. (1) Where the services of an administrator are utilized, such administrator shall provide a written notice approved by the insurer to insured individuals advising them of the identity of and relationship among the administrator, the policyholder and the insurer.

(2) Where an administrator collects funds, the administrator shall identify and state separately in writing to the person paying to the administrator any charge or premium for insurance coverage the amount of any such charge or premium specified by the insurer for such insurance coverage.

41-913. CERTIFICATE OF REGISTRATION -- FEES -- EXPIRATION -- RENEWAL -- REVOCAATION. (1) No person shall act as or hold himself out to be an administrator in this state, other than an adjuster licensed in this state for the kinds of business for which such person is acting as an adjuster, unless such person shall hold a valid certificate of registration as an administrator issued by the director.

(2) An application for such certificate shall be in the form prescribed by the director, and shall be accompanied by a fee of one hundred dollars ($100), or as provided for by regulation, which fee is not refundable if the application is denied.

(3) Such certificate shall expire on the December 31 following its issuance, but may be renewed annually for a period of one (1) year commencing January 1 upon filing a renewal form prescribed by the director, accompanied by a fee of one hundred dollars ($100), or as provided for by regulation. Such renewal form shall be filed on or before the preceding November 1, and any renewal form filed after such date shall also be accompanied by an additional late filing fee of fifty dollars ($50.00).

(4) Such certificate shall be issued or renewed by the director unless, after notice and hearing, the director shall determine that the administrator is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had an insurance license denied for cause by any state.

(5) After notice and hearing, the director may either suspend or
revoke such certificate upon finding the administrator violated any of the provisions of this title or upon finding any of the reasons for which the issuance or renewal of such certificate could have been denied.

(6) Any person who is acting as or holding himself out to be an administrator while failing to have a valid certificate shall be subject to a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) for each violation. Such fine shall be in addition to any other penalties which may be imposed for violations of this title or other laws of this state.

(7) Any fines imposed pursuant to the provisions of this section shall be remitted and accounted for as provided for by section 41-406, Idaho Code.

41-914. WAIVER OF CERTIFICATION REQUIREMENTS. The director may waive the requirements of 41-913, Idaho Code, for any person or class of persons. The factors taken into account in granting such waiver or waivers shall include:

(1) Whether the person acting as an administrator is primarily in a business other than that of administrator.

(2) Whether the financial strength and history of the person or organization seeking the waiver indicates stability and continuity.

(3) Whether the regular duties being performed as an administrator are such that the covered persons are not likely to be injured by a waiver of such requirements.

41-915. PROVISIONS NOT LIMITING. The requirements of this chapter are not a waiver or limitation of provisions of this title or other laws of this state but are additional requirements.

Approved April 9, 1983.
Such judgment shall then be satisfied by entry in the docket of the court. The clerk of the court shall daily remit all fines and forfeitures to the county auditor who shall at the end of each month apportion the proceeds according to the provisions of this act. Every other existing law regarding the disposition of fines and forfeitures is hereby repealed to the extent such law is inconsistent with the provisions of this act.

(b) Fines and forfeitures remitted for violations of fish and game laws shall be apportioned five per cent (5%) to the state treasurer for deposit in the state general account, five per cent (5%) to the search and rescue account, twenty-two and one-half per cent (22 1/2%) to the district court fund and twenty-two sixty-seven and one-half per cent (2267 1/2%) to the general public school income fund of the county in which the violation occurred.

(c) Fines and forfeitures remitted for violations of state motor vehicle laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general account, forty-five per cent (45%) to the state treasurer for deposit in the state highway account, twenty-two and one-half per cent (22 1/2%) to the district court fund and twenty-two and one-half per cent (22 1/2%) to the general state treasurer for deposit in the public school income fund of the county in which the violation occurred; provided, however, that fines and forfeitures remitted for violation of state motor vehicle laws, where an arrest is made or a citation is issued by a city law enforcement official, shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general account and ninety per cent (90%) to the city whose officer made the arrest or issued the citation.

(d) Fines and forfeitures remitted for violation of any state law not involving fish and game or motor vehicles laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general account and ninety per cent (90%) to the district court fund of the county in which the violation occurred.

(e) Fines and forfeitures remitted for violation of county ordi-
Fines and forfeitures remitted for violation of city ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general account and ninety per cent (90%) to the city whose ordinance was violated.

(g) Fines and forfeitures remitted for violations not specified in this act shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general account and ninety per cent (90%) to the district court fund of the county in which the violation occurred except in cases where a duly designated officer of any city police department shall have made the arrest for any such violation, in which case ninety per cent (90%) shall be apportioned to the city whose officer made the arrest.

(h) Fines and forfeitures remitted for violations involving registrations of motorcycles or motor-driven cycles used off highways, snowmobiles, or use of winter recreation parking areas shall be apportioned ten per cent (10%) to the state treasurer for deposit to the state general account and ninety per cent (90%) to the general account of the county or city whose officer issued the citation.

Approved April 9, 1983.

CHAPTER 188
(H.B. No. 200)

AN ACT
RELATING TO THE APPLICATION FOR A CERTIFICATE OF AUTHORITY FOR A FOREIGN OR AN ALIEN INSURER TO BE ADMITTED TO WRITE BUSINESS IN IDAHO; AMENDING SECTION 41-319, IDAHO CODE, TO ALLOW THE DIRECTOR TO ACCEPT AN INSURER'S EXAMINATION REPORT MADE WITHIN NOT MORE THAN FIVE YEARS NEXT PRECEDING, IF THE INSURER'S STATE OF DOMICILE REQUIRES THAT EXAMINATIONS NEED ONLY BE COMPLETED EACH FIVE YEARS, OR DOES NOT SPECIFY ANY PERIOD OF TIME.

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

SECTION 1. That Section 41-319, Idaho Code, be, and the same is hereby amended to read as follows:

41-319. APPLICATION FOR CERTIFICATE OF AUTHORITY. To apply for an original certificate of authority an insurer shall file with the director its application therefor, accompanied by the applicable fees as specified in section 41-401, Idaho Code, showing its name, location of its home office or principal office in the United States (if an alien insurer), the kinds of insurance to be transacted, date of organization or incorporation, form of organization, state or country of domicile, and such additional information as the director may reasonably require, together with the following documents, as applicable:
(1) If a corporation, two (2) copies (photostatic copies or similar form of reproduction) of its corporate charter, articles of incorporation or other charter documents, with all amendments thereto, currently certified by the public official with whom the originals are on file in the state or country of domicile.

(2) If a domestic insurer or mutual insurer, one (1) copy (photostatic copy or similar form of reproduction) of its by-laws as amended, certified by the insurer's corporate secretary.

(3) If a reciprocal insurer, a copy of the power of attorney of its attorney in fact, and a copy of its subscribers' agreement, if any, both certified by the attorney in fact; and if a domestic reciprocal insurer, the declaration provided for in section 41-2908, Idaho Code.

(4) A complete copy of its financial statement as of not earlier than the December 31 next preceding in form as customarily used in the United States by like insurers, sworn to by at least two (2) executive officers of the insurer, or certified by the public insurance supervisory official of the insurer's state of domicile or of entry into the United States.

(5) Copy of report of last examination, if any, made of the insurer within not more than three (3) years next preceding, certified by the public insurance supervisory official of the insurer's state of domicile or of entry into the United States; or, in the case of newly formed insurers, copy of the report of the "qualifying" examination of the insurer, similarly certified. Provided, however, that if the law of the applicant's state of domicile requires that examinations shall be completed in a period of more than three (3) years or does not specify any period of time for examinations, then the applicant shall provide a copy of a report within not more than the five (5) years next preceding.

(6) Appointment of the director pursuant to section 41-333, Idaho Code, as its attorney to receive service of legal process.

(7) If a foreign insurer, a certificate of the public insurance supervisory official of its state or country of domicile showing that it is authorized to transact in such state or country the kind or kinds of insurance proposed to be transacted in this state.

(8) If a workmen's compensation insurer, tender of the special deposit required under section 41-317, Idaho Code.

(9) If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records.

(10) If a foreign insurer, certificate as to deposit if to be tendered pursuant to section 41-316, Idaho Code.

(11) If a life or disability insurer, one (1) copy of the insurer's rate book and of each form of policy proposed to be issued in this state.

(12) A certificate of the insurer granting authority to an officer or authorized representative of the insurer to appoint and remove agents.

Approved April 9, 1983.
RELATING TO INVESTMENTS OF DOMESTIC INSURANCE COMPANIES; AMENDING SECTION 41-705, IDAHO CODE, TO STRIKE REFERENCE TO CERTAIN REQUIREMENTS FOR MAINTAINING INSURANCE COMPANY RECORDS; AMENDING SECTION 41-706, IDAHO CODE, TO PROVIDE FOR THE DIVERSIFICATIONS OF INSURANCE COMPANY INVESTMENTS; AMENDING SECTION 41-711, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY INVESTMENT IN CORPORATE OBLIGATIONS; AMENDING SECTION 41-713, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY INVESTMENT IN CORPORATE PREFERRED AND GUARANTEED STOCKS; AMENDING SECTION 41-715, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY INVESTMENT IN INSURANCE STOCKS; AMENDING SECTION 41-716, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY INVESTMENT IN INSURANCE COMPANIES; AMENDING SECTION 41-733, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY INVESTMENT IN SUBSIDIARY CORPORATIONS; AND AMENDING SECTION 41-735, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INSURANCE COMPANY MISCELLANEOUS INVESTMENTS.

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

SECTION 1. That Section 41-705, Idaho Code, be, and the same is hereby amended to read as follows:

41-705. RECORD OF INVESTMENTS. (1) The insurer shall make a written record in permanent form showing the authorization as to each investment or loan of its funds, which record shall be signed by an officer of the insurer or by the chairman of the committee authorizing or approving the investment or loan.

(2) As to each such investment or loan the insurer's record shall contain:

(a) In the case of loans: The name of the borrower; the location and legal description of the property; a physical description, and the appraised value of the security; the amount of the loan, rate of interest and terms of repayment.

(b) In the case of securities: The name of the obligor; a description of the security and the record of earnings; the amount invested, the rate of interest or dividend, the maturity and yield based upon the purchase price.

(c) In the case of real estate: The location and legal description of the property; a physical description and the appraised value; the purchase price and terms.

(d) In the case of all investments:

(i) The amount of expenses and commissions if any incurred on account of any investment or loan and by whom and to whom payable if not covered by contracts with mortgage loan representatives or correspondents which are part of the insurer's records.

(ii) The name of any officer or director of the insurer having any direct, indirect, or contingent interest in the
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securities or loan representing the investment, or in the
assets of the person in whose behalf the investment or loan
is made, and the nature of such interest.

SECTION 2. That Section 41-706, Idaho Code, be, and the same is
hereby amended to read as follows:

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

(1) One (1) person. An insurer shall not, except with the consent
of the director, have at any one (1) time any combination of invest-
ments in or loans upon the security of the obligations, property, or
securities of any one (1) person, institution, corporation, or munici-
pal corporation, aggregating an amount exceeding seven ten per cent
(710%) of the insurer's assets. This restriction shall not apply as to
investments or deposits fully insured by the Federal Deposit Insurance
Corporation or to general obligations of the United States of America
or of any state or include policy or annuity contract loans made under
section 41-718, Idaho Code, or to assets subject to sections 41-715 or
41-733, Idaho Code.

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

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

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

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

SECTION 3. That Section 41-711, Idaho Code, be, and the same is
hereby amended to read as follows:

41-711. CORPORATE OBLIGATIONS. An insurer may invest any of its
funds in obligations other than those eligible for investment under
section 41-721, Idaho Code, (mortgage loans and contracts), if they
are issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, or of the government of Canada or any province thereof, and if said institution is not nor has not been in default as to principal or interest on any of its obligations during the five (5) years next preceding the date of such investment.

SECTION 4. That Section 41-713, Idaho Code, be, and the same is hereby amended to read as follows:

41-713. PREFERRED AND GUARANTEED STOCKS -- DIVERSIFICATION. An insurer may invest any of its funds, in an aggregate amount not exceeding fifteen per cent (15%) of its assets in preferred or guaranteed stocks or shares, other than common stocks, of solvent institutions existing under the laws of the United States or of any state, district, or territory thereof, if all of the prior obligations and prior preferred stocks, if any, of such institution at the date of acquisition by the insurer are not then in default or have not been in default as to principal, interest or dividends during the five (5) years next preceding the date of such investment.

SECTION 5. That Section 41-715, Idaho Code, be, and the same is hereby amended to read as follows:

41-715. INSURANCE STOCKS. (1) An insurer may invest an amount not to exceed fifty per cent (50%) of its capital and surplus if a stock company; and if a company other than stock; an amount not to exceed fifty per cent (50%) of its surplus over all liabilities; directly or indirectly, in the shares of one or more insurance companies where such companies operate as companion companies or are under substantially the same management at the time of purchase and are organized and existing under the laws of the United States or of any state, district or territory thereof; the stock of another insurance company shall not be used by any company as assets in meeting the minimum requirements as provided in section 41-706(3); for the purpose of determining the investment limitation imposed by this section; the insurer shall value securities purchased pursuant to the provisions of this section at the cost of the security or at the market value of the security, whichever is lower in subsidiary and/or companion insurance companies not to exceed fifteen per cent (15%) of assets. For the purpose of calculating this fifteen per cent (15%) limitation, all investments made under section 41-733, Idaho Code, and section 41-715, Idaho Code, must be valued at market value of the security if actively traded, or at cost if not actively traded.

(2) The limitations on investments in insurance stocks set forth in this section shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the director or as to shares received as stock dividends upon shares already owned.

(3) Shares acquired and held under this section shall not, for the purposes of the limitations provided under section 41-714, Idaho Code, be included among other common stocks held by the insurer.

SECTION 6. That Section 41-716, Idaho Code, be, and the same is
hereby amended to read as follows:

41-716. INVESTMENT TRUST SECURITIES. An insurer may invest in the securities of any open-end management type investment company or investment trust registered with the federal securities and exchange commission under the Investment Company Act of 1940 as from time to time amended, if such investment company or trust has been organized for not less than ten (10) years and has assets of not less than twenty-five million dollars ($25,000,000) as at the date of investment by the insurer. The aggregate amount invested under this section shall not exceed ten per cent (10%) of the insurer's assets.

SECTION 7. That Section 41-733, Idaho Code, be, and the same is hereby amended to read as follows:

41-733. SUBSIDIARY INVESTMENTS. (1) An insurer may invest in the stock of its subsidiary insurance corporation formed or acquired by it, or-in-the-stock-of-its-subsidiary-business-corporation-or-corporations-formed-and-engaged-solely-in-any-one-(i)-or-more-of-the-following-businesses:

(a) In any-business—necessary—or incidental-to-the-convenient operation-of-the-insurer's-insurance-business—or-to-the-administration of-any-of-its-lawful-affairs;

(b) Providing-any-actuarial—computer—data-processing—accounting—claims—appraisal—collection—loss-prevention-or-safety-engineering-and-similar-services;

(c) Real—property—ownership—management—and—development;

(d) Premium—financing;

(e) Financing—of—agents—of—the—insurer;

(f) Acting—as—investment-adviser—and—principal—underwriter—or investment-adviser—or—principal—underwriter—of—a-management—company—or management—companies—(mutual—funds)—registered—as—such—under—the Investment—Companies—Act—of—1940;

(g) Financial—and—investment—counseling—services;

(h) Administration—of—self—insurance—plans;

(i) Administration—of—self—insured—pension—and—similar—plans—or the—self—insured—portions—of—such—plans;

(j) Securities—broker—dealer;

(k) Escrow—services;

(i) Trust—services—with—respect—to—funds—payable—or—paid—by—it under—its—insurance—contracts;

(m) Leasing—of—personal—property and engaged in any business activity legal for a business corporation as defined by the laws of the state of Idaho and not specifically prohibited to an insurance company in this section of the Idaho Code.

(2) For the purposes of this section, a "subsidiary" is a corporation of which the insurer owns sufficient stock to give it effective control.

(3) After satisfying the requirements of section 41-706(3) and (4), Idaho Code, (investment of capital and life reserves) an insurer, in addition to other investments permitted by this chapter, may invest an amount not to exceed fifteen per cent (15%) of assets, directly or indirectly, in the shares of one (1) or more subsidiary business cor-
porations acquired pursuant to the provisions of this section.

SECTION 8. That Section 41-735, Idaho Code, be, and the same is hereby amended to read as follows:

41-735. MISCELLANEOUS INVESTMENTS. (1) An insurer may loan or invest its funds in an aggregate amount not exceeding the lesser of the following sums: five per cent (5%) of its assets, or fifty per cent (50%) of its surplus over its capital and other liabilities, or if a mutual or reciprocal insurer fifty per cent (50%) of its surplus over minimum required surplus, in kinds of loans or investments not otherwise specifically made eligible for investment and not specifically prohibited or made ineligible by this or other provisions of this code the Idaho Code.

(2) No such loan or investment shall be represented by:

(a) Any loan or investment of a kind specifically made eligible under any other provision of this code; or

(b) Any loan, investment, or asset theretofore acquired or held by the insurer under any other category of loans or investments.

(3) No one such investment or loan shall exceed the amount specified in subsection (1) of this section or one per cent (1%) of the insurer's assets, whichever is the lesser.

(4) The insurer shall keep a separate record of all investments acquired under this section.

Approved April 9, 1983.

CHAPTER 190
(H.B. No. 155, As Amended)

AN ACT RELATING TO TRUSTEES AND TRUST DEEDS; AMENDING SECTION 45-1502, IDAHO CODE, TO PROVIDE FOR TRUSTEE FEES; AMENDING SECTION 45-1504, IDAHO CODE, TO DEFINE WHO MAY SERVE AS A TRUSTEE; AMENDING SECTION 45-1506, IDAHO CODE, TO LIST WHO WILL RECEIVE NOTICE OF THE TRUSTEE SALE, TO REQUIRE THAT THE SALE BE HELD ON THE DATE PROVIDED IN THE NOTICE OF SALE OR ON THE NOTICE OF RESCHEDULED SALE, TO PROVIDE FOR NOTICE OF SALE POSTPONEMENT AND APPLICABLE DATES TO WHICH THE SALE MAY BE POSTPONED, TO PROVIDE FOR REASONABLE TRUSTEE FEES, AND TO PROVIDE THAT NOTICE TO PERSONS IN FOREIGN COUNTRIES MAY BE MADE BY ORDINARY MAIL; AMENDING CHAPTER 15, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-1506A, IDAHO CODE, TO PROVIDE FOR RESCHEDULING OF A SALE POSTPONED BY A STAY, TO REQUIRE NOTICE OF THE RESCHEDULED SALE BE MADE BY MAIL, TO REQUIRE NOTICE BY PUBLICATION AND TO REQUIRE AFFIDAVITS REGARDING NOTICE; AMENDING CHAPTER 15, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-1506B, IDAHO CODE, TO PROVIDE FOR A RESUMPTION OF THE SALE IF A STAY IS LIFTED, TO REQUIRE A POSTPONEMENT OF SALE BE REQUESTED, TO REQUIRE NO ADDITIONAL NOTICE IF SUFFICIENT NOTICE WAS GIVEN BEFORE THE STAY, TO REQUIRE PUBLICATION OF NOTICE AFTER
THE STAY IF NOT DONE BEFORE, TO PROVIDE THAT NO EXTENSION OF TIME TO CURE DEFAULT IS CREATED, TO REQUIRE THE POSTPONEMENT BE REQUESTED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 45-1502, Idaho Code, be, and the same is hereby amended to read as follows:

45-1502. DEFINITIONS -- TRUSTEE'S CHARGE. As used in this act:
(1) "Beneficiary" means the person named or otherwise designated in a trust deed as the person for whose benefit a trust deed is given, or his successor in interest, and who shall not be the trustee.
(2) "Grantor" means the person conveying real property by a trust deed as security for the performance of an obligation.
(3) "Trust deed" means a deed executed in conformity with this act and conveying real property to a trustee in trust to secure the performance of an obligation of the grantor or other person named in the deed to a beneficiary.
(4) "Trustee" means a person to whom the legal title to real property is conveyed by trust deed, or his successor in interest.
(5) "Real property" means any right, title, interest and claim in and to real property owned by the grantor at the date of execution of the deed of trust or acquired thereafter by said grantor or his successors in interest. Provided, nevertheless, real property as so defined which may be transferred in trust under this act shall be limited to either (a) any real property located within an incorporated city or village at the time of the transfer, or (b) any real property not exceeding twenty (20) acres, regardless of its location, and in either event where the trust deed states that the real property involved is within either of the above provisions, such statement shall be binding upon all parties and conclusive as to compliance with the provisions of this act relative to the power to make such transfer and trust and power of sale conferred in this act.
(6) "Reasonable charge of trustee shall not exceed fifty per cent (50%) of the compensation of a trustee as provided by section 68-103, Idaho Code; provided, however, that the trustee shall not be entitled to any compensation prior to commencement of foreclosure, and if the grantor prior to foreclosure sale pays the entire amount then due, including costs and expenditures actually incurred, the trustee's fee shall not exceed fifty dollars ($50.00). The trustee shall be entitled to a reasonable charge for duties or services performed pursuant to the trust deed and this chapter. The trustee shall not be entitled to a foreclosure fee in the event of judicial foreclosure or work done prior to the recording of a notice of default. If the default is cured prior to the time of the last newspaper publication of the notice of sale, the trustee's fee shall not exceed one hundred fifteen dollars ($115).

SECTION 2. That Section 45-1504, Idaho Code, be, and the same is hereby amended to read as follows:

45-1504. TRUSTEE OF TRUST DEED -- WHO MAY SERVE -- SUCCESSORS.
(1) The trustee of a trust deed under this act shall be:
(a) Any member of the Idaho State Bar;
(b) Any bank or savings and loan association authorized to do business under the laws of Idaho or the United States;
(c) Any corporation authorized to conduct a trust business under the laws of Idaho or the United States; or
(d) A licensed title insurance agent or title insurance or abstract company authorized to transact business under the laws of the state of Idaho.

(2) In the event of death, dissolution, incapacity, disability or resignation of the trustee, the beneficiary may nominate in writing another qualified trustee. Provided, however, that the beneficiary may, for any reason obtain the resignation of the trustee by serving upon the trustee and the grantor in the deed of trust, at their last known address, a notice of intention to appoint a successor trustee. Said notice shall be given by registered or certified mail, and twenty (20) days after the date of mailing the notice of intention to appoint a successor trustee the beneficiary may nominate a successor trustee. Upon recording in the mortgage records of the county or counties in which the trust deed is recorded of the appointment of a successor trustee, the successor trustee shall be vested with all of the powers of the original trustee. Provided that a trustee may not be changed at the beneficiary's nomination after foreclosure has commenced by the filing of the notice of default and is proceeding timely.

SECTION 3. That Section 45-1506, Idaho Code, be, and the same is hereby amended to read as follows:

45-1506. MANNER OF FORECLOSURE -- NOTICE -- SALE. (1) A trust deed may be foreclosed in the manner provided in this section.

(2) Subsequent to recording notice of default as hereinbefore provided, and at least one hundred twenty (120) days before the day fixed by the trustee for the trustee's sale, notice of such sale shall be given by registered or certified mail to the last known address of the following persons or their legal representatives, if any:
(a) The grantor in the trust deed and any person requesting notice of record as hereinafter provided.
(b) Any successor in interest of the grantor where his interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such interest or where the successor in interest is in possession of the property.
(c) Any lessee or other person in possession of or occupying the property.
(d) Any person having a lien or interest subsequent to the interest of the trustee in the trust deed where such lien or interest appears of record prior to the recording of the notice of default, or where the trustee or the beneficiary has actual notice of such lien or interest.

(3) The disability, insanity or death of any person to whom notice of sale is to be given under subsection (2) of this section shall not delay or impair in any way the trustee's right under a trust deed to proceed with a sale under such deed, provided the notice of
sale required under subsection (2) of this section has been mailed as
provided by law for service of summons upon incompetents or to the
administrator or executor of the estate of such person.

(4) The notice of sale shall set forth:
(a) The names of the grantor, trustee and beneficiary in the
trust deed.
(b) A description of the property covered by the trust deed.
(c) The book and page of the mortgage records or the recorder's
instrument number where the trust deed is recorded.
(d) The default for which the foreclosure is made.
(e) The sum owing on the obligation secured by the trust deed.
(f) The date, time and place of the sale which shall be held at a
designated time after 9:00 a.m. and before 4:00 p.m., Standard
Time, and at a designated place in the county or one of the coun­
ties where the property is located.

(5) If there be occupants of the said real property such notice
shall be personally served upon them in the manner in which a summons
is served and, if the real property be vacant then such notice shall
be posted in a conspicuous place on the said premises.

(6) A copy of the notice of sale shall be published in a news­
paper of general circulation in each of the counties in which the
property is situated once a week for four (4) successive weeks, making
four (4) publishings in all, with the last publication to be at least
thirty (30) days prior to the day of sale.

(7) An affidavit of mailing notice of sale and an affidavit of
posting (when required) and publication of notice of sale as required
by subsection (6) of this section shall be recorded in the mortgage
records in the counties in which the property described in the deed is
situated at least twenty (20) days prior to the date of sale.

(8) The sale shall be held on the date and at the time and place
designated in the notice of sale or notice of rescheduled sale as pro­
vided in section 45-1506A, Idaho Code, unless the sale is postponed as
provided in this subsection or as provided in section 45-1506B, Idaho
Code, respecting the effect of an intervening stay or injunctive
relief order. The trustee shall sell the property in one parcel or in
separate parcels at auction to the highest bidder. Any person, includ­
ing the beneficiary under the trust deed, may bid at the trustee's
sale. The attorney for such trustee may conduct the sale and act in
such sale as the auctioneer of trustee. The trustee may postpone the
sale of the property upon request of the beneficiary by publicly
announcing at the time and place originally fixed for the sale, the
postponement to a stated subsequent date and hour. No sale may be
postponed to a date more than thirty (30) days subsequent to the date
from which the sale is postponed. A postponed sale may itself be
postponed in the same manner and within the same time limitations as
provided in this subsection.

(9) The purchaser at the sale shall forthwith pay the price bid
and upon receipt of payment the trustee shall execute and deliver the
trustee's deed to such purchaser, provided that in the event of any
refusal to pay purchase money, the officer making such sale shall have
the right to resell or reject any subsequent bid as provided by law in
the case of sales under execution.

(10) The trustee's deed shall convey to the purchaser the inter-
est in the property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed together with any interest the grantor or his successors in interest acquired after the execution of such trust deed.

(11) The purchaser at the trustee's sale shall be entitled to possession of the property on the tenth day following the sale, and any persons remaining in possession thereafter under any interest except one prior to the deed of trust shall be deemed to be tenants at sufferance.

(12) Whenever all or a portion of any obligation secured by a deed of trust which has become due by reason of a default of any part of that obligation, including taxes, assessments, premiums for insurance or advances made by a beneficiary in accordance with the terms of the deed of trust, the grantor or his successor in interest in the trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record thereon, at any time within one hundred fifteen (115) days of the recording of the notice of default under such deed of trust, if the power of sale therein is to be exercised, or otherwise at any time prior to the entry of a decree of foreclosure, may pay to the beneficiary or their successors in interest, the entire amount then due under the terms of the deed of trust and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation and a reasonable trustee's fee actually incurred; not exceeding $50.00 in case of sale under a deed of trust subject to the limitations imposed by subsection (6) of section 45-1502, Idaho Code, and attorney's fees as may be provided in the promissory note) other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust shall be reinstated and shall be and remain in force and effect, the same as if no acceleration had occurred.

(13) Any mailing to persons outside the United States and its territories required by this chapter may be made by ordinary mail if certified or registered mail service is unavailable.

SECTION 4. That Chapter 15, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-1506A, Idaho Code, and to read as follows:

45-1506A. RESCHEDULED SALE -- ORIGINAL SALE BARRED BY STAY -- NOTICE OF RESCHEDULED SALE. (1) In the event a sale cannot be held at the time scheduled by reason of automatic stay provisions of the U.S. bankruptcy code (11 U.S.C. 362), or a stay order issued by any court of competent jurisdiction, then the sale may be rescheduled and conducted following expiration or termination of the effect of the stay in the manner provided in this section.

(2) Notice of the rescheduled sale shall be given by registered or certified mail to the last known address of all persons who were entitled to notice by mail of the original sale and to any person who
shall have recorded a request for notice of sale at least thirty (30) days prior to the rescheduled sale date in the form and manner pursuant to section 45-1511, Idaho Code, provided that recording the request prior to notice of default is, for the purposes of this section only, waived.

(3) Notice of the rescheduled sale shall be published in the newspaper of original publication once a week for three (3) successive weeks, making three (3) publishings in all, with the last publication to be at least ten (10) days prior to the day of sale.

(4) The trustee shall make an affidavit stating that he or she has complied with subsections (2) and (3) of this section. The trustee shall make the above affidavit available for inspection at the time of the rescheduled sale together with any affidavit of mailing and posting, when required, which was not of record as required by subsection (7) of section 45-1506, Idaho Code, when the stay became effective. The affidavit or affidavits shall be attached to or incorporated in the trustee's deed.

SECTION 5. That Chapter 15, Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 45-1506B, Idaho Code, and to read as follows:

45-1506B. POSTPONEMENT OF SALE -- INTERVENTION OF STAY. (1) If a stay as set out in subsection (1) of section 45-1506A, Idaho Code, which would otherwise have stopped a foreclosure sale is terminated or lifted prior to the date of sale, then any person having a right to reinstate the deed of trust pursuant to subsection (12) of section 45-1506, Idaho Code, may request the trustee to postpone the sale for a period of time which shall allow at least one hundred fifteen (115) days to elapse from the recording of the notice of default to the rescheduled date of sale exclusive of the period of time during which such stay was in effect.

(2) Written request for postponement must be served upon the trustee prior to the time set for the original sale.

(3) If the foreclosure has proceeded in compliance with all requirements of subsections (2) through and including (6), of section 45-1506, Idaho Code, prior to the intervention of the stay, then at the time appointed for the original sale, the trustee shall announce the date and time of the rescheduled sale to be conducted at the place originally scheduled and no further or additional notice of any kind shall be required.

(4) If the foreclosure has proceeded in compliance with subsections (2) through and including (5), of section 45-1506, Idaho Code, prior to the intervention of the stay, then the foreclosure process may be resumed if timely compliance can be had with publication of the original notice of sale under subsection (6) of section 45-1506, Idaho Code. If timely compliance under subsection (6) of section 45-1506, Idaho Code, is not possible, the partially completed foreclosure process shall be discontinued and any further sale proceeding shall require new compliance with all notice of sale procedures as provided in section 45-1506, Idaho Code.

(5) Nothing in this section shall be construed to create a right
to cure the default and reinstate the deed of trust under subsection (12) of section 45-1506, Idaho Code, for a period of time longer than one hundred fifteen (115) days from the recording of the notice of default exclusive of the time during which a stay is in effect and if no request is made to postpone the sale under the circumstances provided in this section, the computation of time under this chapter shall be deemed unaffected by any intervening stay.

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 9, 1983.

CHAPTER 191
(H.B. No. 268)

AN ACT
RELATING TO FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES OF CORPORATIONS; AMENDING SECTION 30-1-128, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE AND COLLECT A SURCHARGE FOR FILING CERTAIN CORPORATE DOCUMENTS.

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

SECTION 1. 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 certif-
icate 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).

(1) 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).

(q) Filing any document relating to a corporation organized for profit, when the filing party requires the certificate therefor to be returned within eight (8) working hours, a surcharge of ten dollars ($10.00).

Approved April 9, 1983.

CHAPTER 192
(H.B. No. 283, As Amended)

AN ACT
RELATING TO JURISDICTION OF THE SMALL CLAIMS COURT; AMENDING SECTION 1-2301, IDAHO CODE, TO PROVIDE FOR JURISDICTION WHERE THE DEFENDANT RESIDES OR WHERE THE TRANSACTION TOOK PLACE IN CASES INVOLVING CHECKS DRAWN ON INSUFFICIENT FUNDS OR WHERE LABOR WAS PERFORMED; AMENDING SECTION 18-3107, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

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

1-2301. SMALL CLAIMS DEPARTMENT -- CREATION AND JURISDICTION. (a) In every magistrate's division of the district court of this state, the district court may create and organize a "Small Claims Department of the Magistrate's Division," which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed two thousand dollars ($2,000) and where the defendant resides within the county of such magistrate's division. Either party to an action may request a change of venue as provided by chapter 41 of title 5, Idaho Code. Provided, however, that if an action is brought pursuant to section 1-2301A, Idaho Code, relating to drawing checks without funds or with insufficient funds, the action may be
brought in the magistrate's division encompassing either the county wherein the defendant resides or the county wherein the check, draft or order for the payment of money was drawn, made, uttered or delivered.

(b) Or, if an action is brought for unpaid compensation for labor performed, the action may be brought in the magistrate's division encompassing either the county wherein the defendant resides, or the county wherein the performed labor was contracted for, or the county wherein the labor was performed.

SECTION 2. That Section 18-3107, Idaho Code, be, and the same is hereby amended to read as follows:

18-3107-2301A. DRAWING CHECK WITHOUT FUNDS OR INSUFFICIENT FUNDS -- CIVIL LIABILITY. In any action against a person who makes any check, draft or order for the payment of money which has been dishonored for lack of funds or credit to pay the same, or because the maker has no account with the drawee, the plaintiff may recover from the defendant damages in an amount equal to one hundred dollars ($100) or triple the amount for which the check, draft or order is drawn, whichever is greater. However, damages recovered under the provisions of this section shall not exceed by more than five hundred dollars ($500) the value of the check, draft or order and may be awarded only if the plaintiff made written demand of the defendant for payment of the amount of the check, draft or order not less than ten (10) days before commencing the action, and if the defendant failed to tender to the plaintiff, prior to commencement of the action, an amount of money not less than the amount demanded.

Approved April 9, 1983.

CHAPTER 193
(S.B. No. 1196)

AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1984; REAPPROPRIATING THE BALANCE OF CERTAIN GENERAL ACCOUNT MONEYS IN THE STATE BOARD OF EDUCATION CONTINGENCY FUND TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE PURPOSES SPECIFIED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 1984; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES OF THE UNIVERSITY OF IDAHO SPECIAL PROGRAMS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE
FOREST UTILIZATION RESEARCH PROGRAM FOR FISCAL YEAR 1984; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE W.O.I. - REGIONAL PROGRAM IN VETERINARY MEDICINE FOR FISCAL YEAR 1984; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE WAMI MEDICAL EDUCATION PROGRAM FOR FISCAL YEAR 1984; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES OF THE SPECIAL HEALTH EDUCATION PROGRAMS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE PSEP-WESTERN INTERSTATE COMMISSION OF HIGHER EDUCATION PROGRAM FOR FISCAL YEAR 1984; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO DENTAL EDUCATION PROGRAM FOR FISCAL YEAR 1984; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 1984; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 1984; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 1984; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 1984 AND DESIGNATING PROGRAM LIMITS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amount from the listed accounts for the period from July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 730,000</td>
</tr>
<tr>
<td>Federal Funds - State Student Incentive Grant Account</td>
<td>264,000</td>
</tr>
<tr>
<td>Paul L. Fowler Scholarship Fund Account</td>
<td>10,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,004,600</td>
</tr>
</tbody>
</table>

SECTION 2. The balance of the general account moneys appropriated by Section 2, Chapter 312, Laws of 1982, to the State Board of Education and the Board of Regents of the University of Idaho is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for the following purposes during fiscal year 1984: 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, 1984.

SECTION 3. There is hereby reappropriated any unexpended and unencumbered balances of the moneys appropriated by Section 1, Chapter 312, Laws of 1982, for the State Board of Education Program, the General Administration Program and the Scholarships and Grants Program to the State Board of Education for the Office of the State Board of Education, for the period July 1, 1983, through June 30, 1984.

SECTION 4. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind the following amounts, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:  
* General Account $2,600,000  
State School for the Deaf and the Blind Income Account 66,000  
Deaf and Blind Children Account 131,800  
Interagency Billing and Receipts Account 30,900  
TOTAL $2,828,700

SECTION 5. There is hereby reappropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 158, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 6. 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 7 through 9 of this act, not exceed the following amount for the period July 1, 1983, through June 30, 1984:

FOR:  
Special Programs, University of Idaho $3,199,700  
FROM:  
General Account $2,602,500  
Interagency Billing and Receipts Account 597,200  
TOTAL $3,199,700

SECTION 7. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount from the listed account, to be expended for the Forest Utilization Research Program for the period July 1, 1983, through June 30, 1984:

FROM:  
General Account $92,000

SECTION 8. 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 desig-
nated expense classes from the listed accounts, for the period July 1, 1983, through June 30, 1984:

### INSTRUCTION PROGRAM:

**FOR:**
- Personnel Costs: $878,700
- Operating Expenditures: 170,900
- Capital Outlay: 4,000
  - **TOTAL:** $1,053,600

**FROM:**
- General Account: $790,300
- Interagency Billing and Receipts Account: 263,300
  - **TOTAL:** $1,053,600

### RESEARCH PROGRAM:

**FOR:**
- Personnel Costs: $103,200
- Operating Expenditures: 4,000
  - **TOTAL:** $107,200

**FROM:**
- General Account: 69,200
- Interagency Billing and Receipts Account: 38,000
  - **TOTAL:** $107,200

### SECTION 9.** 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 listed accounts, for the period July 1, 1983, through June 30, 1984:

**FOR:**
- Personnel Costs: $281,800
- Operating Expenditures: 48,000
- Trustee & Benefit Payments: 1,617,100
  - **TOTAL:** $1,946,900

**FROM:**
- General Account: $1,651,000
- Interagency Billing and Receipts Account: 295,900
  - **TOTAL:** $1,946,900

### SECTION 10. 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 Health Education Programs as appropriated in Sections 11 and 12 of this act, not exceed the following amounts from the listed accounts for the period July 1, 1983, through June 30, 1984:

**FROM:**
- General Account: $750,400
- Interagency Billing and Receipts Account: 61,600
  - **TOTAL:** $812,000

### SECTION 11. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the PSEP-Western Interstate Commission of Higher Education Program and the University of Utah Medical School Contract from the listed account, for the period July 1, 1983, through June 30, 1984:
SECTION 12. There is hereby appropriated to the State Board of Education to be expended for the Idaho Dental Education Program at Idaho State University the following amount from the listed accounts, for the period July 1, 1983, through June 30, 1984:

FROM:
General Account $637,100
Interagency Billing and Receipts Account $113,300
TOTAL $750,400

SECTION 13. There is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amount, from the listed accounts, for the period July 1, 1983, through June 30, 1984:
FOR:
Idaho Educational Public Broadcasting System $902,300

FROM:
* General Account $543,200
Corporation for Public Broadcasting Community Service Grants 359,100
TOTAL $902,300

SECTION 14. There is hereby reappropriated to the State Board of Education for the Idaho Educational Public Broadcasting System, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 284, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 15. There is hereby appropriated to the State Board of Education for the functions to be performed by the State Library Board the following amount, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:
* General Account $1,018,000
Library Services Account 476,300
Interagency Billing and Receipts Account 25,000
TOTAL $1,519,300

SECTION 16. There is hereby reappropriated to the State Board of Education for the State Library Board, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 146, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 17. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society the following amount, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:
* General Account $527,300
State Historical Society Foundation Account 329,100
SECTION 18. There is hereby reappropriated to the State Board of Education for the Idaho State Historical Society, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 152, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 19. There is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. RENAL DISEASE:
   FROM:
   General Account
   Vocational Rehabilitation
   Interagency Billing and Receipts Account
   TOTAL

B. VOCATIONAL REHABILITATION:
   FROM:
   *General Account
   Vocational Rehabilitation Account
   Interagency Billing and Receipts Account
   TOTAL

SECTION 20. There is hereby reappropriated to the State Board of Education for the Division of Vocational Rehabilitation, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 346, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 21. This act shall be in full force and effect on and after July 1, 1983, except for Sections 2, 3, 5, 14, 16, 18 and 20 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2, 3, 5, 14, 16, 18 and 20 of this act shall be in full force and effect on and after June 30, 1983.

Approved April 9, 1983.
*Line item veto.

CHAPTER 194
(S.B. No. 1040, As Amended, As Amended in the House)

AN ACT
RELATING TO THE PRACTICE OF DENTURITRY; AMENDING INITIATIVE PETITION NO. 2, AS ADOPTED BY THE ELECTORATE AT THE GENERAL ELECTION OF NOVEMBER 2, 1982, TO CODIFY THE PROVISIONS OF THE INITIATIVE, TO PROVIDE A STATEMENT OF STATUTORY INTENT, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO REQUIRE A LICENSE TO PRACTICE DENTURITRY, TO PROVIDE EXCEPTIONS TO THE LICENSE REQUIREMENT, TO
DEFINE PROHIBITED ACTIVITIES, TO PROVIDE FOR A BOARD OF DENTURITRY, TO PROVIDE FOR OFFICERS, MEETINGS, COMPENSATION AND RECORDS OF THE BOARD, AND TO PROVIDE FOR A FAIR PRACTICE COMMITTEE OF THE BOARD, TO PROVIDE FOR BOARD POWERS AND DUTIES, TO PROVIDE PROCEDURES FOR APPLICATION OF A LICENSE, TO PROVIDE FOR EXAMINATION, TO PROVIDE FOR FEES, TO PROVIDE FOR LICENSING, TO PROVIDE FOR SUSPENSION OR REVOCATION OF A LICENSE, TO PROVIDE FOR A STAY OF ELIGIBILITY UPON REVOCATION OF A LICENSE, TO PROVIDE FOR RENEWAL OR REINSTATMENT OF A LICENSE, TO PROVIDE FOR DISPOSITION OF RECEIPTS, TO PROVIDE REQUIREMENTS FOR DENTAL HEALTH INSURANCE POLICIES, TO PROVIDE FOR A PENALTY, TO PROVIDE FOR REQUIREMENTS FOR THE PRACTICE OF DENTURITRY, TO PROVIDE FOR JUDICIAL REVIEW, TO PROVIDE SEVERABILITY, AND TO STRIKE THE EFFECTIVE DATE CLAUSE OF THE INITIATIVE PETITION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Initiative Petition No. 2, as adopted by the Electorate at the General Election of November 2, 1982, be, and the same is hereby amended to read as follows:

SECTION--1 54-3301. STATUTORY INTENT. This statute is enacted to promote competence and excellence in the providing of prosthetic dental appliances and services related thereto to the public at reasonable costs.

SECTION--2 54-3302. SHORT TITLE. This Act shall be known as the "Idaho Freedom of Choice of Dentures Act".

SECTION--3 54-3303. DEFINITIONS. As used in this Act chapter, unless the context requires otherwise:

(a) "Board" means the State Board of Denturitry.

(b) "Denture" means any removable full upper or lower prosthetic dental appliance to be worn in the human mouth.

(c) "Denturist" means a person licensed under this Act chapter to engage in the practice of denturitry.

(d) "Practice of Denturitry" means:

(1) the making, fitting, constructing, altering, reproducing or repairing of an a full upper or lower removable prosthetic denture, the repairing of a removable partial upper or lower prosthetic denture, the furnishing or supplying of such a denture directly to a person or advising the use of any such denture;

(2) the taking or making, or the giving of advice, assistance or facilities respecting the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of making, constructing, fitting, furnishing, supplying, altering, repairing or reproducing any such full upper or lower removable prosthetic denture;

(3) the practice of denturitry within the context of this Act chapter requires that all work except cast frame work be performed on the licensed-premises licensee's premise.
SECTION--4 54-3304. LICENSE TO PRACTICE REQUIRED. From and after April 1, 1983, a person must hold a license for the practice of denturitry in order to perform the following acts:

(a) Engage or offer to engage, in the practice of denturitry; or
(b) Use in connection with his/her name the word "denturist" or any other words, letters, abbreviations or insignia implying that such person is engaged in the practice of denturitry.

SECTION--5 54-3305. EXCEPTIONS. The prohibitions of this Act do not apply to:

(a) a person interning under the supervision of a denturist;
(b) the practice of dentistry or medicine by persons authorized to do so by this state;
(c) a student of denture technology in pursuit of clinical studies under an approved school program.

SECTION--6 54-3306. PROHIBITED ACTIVITIES. Prohibitions on activities of licensed denturists:

(a) He/she will not perform procedures which would alter any oral tissues or natural teeth.
(b) He/she will not insert or fit immediate dentures in the mouth of the intended wearer.
(c) He/she will not diagnose or treat any abnormalities of any human mouth.
(d) He/she will not prescribe any drugs or treatment for any oral or medical diseases.
(e) He/she will not construct or fit orthodontic appliances.

SECTION--7 54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created a State Board of Denturitry of the State of Idaho, which shall consist of five (5) members. Three (3) members of the Board shall be persons who have been nominated by the Association of Idaho Denturists, Inc., who have had at least five (5) years continuous experience immediately prior to their nomination in the practice of denturitry. Two (2) other members of the Board shall be lay persons nominated by the Director of the Idaho Department of Health and Welfare. At least two (2) nominees for each position must be nominated by the nominating body.

(b) The members of the Board shall hold office for terms of three (3) years each; provided, of the initial Board, the three (3) members to be appointed from nomination of the Association of Idaho Denturists shall serve for terms of one (1) year, two (2) years, and three (3) years, respectively, as designated in their appointment, and of the initial Board the two (2) lay members shall serve for terms of two (2) and three (3) years, respectively, as designated in their appointment. Thereafter members shall be appointed to the Board for terms of three (3) years each, except that appointments to filled vacancies shall be for the unexpired term of such vacancies.

(c) Appointments to the Board shall be made by the Governor from the nominees set forth in this section, and each member of the Board shall hold office for his term and until his successor is duly appointed by the Governor.
SECTION--8 54-3308. OFFICERS -- MEETINGS -- VOTING -- RECORDS -- COMPENSATION -- FAIR PRACTICE COMMITTEE. (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 for more than three (3) years in succession.

(b) The Board shall meet at least annually to conduct its business 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) Denturists Members of the Board shall serve without compensation but shall be reimbursed their actual travel and other necessary expenses incurred in be compensated as provided in section 59-509(b), Idaho Code, for attending meetings of the Board or for performing duties prescribed by this Act chapter and approved by the Board; provided, the lay members shall receive in addition an honorarium of $50 per day be compensated as provided in section 59-509(h), Idaho Code.

(f) The Board shall appoint a fair practice committee consisting of three (3) denturists selected from the membership of the Association of Idaho Denturists. This committee will meet as need arises and shall file a written report with the Board on the decisions made.

SECTION-9 54-3309. BOARD POWERS AND DUTIES. The Board shall have the following powers and duties:

(a) To determine the qualifications of persons applying for licenses under this chapter;

(b) To prescribe, administer and determine examinations and a passing grade for licenses under this chapter;

(c) To collect and adjust fees and charges prescribed by in this chapter to cover the operating expenses of the Board as may become necessary from time to time;

(d) To issue licenses for the practice of denturitry under the conditions prescribed in this Act chapter;

(e) To revoke or suspend denturitists' licenses in the manner prescribed by this Act chapter;

(f) To administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this Act chapter;

(g) To make rules and regulations pursuant to chapter 52, title 67, Idaho Code, to carry out the intents and purposes of this Act chapter;

(h) To appoint committees and chairpersons and to delegate responsibilities to them as the need arises from time to time;

(i) To authorize, by written agreement, the bureau of occupa-
tional licenses to act as agent in its interest.

SECTION--10 54-3310. APPLICATION FOR LICENSE. Upon application and payment of the appropriate fee, the Board shall issue a license to practice denturistry to any applicant who meets one (1) of the following criteria:

(a) APPLICATIONS-FILLED-PRIOR-TO-APRIL 1983: Applications filed prior to April 1, 1983: Applicants must furnish two (2) signed affidavits by persons other than family members (or other evidence as may be prescribed by the Board) that he/she has been employed for at least five (5) years prior to application in all phases of denture technology and is able to demonstrate competency in intra-oral procedures, and has successfully completed courses accredited by the Board in head and neck anatomy and oral pathology; and has been a resident of the State of Idaho for six (6) months prior to the filing of the application.

(b) APPLICATIONS-FILLED-ON-OR-AFTER-APRIL 1983: Applications filed on or after April 1, 1983: Applicants must satisfactorily complete the examinations established by the Board pursuant to this Act chapter; and have completed formal training of not less than two (2) years duration at an accredited educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of higher education, the curriculum of which includes courses in oral pathology, physiology, head and oral anatomy, clinical microbiology, clinical jurisprudence, asepsis, and first aid for minor office emergencies; and have completed at least two (2) years internship under the supervision of a licensed denturist; and or have been a resident of the State of Idaho for six (6) months equivalent experience as established by board rule prior to the filing of the application.

SECTION--11 54-3311. EXAMINATIONS. The Board shall administer the examinations for licensing, subject to the following requirements:

(a) Examinations shall be of such character as to determine the qualifications, fitness and ability of the applicant to practice denturistry, with the form of the test to be written, oral, or a practical demonstration of skills, or such combination of the three (3) as the Board may prescribe.

(b) The examination shall include coverage of the following subjects:

(1) Head and oral anatomy;
(2) Oral pathology;
(3) Physiology;
(4) Clinical dental technology;
(5) Dental laboratory technology;
(6) Microbiology;
(7) Clinical jurisprudence;
(8) Asepsis;
(9) First aid for minor office emergencies.

SECTION--12 54-3312. FEES. The Board shall be entitled to charge and collect the following fees subject to biennial adjustment as prescribed by Section 9(e) section 54-3309(c), Idaho Code:

(a) The sum of $200.00 as an application fee for a denturist
(which shall include the cost of an examination when required) of not to exceed two hundred dollars ($200);

(b) The sum of $200.00 as an initial license fee of not to exceed two hundred dollars ($200);

(c) The sum of $200.00 for issuance of each bi-annual renewal license. A renewal fee of not to exceed two hundred dollars ($200).

SECTION-13 54-3313. LICENSING. A denturist license shall be valid for a period of two one (21) years, whereupon a renewal license will be issued upon payment of the bi-annual renewal fee and the submission of proof of the completion of not less than twenty-four (24) hours continuing education accredited by the Board during the two (2) years immediately preceding the date the date of application for renewal. A license issued effective as of a date other than January 1 will be valid until midnight December 31 of the year June 30 next following the year in which date it was issued. The license shall bear on its face the address where the licensee’s denturist services will be performed.

SECTION-14 54-3314. SUSPENSION OR REVOCATION OF LICENSE. (a) The Board shall have the power to refuse to issue a license, suspend or revoke a license, or place a licensed person on probation for a period specified by the Board and subject to such conditions as the Board shall impose, or reprimand or censure a licensee for any of the following causes:

(1) Conviction of crime where such crime bears a demonstrable relationship to the practice of denturistry.

(2) Incompetence or gross negligence in the practice of denturistry.

(3) Fraud or misrepresentation in the practice of denturistry.

(4) Use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denturistry.

(5) The willful violation of any provision of this Act chapter or rules adopted thereunder.

(b) The Board shall have the power to examine and inspect the place of business of any licensed denturist at a reasonable time and in a reasonable manner to assure compliance with this Act chapter.

(c) The Board shall have the right to establish standards of conduct and practice, and the power to enforce such standards with fines monetary penalties and/or revocation or suspension of license.

SECTION-15 54-3315. REVOCATION OF LICENSE STAYS ELIGIBILITY. A denturist whose license has been revoked either by the Idaho Board of Denturistry or the similar body of another state, shall not be eligible to apply for a license until one (1) year after the date of revocation.

SECTION-16 54-3316. RENEWAL OR REINSTATEMENT OF LICENSE. Any license which is not renewed within three (3) years after its expiration may not be renewed thereafter; and such person may obtain a new license only upon the payment of fees and meeting of the qualifications and requirements for obtaining an original license. Renewal or rein-
statement of a license shall be governed by the provisions of section 67-2614, Idaho Code.

SECTION 17 54-3317. DISPOSITION OF RECEIPTS. All fees collected under the provisions of this Act chapter shall be deposited at least monthly with the state treasurer and shall constitute a special fund known as the State-Denturist-Fund. All moneys received by said special fund shall be disbursed by the state treasurer unless the voucher for such disbursement contains the certificate of the treasurer of the Idaho Board that such voucher is for an expense incurred in the administration of this Act in the state treasury to the credit of the occupational license account and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said account. In no instance will the occupational license account be obligated to pay any claims in aggregate with claims already paid exceed the income to the occupational license account which has been derived by the application of this chapter.

SECTION 18 54-3318. DENTAL HEALTH INSURANCE POLICIES TO INCLUDE DENTURIST'S SERVICES. Notwithstanding any provisions of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a licensed denturist. This section shall apply to any policy covering dental insurance which is issued after January 1, 1983. Policies which are in existence on January 1, 1983, shall be brought into compliance on the next anniversary date, renewal date, or the expiration date of the applicable collective bargaining contract, if any, whichever date is latest.

SECTION 19 54-3319. VIOLATION A MISDEMEANOR. Violation of any provision of this Act chapter shall constitute a misdemeanor; and upon conviction, shall be punishable by the penalty or penalties established in the Idaho criminal code; as amended from time to time.

SECTION 20 54-3320. NOTICE OF BOARD ADDRESS -- PROHIBITED ACTIVITIES -- GUARANTEE ON SERVICES. (a) There shall be posted in a conspicuous area on any premises where the practice of denturist is carried on, a notice with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE IDAHO BOARD OF DENTURITY address

(b) No person licensed under the provisions of this chapter shall directly or indirectly:

(1) make any payment or gift to a person who has referred a patient;
(2) receiver or accept any rebate, payment or gift from any person to whom a patient is referred; or
section 21 54-3321. Judicial review of board action. Any person who shall be aggrieved by any action of the board in denying, refusing to renew, suspending or revoking a denturist license, may appeal therefrom to the district court in the county in which he/she is a resident. Such appeal shall be perfected by filing with the clerk of the court, within thirty (30) days following the action of the board of which complaint is made, a notice of appeal setting forth briefly the action complained of and wherein the petitioner has been deprived of any legal rights. A copy of the notice of appeal shall be served upon the president or secretary of the board with notice to the attorney general of the state of Idaho in the manner of civil appeal, and the court may sustain or reverse the action of the board or direct the board to take any further or other action with regard to the appeal.

section--22 54-3322. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter shall supersede and take precedence over any conflicting provisions contained in chapter 9, title 54, of the Idaho Code concerning the practice of dentistry.

section 3: This act shall be in full force and effect on and after December 1, 1982:

section 2. An emergency existing 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 December 1, 1982.

Approved April 11, 1983.
Idaho Transportation Department not exceed the following amounts from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>$33,600</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>161,228,000</td>
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<tr>
<td>Idaho Traffic Safety Commission Account</td>
<td>963,600</td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>2,039,800</td>
</tr>
<tr>
<td>Interagency Billing and Receipts</td>
<td>1,645,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$165,910,400</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Idaho Transportation Department the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. GENERAL SUPPORT

FROM:

<table>
<thead>
<tr>
<th>Account</th>
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<tbody>
<tr>
<td>State Aeronautics Account</td>
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</tr>
<tr>
<td>State Highway Account</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$14,734,100</strong></td>
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B. HIGHWAYS

FROM:

<table>
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<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>$33,600</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>146,500,500</td>
</tr>
<tr>
<td>Idaho Traffic Safety Commission Account</td>
<td>963,600</td>
</tr>
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<td><strong>TOTAL</strong></td>
<td><strong>$147,497,700</strong></td>
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C. AERONAUTICS

FROM:

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</thead>
<tbody>
<tr>
<td>State Aeronautics Account</td>
<td>$1,000,800</td>
</tr>
</tbody>
</table>

D. PUBLIC TRANSPORTATION

FROM:

<table>
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<tr>
<th>Account</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>State Aeronautics Account</td>
<td>$1,017,000</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>15,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,032,400</strong></td>
</tr>
</tbody>
</table>

E. INTER AND INTRA-DEPARTMENTAL SERVICES

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interagency Billing and Receipts</td>
<td>$1,645,400</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$165,910,400</strong></td>
</tr>
</tbody>
</table>

Approved April 11, 1983.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Supreme Court the following amounts, from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

General Account $8,520,800
Interagency Billing and Receipts Account 36,300
TOTAL $8,557,100

SECTION 2. It is legislative intent that an amount, not to exceed $2,500 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. Further, 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 Judge of the Court of Appeals to assist in defraying expenses relating to or resulting from the discharge of his official duties and the official duties of the Court of Appeals. Such moneys shall be accounted for solely on the itemized certificate of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals respectively, and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved April 11, 1983.

CHAPTER 197
(S.B. No. 1161, As Amended in the House)

AN ACT
RELATING TO ADMINISTRATIVE RULES REVIEW SUBCOMMITTEES OF THE LEGISLATURE; AMENDING SECTION 67-454, IDAHO CODE, TO PROVIDE A PROCESS FOR MAKING APPOINTMENTS TO THE ADMINISTRATIVE RULES REVIEW SUBCOMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

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

SECTION 1. That Section 67-454, Idaho Code, be, and the same is hereby amended to read as follows:

67-454. SUBCOMMITTEES FOR REVIEW OF ADMINISTRATIVE RULES. For the purposes of review of proposed administrative rules pursuant to section 67-5203, Idaho Code, germane joint subcommittees are hereby authorized and created. The speaker of the house of representatives and the president pro tempore of the senate shall designate a subcommittee of each germane committee of each house for the consideration of proposed rules of the respective state agencies. The respective germane subcommittee of each house thus designated shall meet with the germane subcommittee of the other house and shall constitute the
germane joint subcommittee. A subcommittee of each standing committee of each house shall be composed of the chairman of the committee, one (1) member of the majority party from the committee, appointed by the majority\-caucus president pro tempore in the case of senate members, and by the speaker in the case of house members, and one (1) member of the minority party from the committee, appointed by the minority caucus leader of the senate in the case of senate members, and by the minority leader of the house in the case of house members. If vacancies occur or exist in the majority party membership of the subcommittees of the senate, the president pro tempore shall appoint a replacement member; if vacancies occur or exist in the minority party membership of the subcommittees of the senate, the minority leader shall appoint a replacement member. If vacancies occur or exist in the majority party membership of the subcommittees of the house, the speaker shall appoint a replacement member; if vacancies occur or exist in the minority party membership of the subcommittees of the house, the minority leader shall appoint a replacement member. Meetings of a joint germane subcommittee shall be governed by the joint rules of the legislature; the chairmen shall sit as cochairmen.

Upon notice of intended action as provided in section 67-5203, Idaho Code, and transmission of analysis from the director of the legislative council, the cochairmen shall determine whether a meeting of the subcommittee shall be held. If no meeting is to be held, each member shall be notified of this decision within fifteen (15) days of receipt of the original notice. If two (2) or more members of the subcommittee object to the decision of the cochairmen within five (5) days, a meeting of the subcommittee shall be held within ten (10) days. Upon a finding of the same objection by a majority of the members of the subcommittee of each house voting separately, an objection to a rule shall be transmitted to the agency with a concise statement of the reasons for the objection. A report of the joint subcommittee on each rule transmitted to it, including a finding that there is no objection to the rule or that an objection has been filed, shall be filed with the agency, transmitted to the membership of the germane standing committees, and submitted to the next regular session of the legislature.

Approved April 11, 1983.

CHAPTER 198
(H.B. No. 28, As Amended in the Senate
As Amended in the Senate)

AN ACT
RELATING TO THE RESPONSIBILITY OF RELATIVES TO PARTICIPATE IN THE COST OF NURSING HOME CARE; AMENDING CHAPTER 10, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1008A, IDAHO CODE, TO PROVIDE THAT PARENTS AND CHILDREN OF NURSING HOME MEDICAID PATIENTS WHO ARE UNABLE TO PAY ALL THE COSTS OF THIS CARE ARE RESPONSIBLE FOR THE PAYMENT FOR SUCH CARE, TO PROVIDE WHICH RELATIVES ARE RESPO-
SIBLE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHOULD ENACT REGULATIONS IMPLEMENTING THE PROVISIONS OF THE SECTION, AUTHORIZING THE DIRECTOR TO SEEK RECIPROCITY OF ENFORCEMENT WITH OTHER STATES, AND TO PROVIDE FOR DEPOSITS OF THE AMOUNT COLLECTED IN THE MEDICAL ASSISTANCE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 10, 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 32-1008A, Idaho Code, and to read as follows:

32-1008A. RESPONSIBILITY OF RELATIVES TO PARTICIPATE IN THE COST OF NURSING HOME CARE. (1) When it is necessary for a person to reside as a medicaid patient in a licensed skilled nursing facility or licensed intermediate care facility as either is defined in section 39-1301, Idaho Code, such person's relatives as described in this section shall be responsible to the extent of their ability to repay the department of health and welfare for the cost of necessary medical or remedial care provided by the facility. Each responsible relative of a medicaid recipient may be required to pay not more than twenty-five percent (25%) of the amount which was paid for such patient under the medical assistance program pursuant to chapter 1, title 56, Idaho Code, but not more than one hundred percent (100%) of the amount which was paid under the medical assistance program shall be collected by the department from all responsible relatives of a medicaid recipient.

(2) Relatives responsible to participate in the cost of skilled or intermediate facility care include spouses, natural and adoptive children, or natural or adoptive parents when the patient is under eighteen (18) years of age, or blind, or disabled as defined in section 1614(a) of the social security act.

(3) The director of the department of health and welfare is hereby authorized to enact and enforce regulations which establish whether and to what extent the medicaid patient's relative shall participate in the cost of the patient's care, giving due consideration to the relative's obligations for dependents. The director shall establish a procedure to permit any relative to contest their responsibility derived from this section. If such petition is denied, a hearing may be requested under the provisions of chapter 52, title 67, Idaho Code.

(4) In the event that similar provisions are enacted by other states, the director is authorized and directed to pursue reciprocity of enforcement of this section.

(5) The amounts paid by relatives of medicaid patients shall be collected by the department of health and welfare and the state's share deposited in the medical assistance account established by section 56-209a(2), Idaho Code.

SECTION 2. This act shall be in full force and effect on and after October 1, 1983, provided that section 32-1008A(3), Idaho Code, shall be in full force and effect on and after July 1, 1983, for the
purpose of adoption of rules and regulations implementing the provi­sions of this act.

Approved April 11, 1983.

CHAPTER 199
(H.B. No. 250)

AN ACT
RELATING TO AUTOMOBILE LIABILITY INSURANCE; AMENDING SECTION 49-233, IDAHO CODE, TO INCREASE THE STATUTORY MINIMUM FOR AUTOMOBILE INSURANCE; AMENDING SECTION 49-1501, IDAHO CODE, TO INCREASE THE STATUTORY MINIMUM FOR AUTOMOBILE INSURANCE; AMENDING SECTION 49-1505, IDAHO CODE, TO INCREASE THE STATUTORY MINIMUM FOR AUTOMOBILE INSURANCE; AND AMENDING SECTION 49-1521, IDAHO CODE, TO INCREASE THE STATUTORY MINIMUM FOR AUTOMOBILE INSURANCE.

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

SECTION 1. That Section 49-233, Idaho Code, be, and the same is hereby amended to read as follows:

49-233. REQUIRED MOTOR VEHICLE INSURANCE. (a) Every owner of a motor vehicle which is registered and operated in Idaho by the owner or with his permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by mainte­nance or use of a motor vehicle or motor vehicles described therein in an amount not less than that required by section 49-1521, Idaho Code, and shall demonstrate the existence of any other coverage required by title 49, Idaho Code, or a certificate of self-insurance issued by the department pursuant to section 49-1534, Idaho Code, for each motor vehicle to be registered.

(b) A motor vehicle owner who prefers to post an indemnity bond with the director of insurance in lieu of obtaining a policy of liability insurance may do so. Such bond shall guarantee that any loss resulting from liability imposed by law for bodily injury, death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance and use of the motor vehicle sought to be registered shall be paid within thirty (30) days. Such indemnity bond shall guarantee payment in an amount not less than ten fifty thousand dollars ($150,000) for any one (1) accident of which fifteen thousand dollars ($15,000) is for property damage, for each vehicle to be registered up to a maximum of up-to-sixty of one hundred twenty thousand dollars ($6120,000) for five (5) or more vehicles.

Any bond given in connection with this act shall be, and shall be construed to be, a continuing instrument and shall cover the period for which the motor vehicle is to be registered and operated. Such bond shall be on a form approved by the director of insurance with a
surety company authorized to do business in the state.

SECTION 2. That Section 49-1501, Idaho Code, be, and the same is hereby amended to read as follows:

49-1501. MOTOR VEHICLE RESPONSIBILITY. (1) Definitions. The following words and phrases, when used in this act, shall, for the purposes of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
   (a) "Department." The Idaho transportation department of this state.
   (b) "Judgment." Any judgment which shall have become final by expiration without appeal by the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.
   (c) "License." Any operator's license, temporary instruction permit or temporary license issued under the laws of this state pertaining to the licensing of operators.
   (d) "Motor vehicle." Every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, roadrollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.
   (e) "Nonresident." Every person who is not a resident of this state.
   (f) "Nonresident's operating privilege." The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.
   (g) "Operator." Every person who is in actual physical control of a motor vehicle.
   (h) "Owner." A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act.
   (i) "Person." Every natural person, firm, copartnership, association or corporation.
   (j) "Proof of financial responsibility." Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ten
twenty-five thousand dollars ($250,000) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to said limit for one (1) person, in the amount of twenty fifty thousand dollars ($250,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of five fifteen thousand dollars ($15,000) because of injury to or destruction of property of others in any one (1) accident.

(k) "Registration." Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(1) "State." Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SECTION 3. That Section 49-1505, Idaho Code, be, and the same is hereby amended to read as follows:

49-1505. SECURITY REQUIRED FOLLOWING ACCIDENT UNLESS EVIDENCE OF INSURANCE -- SUSPENSION FOR FAILURE TO DEPOSIT SECURITY -- EXCEPTIONS.

(a) If twenty (20) days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one (1) person in excess of one hundred dollars ($100), the department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments with respect to all claims for injuries or damages resulting from the accident, the department shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) Within sixty (60) days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one (1) person in excess of one hundred dollars ($100), the department shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the department to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security.

(c) This act shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;
2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond; or
4. To the operator or owner of any vehicle the owner of which has qualified as a self-insurer under section 49-1534, Idaho Code.

(d) No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than **twenty-five thousand dollars** ($25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, to a limit of not less than **fifty thousand dollars** ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than **fifteen thousand dollars** ($15,000) because of injury to or destruction of property of others in any one (1) accident.

(e) Upon receipt of notice of such accident, the insurance company or surety company which issued or is alleged to have issued such policy or bond shall notify the department in such manner as it may require in case such policy or bond was not in effect at the time of such accident.

SECTION 4. That Section 49-1521, Idaho Code, be, and the same is hereby amended to read as follows:

49-1521. "MOTOR VEHICLE LIABILITY POLICY" DEFINED -- EXPRESSED, PERMITTED AND IMPLIED PROVISIONS. (a) A "motor vehicle liability policy" as said term is used in this act shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 49-1519 or 49-1520, Idaho Code, as proof of financial responsibility, and issued, except as otherwise provided in section 49-1520, Idaho Code, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance.
1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby
to be granted; and

2. Shall insure the person named therein and any other person, as
insured, using any such motor vehicle or motor vehicles with the
express or implied permission of such named insured, against loss from
the liability imposed by law for damages arising out of the ownership,
maintenance or use of such motor vehicle or motor vehicles within the
United States of America or the Dominion of Canada, subject to limits
exclusive of interest and costs, with respect to each such motor vehi-
cle, as follows: twenty-five thousand dollars ($25,000) because of
bodily injury to or death of one (1) person in any one (1) accident
and, subject to said limit for one (1) person fifty thousand dollars
($50,000) because of bodily injury to or death of two (2) or more
persons in any one (1) accident, and fifteen thousand dollars
($15,000) because of injury to or destruction of property of others in
any one (1) accident.

c) Such operator's policy of liability insurance shall insure
the person named as insured therein against loss from the liability
imposed upon him by law for damages arising out of the use by him of
any motor vehicle not owned by him, within the same territorial limits
and subject to the same limits of liability as are set forth above
with respect to an owner's policy of liability insurance.

d) Such motor vehicle liability policy shall state the name and
address of the named insured, the coverage afforded by the policy, the
premium charged therefor, the policy period and the limits of liabil-
ity, and shall contain an agreement or be indorsed that insurance is
provided thereunder in accordance with the coverage defined in this
act as respects bodily injury and death or property damage, or both,
and is subject to all the provisions of this act.

e) Such motor vehicle liability policy shall not insure any
liability under any workmen's compensation law as provided in title
72, Idaho Code, nor any liability on account of bodily injury to or
death of an employee of the insured while engaged in the employment,
other than domestic, of the insured, or while engaged in the oper-
ation, maintenance or repair of any such motor vehicle nor any liabil-
ity for damage to property owned by, rented to, in charge of or trans-
ported by the insured.

f) Every motor vehicle liability policy shall be subject to the
following provisions which need not be contained therein:
1. The policy may not be canceled or annulled as to such liabil-
ity by any agreement between the insurance carrier and the insured
after the occurrence of any injury or damage covered by said motor
vehicle liability policy.
2. The satisfaction by the insured of a judgment for such injury
or damage shall not be a condition precedent to the right or duty
of the insurance carrier to make payment on account of such injury
or damage.
3. The insurance carrier shall have the right to settle any claim
covered by the policy, and if such settlement is made in good
faith, the amount thereof shall be deductible from the limits of
liability specified in paragraph (b) 2 hereof.
4. The policy, the written application therefor, if any, and any
rider or indorsement which does not conflict with the provisions
of the act shall constitute the entire contract between the par-
ties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this act. With respect to a policy which grants such excess of additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this act.

(i) Any motor vehicle liability policy may provide for the pro-rating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Approved April 11, 1983.

CHAPTER 200
(H.B. No. 351)

AN ACT EXPRESSING LEGISLATIVE INTENT; AND APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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 from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$11,452,000</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>293,400</td>
</tr>
<tr>
<td>Penitentiary Income Account</td>
<td>725,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$12,470,400</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. ADMINISTRATION
FROM:
C. 201 '83  IDAHO SESSION LAWS  545

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 993,400</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>$ 10,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 1,003,400</strong></td>
</tr>
</tbody>
</table>

B. INCARCERATION
FROM:
- General Account: $ 6,554,500
- Penitentiary Income Account: $ 725,000
- Interagency Billing and Receipts Account: $ 158,600
**TOTAL** $ 7,438,100

C. NORTH IDAHO CORRECTIONAL INSTITUTION
FROM:
- General Account: $ 846,100

D. PROBATION AND PAROLE
FROM:
- General Account: $ 2,639,200
- Interagency Billing and Receipts Account: $ 115,800
**TOTAL** $ 2,755,000

E. PAROLE COMMISSION
FROM:
- General Account: $ 68,800

F. IDAHO WOMEN'S CORRECTIONAL INSTITUTION
FROM:
- General Account: $ 350,000
- Interagency Billing and Receipts Account: $ 9,000
**TOTAL** $ 359,000

**GRAND TOTAL** $12,470,400

Approved April 11, 1983.

CHAPTER 201
(H.B. No. 98)

AN ACT
RELATING TO CORPORATIONS; AMENDING SECTION 30-1-33, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AMENDMENTS TO ARTICLES OF INCORPORATION WHICH LIMIT OR REMOVE AN EXISTING RIGHT OF A SHAREHOLDER TO CUMULATE HIS VOTES; AND AMENDING SECTION 30-1-59, IDAHO CODE, TO PROVIDE CODE REFERENCES.

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

SECTION 1. That Section 30-1-33, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-33. VOTING OF SHARES -- PROXIES. (a) Each outstanding share, regardless of class, shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of shareholders, except as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one (1) vote for any
share, on any matter, every reference in this act to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

(b) Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

(c) A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact.

(1) No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the shareholder executing it, except as otherwise provided in this section.

(2) The authority of the holder of a proxy to act shall not be revoked by the incompetence or death of the shareholder who executed the proxy unless, before the authority is exercised, written notice of an adjudication of such incompetence or of such death is received by the corporate officer responsible for maintaining the list of shareholders.

(3) Except when other provision shall have been made by written agreement between the parties, the record holder of shares which he holds as pledgee or otherwise as security or which belong to another, shall issue to the pledgor or to such owner of such shares, upon demand therefor and payment of necessary expenses thereof, a proxy to vote or take other action thereon.

(4) A shareholder shall not sell his vote or issue a proxy to vote to any person for any sum of money or anything of value, except as authorized in this section and section 30-1-34, Idaho Code.

(5) A proxy which is entitled "irrevocable proxy" and which states that it is irrevocable, is irrevocable when it is held by any of the following or a nominee of any of the following:

(i) A pledgee;
(ii) A person who has purchased or agreed to purchase the shares;
(iii) A creditor or creditors of the corporation who extend or continue credit to the corporation in consideration of the proxy if the proxy states that it was given in consideration of such extension or continuation of credit, the amount thereof, and the name of the person extending or continuing credit;
(iv) A person who has contracted to perform services as an officer of the corporation, if a proxy is required by the contract of employment, if the proxy states that it was given in consideration of such contract of employment, the name of the employee and the period of employment contracted for;
(v) A person designated by or under an agreement under section 30-1-34(c), Idaho Code.

(6) Notwithstanding a provision in a proxy, stating that it is irrevocable, the proxy becomes revocable after the pledge is redeemed, or the debt of the corporation is paid, or the period of
employment provided for in the contract of employment has terminated, or the agreement under section 30-1-34(c), Idaho Code, has terminated; and in a case provided for in subparagraphs (5) (iii) or (iv), becomes revocable three (3) years after the date of the proxy, or at the end of the period, if any, specified therein, whichever period is less, unless the period of irrevocability is renewed from time to time by the execution of a new irrevocable proxy as provided in this section. This paragraph does not affect the duration of a revocable proxy under paragraph (1).

(7) A proxy may be revoked, notwithstanding a provision making it irrevocable, by a purchaser of shares without knowledge of the existence of the provision unless the existence of the proxy and its irrevocability are noted conspicuously on the face of the certificate representing such shares.

(d) Except as otherwise provided in the articles of incorporation, at each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one (1) candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Any amendment to the articles of incorporation which limits or removes an existing right of a shareholder to cumulate his votes shall be adopted upon receiving the affirmative vote of the holders of at least three-fourths (3/4) of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least three-fourths (3/4) of the shares of each class entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(e) Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such other corporation may prescribe, or, in the absence of such provision, as the board of directors of such other corporation may determine.

(f) Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

(g) Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

(h) A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledged shares shall be voted in accordance with subsection (c) (3) of this section.

(i) On and after the date on which written notice of redemption
of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

SECTION 2. That Section 30-1-59, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-59. PROCEDURE TO AMEND ARTICLES OF INCORPORATION. Amendments to the articles of incorporation shall be made in the following manner:

(a) If shares have been issued, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the resolution and amendment may be adopted by all the incorporators or by the board of directors and the provisions for adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto. In lieu of the foregoing procedure, a resolution setting forth the proposed amendment may be submitted directly, by the holders of not less than one-tenth (1/10) of all the shares entitled to vote at the meeting, without directors' action, to a vote at a meeting of shareholders, which may be either the annual or a special meeting, in which event paragraphs (b) and (c) hereunder shall also apply, or the resolution and amendment may be adopted without any meeting if written consent thereto is given by all the shareholders entitled to vote thereon as provided in section 30-1-145, Idaho Code.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. Except as provided in section 30-1-33(d), Idaho Code, the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.
Any number of amendments may be submitted to the shareholders, and voted upon by them, at one (1) meeting.

Approved April 12, 1983.

CHAPTER 202
(H.B. No. 273)

AN ACT
RELATING TO CREATION OF LIENS IN FAVOR OF AGRICULTURAL COMMODITY PRODUCERS AND AGRICULTURAL COMMODITY DEALERS; AMENDING TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 45, IDAHO CODE, TO DEFINE TERMS; TO CREATE A LIEN IN FAVOR OF AN AGRICULTURAL COMMODITY PRODUCER OR AN AGRICULTURAL COMMODITY DEALER WHO SELLS AN AGRICULTURAL PRODUCT; TO PROVIDE WHEN THE AGRICULTURAL COMMODITY LIEN ATTACHES; TO PROVIDE THE DURATION OF THE LIEN, THE NOTICE OF THE LIEN, AND PROCEDURE OF FILING THE LIEN; TO PROVIDE THE PRIORITY OF THE LIEN; TO PROVIDE FOR DISCHARGE OF THE LIEN; TO PROVIDE FILING NOTICE OF DISCHARGE; AND TO PROVIDE FOR FORMS AND FEES FOR FILING.

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

SECTION 1. That Title 45, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 18, Title 45, Idaho Code, and to read as follows:

CHAPTER 18
AGRICULTURAL COMMODITY DEALER LIENS

45-1801. DEFINITIONS. As used in this chapter:
(1) "Agricultural product" means wheat, corn, oats, barley, rye, lentils, soybeans, grain sorghum, dry beans and peas, beans, safflower, sunflower seeds, tame mustards, rapeseed, flaxseed, leguminous seed or other small seed, or any other agricultural commodity.
(2) "Agricultural commodity dealer" means any person who contracts for or solicits any agricultural product from an agricultural producer or negotiates the consignment or purchase of any agricultural product, or receives for sale, resale or shipment for storage, processing, cleaning or reconditioning, any agricultural product, or who buys during any calendar year, at least ten thousand dollars ($10,000) worth of agricultural products from the producer or producers of the commodity. Agricultural commodity dealer shall not mean a person who purchases agricultural products for his own use as seed or feed.
(3) Agricultural commodity producer" means the owner, tenant or operator of land in this state who has an interest in and receives all or part of the proceeds from the sale of agricultural products produced on that land.
(4) "Person" means an individual, trust, partnership, business trust, corporation, or unincorporated association or any other legal or commercial entity.

45-1802. LIEN CREATED -- WHO MAY HAVE. An agricultural commodity producer or an agricultural commodity dealer who sells an agricultural product has a lien on the agricultural product or the proceeds of the sale of the agricultural product until payment is made in full.

45-1803. WHEN LIEN ATTACHES. The lien created by section 45-1802, Idaho Code, attaches to the agricultural product and to the proceeds of the subsequent sale of the agricultural product on the date the agricultural product is sold to the purchaser or on the date the agricultural product is physically delivered to the purchaser, whichever occurs last.

45-1804. DURATION OF LIEN -- NOTICE OF LIEN. (1) The lien created by section 45-1802, Idaho Code, remains in effect for a period of not more than ninety (90) days after the date of attachment except as provided in subsections (2) and (3) of this section.

(2) The lien created by section 45-1802, Idaho Code, may extend for a period of six (6) months from the date the lien attaches if all of the following are completed within ninety (90) days after the date of attachment:

(a) Filing with the county recorder of the county where the agricultural commodity dealer or producer is located of a written notice of lien, signed by the agricultural commodity producer or the agricultural commodity dealer and containing:
   1. A true statement of the demand of the agricultural commodity producer or agricultural commodity dealer after deducting all credits and offsets;
   2. The name of the person who purchased the agricultural product from the agricultural commodity producer or agricultural commodity dealer;
   3. A description of the agricultural product charged with the lien;
   4. A statement that the amount claimed is a true and bona fide existing debt as of the date of filing of the notice of lien; and
   5. Such other information as the county recorder may require.

(b) Sending, by certified mail, return receipt requested, a copy of the notice described in subsection (2)(a) of this section to all other persons who have filed a claim of lien on the inventory or accounts receivable of the purchaser of the agricultural product.

(3) A lien extended for a period of six (6) months under subsection (2) of this section may be extended for an additional six (6) months by completing the requirements of subsections (2)(a) and (2)(b) of this section prior to the expiration of the lien.

45-1805. PRIORITY OF LIEN. The lien created by section 45-1802, Idaho Code, is preferred to a lien or security interest in favor of a
creditor of the purchaser, regardless of whether the creditor's lien or security interest attaches to the agricultural product or proceeds of the sale of the agricultural product before or after the date on which the lien created by section 45-1802, Idaho Code, attaches.

45-1806. DISCHARGE OF LIEN. The lien created by section 45-1802, Idaho Code, is discharged when the lienholder receives full payment for the agricultural product. If payment is received in the form of a negotiable instrument, full payment is received when the negotiable instrument clears banking channels.

45-1807. FILING NOTICE OF DISCHARGE. (1) If a notice of lien is filed pursuant to section 45-1804, Idaho Code, and the lienholder subsequently receives full payment, the lienholder shall file with the proper county recorder a notice of discharge, signed by the lienholder, declaring that full payment has been received and that the lien is discharged.

(2) Upon receiving the notice, the county recorder shall enter it in the book kept to record such liens.

(3) If a lienholder, after receiving full payment, fails to file a notice of discharge of the lien within ten (10) days after being requested to do so, he is liable to the purchaser of the agricultural product for all actual damages caused by the failure to file the notice of discharge.

45-1808. FORM OF FILING WITH COUNTY RECORDER -- FEES. The county recorder shall prescribe the form of the filing provided for by sections 45-1804 and 45-1808, Idaho Code. The county recorder shall set the fee for the filing provided for by section 45-1804, Idaho Code. Such fee shall not exceed the expense of the county recorder of providing the service required by this chapter.

Approved April 12, 1983.
SECTION 1. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

l. "Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members and to bona fide guests of members only:

(1) A post, chapter, camp or other local unit composed solely of veterans and their duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state; or

(2) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization, which has as the owner, lessee or occupant, operated an establishment for fraternal purposes in this state and actively operates in not less than thirty-six (36) states or has been in continuous existence for not less than twenty (20) years; and which has not less than fifty (50) bona fide members in each unit, and which owns, maintains or oper-
ates club quarters, and is authorized and incorporated to operate as a nonprofit club under the laws of this state, and which has recognized tax exempt status under section 501(c)(8) or 501(c)(10) of the Internal Revenue Code, and has been continuously incorporated and operating for a period of not less than one (1) year. The club shall have had during such period of one (1) year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club membership shall consist of bona fide dues paying members, recorded by the secretary of the club, paying at least six dollars ($6.00) per year in dues, payable monthly, quarterly or annually; and the members at the time of application for a club license shall be in good standing, having paid dues for at least one (1) full year.

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

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

SECTION 2. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the department of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the director and the provisions of this act chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this act chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population of the city for which such license is issued. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course, or ski resort, or to the lessee of any premises situate thereon, no part of which said golf course or ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise real property of not less than forty (40) contiguous acres in area, laid
out and improved as an actual, bona fide golf course, and which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course, including buildings and other improvements thereon. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including but not limited to the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing herein contained shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased or occupied by the club, and only to bona fide members of the club, and to serve and to sell alcoholic beverages for consumption to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which on July 1, 1983, holds a liquor license, may continue to possess that license. Any club which possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to
a qualifying club within an incorporated municipality shall be as pre-
scribed in subsections (a), (b) and (c) of section 23-904, Idaho Code. 
The fee for any license issued to a qualifying club not situate within 
an incorporated municipality shall be as specified for golf courses 
under section 23-904(f), Idaho Code. The provisions of section 23-916, 
Idaho Code, regarding county and city licenses, shall pertain to club 
licenses. The burden of producing sufficient documentation of qual-
ifications for club licensure shall be with the club applicant. 

Nothing in this chapter to the contrary shall prohibit the issu-
ance of a license to the owner, operator, or lessee of an actual, bona 
fi de convention center which is within the incorporated limits of a 
city having a population of three thousand (3,000) or greater, and 
which city does not have located therein a convention center with a 
valid license to sell liquor by the drink. For the purpose of this 
section, a convention center means a facility having at least one 
hundred twenty (120) sleeping rooms and an adjoining meeting room which 
will accommodate not less than three hundred fifty (350) persons, 
whether or not such room may be partitioned into smaller rooms, and 
provided that such meeting room shall contain at least three thousand 
(3,000) square feet of floor space. Such license must be placed in 
actual use in said convention center within one (1) year from the date 
of its issuance. The fee for any license issued to a qualifying 
convention center shall be as prescribed in subsection (c) of section 
23-904, Idaho Code. No license issued to a convention center hereunder 
shall be transferable to another location or facility, nor shall the 
holder of a convention center license be eligible for the issuance of 
a license in the same city pursuant to any other provision of this 
chapter. For purposes of this section, the term holder shall include 
an owner, operator or lessee and shall include a stockholder, direc-
tor, or officer of a corporation, or a partner in a partnership, which 
corporation or partnership has been issued a convention center license 
pursuant to this chapter. Not more than one (1) licensed premises 
shall be permitted on any convention center or within the area 
comprising the same, including convention centers that also comprise 
golf courses or ski resorts as herein defined. 

Approved April 13, 1983.

CHAPTER 204
(H.B. No. 297)

AN ACT
RELATING TO SALES TAX RETURNS AND PAYMENTS; AMENDING SECTION 63-3623, 
IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 130, FIRST REGULAR 
SESSION, FORTY-SEVENTH IDAHO LEGISLATURE, TO STRIKE OBSOLETE LAN-
GUAGE, AND TO CHANGE THE DATE ON WHICH CERTAIN SALES TAX RETURNS 
AND PAYMENTS ARE DUE. 

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-3623, Idaho Code, as amended by House Bill No. 130, First Regular Session, Forty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

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

(a) Notwithstanding other provisions of this section, the taxes imposed by this act, payable by any person whose average taxes paid to the tax commission for the preceding twelve (12) month period equals or exceeds one hundred twenty thousand dollars ($120,000) per annum or ten thousand dollars ($10,000) per month per annum, shall be returned and paid to the state tax commission monthly as follows:

(1) for amounts collected as taxes under this act for the period May 1, 1983, through May 15, 1983, return and payment must be made on or before May 20, 1983.

(2) on and after May 16, 1983, the monthly period for which taxes are due and payable under this subsection 63-3623(a), Idaho Code, shall begin on the 16th day of the month and shall end on the 15th day of the following month.

(3) for persons defined in this subsection 63-3623(a), Idaho Code, return and payment shall be made not later than five ten (510) days after the end of the month defined by paragraph (2) of this subsection.

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

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

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

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

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

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

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

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

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

(k) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate provided in section 63-3045, Idaho Code, from the date on which the tax would have been due without the extension until the day of payment.

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

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

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

Approved April 13, 1983.

CHAPTER 205
(H.B. No. 321)

AN ACT
RELATING TO THE DISTRIBUTION OF RECEIPTS FROM PARI-MUTUEL RACING;
AMENDING SECTION 54-2513, IDAHO CODE, TO PROVIDE A SCHEDULE FOR
THE DISTRIBUTION OF RECEIPTS FROM PARI-MUTUEL RACING; AND DECLAR­
ING AN EMERGENCY.

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

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

54-2513. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee
conducting the pari-mutuel system shall distribute eighty percent
(80%) of all sums deposited in any pool to the winner thereof; less an
amount prescribed as follows:

Public-School-Percentage-Computation

<table>
<thead>
<tr>
<th>Gross-daily receipts</th>
<th>Public-school percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>To-$20,000</td>
<td>0.00%</td>
</tr>
<tr>
<td>$20,000-$30,000</td>
<td>1/4%</td>
</tr>
<tr>
<td>$30,000-$40,000</td>
<td>1-1/4%</td>
</tr>
<tr>
<td>$40,000+</td>
<td>2-1/4%</td>
</tr>
</tbody>
</table>

Twenty-per-cent -(20%)-of-gross-daily-receipts-shall-be-distributed
to-licensees.

(B) Each licensee conducting the pari-mutuel system shall retain
twenty percent (20%) of all sums deposited in any pool, for distribu-
tion and payment as follows:

(1) One and one-quarter per cent (1 1/4.25%) of all gross daily
receipts, separately stated, shall be paid to the Idaho state
horse racing commission, for deposit in the horse racing commis-
sion account, which is hereby created in the dedicated fund.

(2) One-half of one per cent (1/2.50%) of all gross daily
receipts, separately stated, shall be paid to the Idaho state
horse racing commission for deposit in the track distribution
account, which is hereby created in the dedicated fund, for fur-
ther distribution to certain Idaho race tracks, defined as fol-
lows:

1a. 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);

1b. distributions to recipient tracks shall be weighted
proportionately to those tracks which conduct the greater
number of races on the number of days raced during the year
of distribution.

All moneys in the track distribution account are hereby
appropriated to the commission for payment as required by this
section. Payments to tracks shall be made monthly.

(3) One-half of one per cent (1/2.50%) of all gross daily
receipts generated by the mutual handle, separately stated, shall
be distributed paid by the licensee to the commission for deposit
in the breed distribution account, which is hereby created in the
dedicated fund, for payment by the commission in proportion to the
handle generated by each breed, to lawfully constituted repre-
sentatives 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 in the breed distribution account on December 31 of each year which have not been distributed as approved by the commission shall revert be paid to the public school income fund six (6)-months-after-the-end-of-the-calendar-year-in-which-they-were-earned.

All moneys in the breed distribution account are hereby appropriated to the commission for payment as required by this section. Payments to representatives shall be made monthly.

(4) The balance remaining after the payments required by paragraphs (1), (2) and (3) of this subsection shall be paid or retained as follows:

When the gross daily receipts are: The public schools' percentage shall be: The licensee's percentage shall be:

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Public Schools'</th>
<th>Licensee's Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20,000</td>
<td>0.00%</td>
<td>17.75%</td>
</tr>
<tr>
<td>$20,000 to $30,000</td>
<td>0.25%</td>
<td>17.50%</td>
</tr>
<tr>
<td>$30,000 to $40,000</td>
<td>1.25%</td>
<td>16.50%</td>
</tr>
<tr>
<td>Over $40,000</td>
<td>2.25%</td>
<td>15.50%</td>
</tr>
</tbody>
</table>

The public school's share shall be paid by the licensee to the horse racing commission for deposit in the public school income fund. The licensee's percentage shall be retained by the licensee.

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

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

Approved April 13, 1983.

CHAPTER 206
(H.B. No. 218)

AN ACT
RELATING TO CHILDREN AS WITNESSES; AMENDING CHAPTER 30, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3023, IDAHO CODE, PROVIDING FOR THE PRESENCE OF PARENTS, A COUNSELOR, FRIEND OR OTHER PERSON HAVING SUPPORTIVE RELATIONSHIP WITH THE CHILD WHEN A CHILD IS SUMMONED AS A WITNESS IN ANY CRIMINAL MATTER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 30, 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 19-3023, Idaho Code, and to read as follows:
19-3023. CHILD SUMMONED AS WITNESS. When a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, notwithstanding any other statutory provision, parents, a counselor, friend or other person having a supportive relationship with the child may, in the discretion of the court, remain in the courtroom during the child's testimony.

SECTION 2. An emergency existing therefor, 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 13, 1983.
greater, which amount may be increased by a growth factor determined by applying the current year tax rates to one-half (1/2) not more than eighty percent (80%) of the increase in market value for assessment purposes, without any allowance for exemptions allowed by section 63-105DD, Idaho Code; or

(ii) the dollar amount of ad valorem taxes certified for its operating budget during the last year in which a levy was made, if no levy was made during 1978 or 1979 or 1980; or

(iii) the dollar amount of the actual budget request, if the taxing district is newly created.

(2) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for operating budget purposes which exceeds the limitation imposed by subsection (1), 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, and the dollar amount of ad valorem taxes certified pursuant to such voter approval shall be used in applying the limitations imposed by subsection (1)(i) above for a period not to exceed five (5) years after such voter approval, provided such election was held after November 7, 1978.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1983.

Approved April 13, 1983.

CHAPTER 208
(H.B. No. 284, As Amended in the Senate)

AN ACT
RELATING TO REPORTING BY LOBBYISTS; AMENDING SECTION 67-6619, IDAHO CODE, TO PROVIDE THAT FINANCIAL REPORTS OF LOBBYISTS FOR ENTERTAINMENT, FOOD AND REFRESHMENTS FOR LEGISLATORS OR OTHER HOLDERS OF PUBLIC OFFICE SHALL BE THE ACTUAL COST OF THE ENTERTAINMENT, FOOD AND REFRESHMENTS, EXCLUDING ANY PORTION THEREOF ATTRIBUTABLE TO THE LOBBYIST'S PARTICIPATION THEREIN.

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

SECTION 1. That Section 67-6619, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619. REPORTING BY LOBBYISTS. (a) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the secretary of state. They shall be due quarterly and shall be filed within thirty (30) days after the end of
the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed within five (5) days of the first day of the month for the activities of the month just past. In addition, each lobbyist shall within five (5) days after delivery of any written or printed statement, argument or brief to the legislature or any committee thereof or the members thereof, file three (3) copies with the secretary of state.

(b) Each such quarterly and monthly periodic report shall contain:

(1) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer (not including payments made directly to the lobbyist), during the period covered by the report, which totals shall be segregated according to financial category, including, for example, entertainment, food and refreshments; advertising; providing, however, that reimbursed personal living and travel expenses of a lobbyist incurred directly or indirectly for any lobbying purpose need not be reported. The totals of each expenditure of more than fifty dollars ($50.00) for a legislator or other holder of public office shall be identified by date, place, amount, and the names of all members of the state legislature or holder of public office in the group partaking in or of such financial category including excluding any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants. Reported expenditures for entertainment, food and refreshments for legislators or other holders of public office shall be the actual cost of the entertainment, food and refreshments.

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(3) An itemized listing of each such expenditure made by the lobbyist or by the lobbyist's employer in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator, exempting only those contributions that are required to be reported under other provisions of law, shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(c) Each such quarterly and monthly periodic report shall contain the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided, that in the case of appropriations bills the lobbyists shall enumerate the specific section or sections which he supported or opposed.

Approved April 13, 1983.
AN ACT
RELATING TO UNCLAIMED PROPERTY; REPEALING CHAPTER 5, TITLE 14, IDAHO
CODE; AMENDING TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW
CHAPTER 5, TITLE 14, IDAHO CODE; PROVIDING DEFINITIONS; PROVIDING
GENERAL RULES FOR PROPERTY PRESUMED ABANDONED; PROVIDING GENERAL
RULES FOR TAKING CUSTODY OF INTANGIBLE UNCLAIMED PROPERTY; PROVIDING
FOR UNCLAIMED PROPERTY SUCH AS TRAVELERS CHECKS AND MONEY
ORDERS; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS CHECKS, DRAFTS
AND SIMILAR INSTRUMENTS ISSUED ON OR CERTIFIED BY BANKING AND
FINANCIAL ORGANIZATIONS; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS
BANK DEPOSITS AND FUNDS HELD IN FINANCIAL ORGANIZATIONS; PROVIDING
FOR UNCLAIMED PROPERTY SUCH AS FUNDS OWING UNDER LIFE INSURANCE
POLICIES; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS DEPOSITS HELD
BY UTILITIES; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS REFUNDS
HELD BY BUSINESS ASSOCIATIONS; PROVIDING FOR UNCLAIMED PROPERTY
SUCH AS STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS;
PROVIDING FOR UNCLAIMED PROPERTY SUCH AS PROPERTY OF BUSINESS ASSOCIATIONS HELD IN THE COURSE OF DISSOLUTION; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS PROPERTY HELD BY AGENTS AND FIDUCIARIES; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS PROPERTY HELD BY COURTS AND PUBLIC AGENCIES; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS GIFT CERTIFICATES AND CREDIT MEMOS; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS WAGES; PROVIDING FOR UNCLAIMED PROPERTY SUCH AS CONTENTS OF SAFE DEPOSIT BOXES OR OTHER SAFEKEEPING REPOSITORIES; PROVIDING FOR REPORTS OF ABANDONED PROPERTY; PROVIDING FOR NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY; PROVIDING FOR PAYMENT OR DELIVERY OF ABANDONED PROPERTY BY THE STATE; PROVIDING FOR CUSTODY OF ABANDONED PROPERTY BY THE STATE, RELIEF FROM LIABILITY OF HOLDERS TURNING OVER PROPERTY TO THE STATE, REIMBURSEMENT OF HOLDERS PAYING CLAIMS, RECLAIMING OF PROPERTY BY THE OWNER, DEFENSE OF THE HOLDER, AND PAYMENT OF SAFE DEPOSIT BOX OR REPOSITORY CHARGES; PROVIDING FOR CREDITING OF DIVIDENDS, INTEREST OR INCREMENTS TO OWNER’S ACCOUNTS; PROVIDING FOR PUBLIC SALE OF ABANDONED PROPERTY; PROVIDING FOR DEPOSIT OF FUNDS; PROVIDING FOR DISPOSITION OF MONEY RECEIVED; PROVIDING FOR FILING OF CLAIMS WITH THE ADMINISTRATOR; PROVIDING FOR CLAIMS BY OTHER STATES; PROVIDING FOR ACTIONS TO ESTABLISH CLAIMS; PROVIDING THAT THE ADMINISTRATOR MAY ELECT TO TAKE PAYMENT OR DELIVERY; PROVIDING FOR DESTRUCTION OR DISPOSITION OF PROPERTY HAVING INSUBSTANTIAL VALUE AND PROVIDING IMMUNITY FROM LIABILITY; PROVIDING PERIODS OF LIMITATION; PROVIDING FOR REQUESTS FOR REPORTS AND FOR EXAMINATION OF RECORDS OF HOLDERS; REQUIRING RETENTION OF RECORDS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADDITIONS AND PENALTIES; PROVIDING FOR USE OF HISTORICAL PROPERTY BY THE STATE HISTORICAL SOCIETY; PROVIDING FOR INTERSTATE AGREEMENTS AND JOINT AND RECIPROCAL ACTIONS WITH OTHER STATES; PROVIDING LIMITATIONS UPON AGREEMENTS TO LOCATE REPORTED
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:

14-501. DEFINITIONS AND USE OF TERMS. As used in this chapter:
(1) "Administrator" means the state tax commission or its duly authorized agents or employees.
(2) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.
(3) "Attorney general" means the chief legal officer of this state.
(4) "Banking organization" means a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.
(5) "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two (2) or more individuals, whether or not for profit, including, but not limited to, a banking organization, financial organization, insurance company, or utility.
(6) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.
(7) "Financial organization" means a savings and loan association, cooperative bank, building and loan association, investment company, or credit union.
(8) "Holder" means a person, wherever organized or domiciled, who is:
(a) In possession of property belonging to another;
(b) A trustee; or
(c) Indebted to another on an obligation.
(9) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life, including endowments and annuities, malpractice, marine, mortgage, surety, and wage protection insurance.
(10) "Intangible property" includes:
(a) Monies, checks, drafts, deposits, interest, dividends, and income;
(b) Credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances;
(c) Stocks and other intangible ownership interests in business associations;
(d) Monies deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;
(e) Amounts due and payable under the terms of insurance policies; and
(f) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(11) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.
(12) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this act or his legal representative.
(13) "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.
(14) "State" means any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States.
(15) "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

14-502. PROPERTY PRESUMED ABANDONED -- GENERAL RULE. (1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of a holder's business and has remained unclaimed by the owner for more than seven (7) years after it became payable or distributable is presumed abandoned.
(2) Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

14-503. GENERAL RULES FOR TAKING CUSTODY OF INTANGIBLE UNCLAIMED PROPERTY. Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of this state as unclaimed property if the conditions raising a presumption of abandonment under sections 14-502 and 14-505 through 14-516, Idaho Code, are satisfied and:
(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state;
(2) The records of the holder do not reflect the identity of the
person entitled to the property and it is established that the last known address of the person entitled to the property is in this state;

(3) The records of the holder do not reflect the last known address of the apparent owner, and it is established that:
(a) The last known address of the person entitled to the property is in this state, or
(b) The holder is a domiciliary or a government or governmental subdivision or agency of this state and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

(4) 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 custodial taking of the property or its escheat or unclaimed property law is not applicable to the property and the holder is a domiciliary or a government or governmental subdivision or agency of this state;

(5) 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 a domiciliary or a government or governmental subdivision or agency of this state; or

(6) The transaction out of which the property arose occurred in this state; and
(a) 1. The last known address of the apparent owner or other person entitled to the property is unknown, or
2. The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property; and
(b) The holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

14-504. TRAVELERS CHECKS AND MONEY ORDERS. (1) Subject to subsection (4) of this section, any sum payable on a travelers check that has been outstanding for more than fifteen (15) years after its issuance is presumed abandoned unless the owner, within fifteen (15) years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

(2) Subject to subsection (4) of this section, any sum payable on a money order or similar written instrument, other than a third-party bank check, that has been outstanding for more than seven (7) years after its issuance is presumed abandoned unless the owner, within seven (7) years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

(3) A holder may not deduct from the amount of a travelers check or money order any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose a charge and the issuer regu-
larly imposes such charges and does not regularly reverse or otherwise cancel them.

(4) No sum payable on a travelers check, money order, or similar written instrument, other than a third-party bank check, described in subsections (1) and (2) of this section may be subjected to the custody of this state as unclaimed property unless:
   (a) The records of the issuer show that the travelers check, money order, or similar written instrument was purchased in this state;
   (b) The issuer has its principal place of business in this state and the records of the issuer do not show the state in which the travelers check, money order, or similar written instrument was purchased; or
   (c) The issuer has its principal place of business in this state, the records of the issuer show the state in which the travelers check, money order, or similar written instrument was purchased and the laws of the state of purchase do not provide for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

(5) Notwithstanding any other provision of this chapter, subsection (4) of this section applies to sums payable on travelers checks, money orders, and similar written instruments presumed abandoned on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

14-505. CHECKS, DRAFTS AND SIMILAR INSTRUMENTS ISSUED OR CERTIFIED BY BANKING AND FINANCIAL ORGANIZATIONS. (1) Any sum payable on a check, draft, or similar instrument, except those subject to section 14-504, Idaho Code, on which a banking or financial organization is directly liable, including a cashier's check and a certified check, which has been outstanding for more than seven (7) years after it was payable or after its issuance if payable on demand, is presumed abandoned, unless the owner, within seven (7) years, has communicated 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 prepared by an employee thereof.

(2) A holder may not deduct from the amount of any instrument subject to this section any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the holder and the owner of the instrument pursuant to which the holder may impose a charge, and the holder regularly imposes such charges and does not regularly reverse or otherwise cancel them.

14-506. BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS. (1) Any demand, savings, or matured time deposit with a banking or financial organization, including a deposit that is automatically renewable, and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner, within seven (7) years, has:
   (a) In the case of a deposit, increased or decreased its amount or presented the passbook or other similar evidence of the deposit
for the crediting of interest;
(b) Communicated in writing with the banking or financial organi-
ization concerning the property;
(c) Otherwise established that the owner is currently aware of
his interest in the property as evidenced by a memorandum or other
record on file prepared by an employee of the banking or financial
organization describing the activity of the owner which estab-
lishes that the owner is currently aware of his interest in the
property stating the date of such activity and the address of the
owner as of that date;
(d) Owned other property to which paragraph (a), (b), or (c)
applies and if the banking or financial organization communicates
in writing with the owner with regard to the property that would
otherwise be presumed abandoned under this subsection at the
address to which communications regarding the other property regu-
larly are sent; or
(e) Had another relationship with the banking or financial organi-
ization concerning which the owner has:
1. Communicated in writing with the banking or financial
organization; or
2. Otherwise established that the owner is currently aware
of his interest as evidenced by a memorandum or other record
on file prepared by an employee of the banking or financial
organization describing the activity of the owner which
establishes that the owner is currently aware of his inter-
est, stating the date of such activity and the address of the
owner as of that date.
(2) For purposes of subsection (1) of this section, property
includes interest and dividends.
(3) A holder may not impose with respect to property described in
subsection (1) of this section any charge due to dormancy or
inactivity or cease payment of interest unless:
(a) There is an enforceable written contract between the holder
and the owner of the property pursuant to which the holder may
impose a charge or cease payment of interest;
(b) For property in excess of two dollars ($2.00), the holder, no
more than three (3) months before the initial imposition of those
charges or cessation of interest, has given written notice to the
owner of the amount of those charges at the last known address of
the owner stating that those charges will be imposed or that
interest will cease, but the notice provided in this section need
not be given with respect to charges imposed or interest ceased
before the effective date of this chapter; and
(c) The holder regularly imposes such charges or ceases payment
of interest and does not regularly reverse or otherwise cancel
them or retroactively credit interest with respect to the prop-
erty.
(4) Any property described in subsection (1) of this section that
is automatically renewable is matured for purposes of subsection (1)
upon the expiration of its initial time period, but in the case of any
renewal to which the owner consents at or about the time of renewal by
communicating in writing with the banking or financial organization,
the property is matured upon the expiration of the last time period.
for which consent was given. If, at the time provided for delivery in section 14-519, Idaho Code, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

14-507. FUNDS OWING UNDER LIFE INSURANCE POLICIES. (1) Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than five (5) years after the funds become due and payable as established from the records of the insurance company holding or owing the funds, but property described in subsection (3)(b) of this section is presumed abandoned if unclaimed for more than two (2) years.

(2) If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who 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 company.

(3) For purposes of this chapter, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:

(a) The company knows that the insured or annuitant has died; or

(b) 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 subparagraph 1.; and
3. Neither the insured nor any other person appearing to have an interest in the policy within the preceding two (2) years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, or corresponded in writing with the company concerning the policy.

(4) For purposes of this chapter, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being matured or terminated under subsection (1) of this section if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must
be mailed.

(6) Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer within four (4) months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

(7) Commencing two (2) years after the effective date of this chapter, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this state must request the following information:

(a) The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
(b) The address of each beneficiary; and
(c) The relationship of each beneficiary to the insured.

14-508. DEPOSITS HELD BY UTILITIES. A deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one (1) year after termination of services for which the deposit or advance payment was made is presumed abandoned.

14-509. REFUND HELD BY BUSINESS ASSOCIATIONS. Except to the extent otherwise ordered by the court or administrative agency, any sum that a business association has been ordered to refund by a court or administrative agency which has remained unclaimed by the owner for more than one (1) year after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned.

14-510. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS. (1) Except as provided in subsections (2) and (5) of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for seven (7) years and the owner, within seven (7) years, has not communicated in writing with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest.

(2) At the expiration of a seven (7) year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven (7) dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven (7) dividends, distributions, or other sums are paid during the seven (7) year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If seven (7) dividends, distributions, or
other sums are not paid during the presumptive period, the period con-
tinues to run until there have been seven (7) dividends, distri-
butions, or other sums that have not been claimed by the owner.

(3) The running of the seven (7) year period of abandonment ceases immediately upon the occurrence of a communication referred to in subsection (1) of this section. If any future dividend, distri-
bution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distri-
bution, or other sum became due and payable.

(4) At the time an interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(5) This chapter does not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless the records available to the administra-
tor of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within seven (7) years communicated in any manner described in subsec-
tion (1) of this section.

14-511. PROPERTY OF BUSINESS ASSOCIATIONS HELD IN COURSE OF DISSO-
solution. Intangible property distributable in the course of a dis-
solution of a business association which remains unclaimed by the owner for more than one (1) year after the date specified for final distribution is presumed abandoned.

14-512. PROPERTY HELD BY AGENTS AND FIDUCIARIES. (1) Intangible property and any income or increment derived therefrom held in a fidu-
ciary capacity for the benefit of another person is presumed abandoned unless the owner, within seven (7) years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, or communicated concerning the prop-
erty.

(2) Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established pursuant to the Internal Revenue laws of the United States are not payable or distributable within the meaning of subsection (1) of this section unless, under the terms of the account or plan, distribu-
tion of all or part of the funds would then be mandatory.

(3) For the purposes of this section, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between him and the business association provides other-
wise.

(4) For the purposes of this chapter, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.
14-513. PROPERTY HELD BY COURTS AND PUBLIC AGENCIES. Intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than one (1) year after becoming payable or distributable is presumed abandoned.

14-514. GIFT CERTIFICATES AND CREDIT MEMOS. (1) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than five (5) years after becoming payable or distributable is presumed abandoned.

(2) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

14-515. WAGES. Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one (1) year after becoming payable are presumed abandoned.

14-516. CONTENTS OF SAFE DEPOSIT BOX OR OTHER SAFEKEEPING REPOSITORY. All tangible and intangible property held in a safe deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law, which remain unclaimed by the owner for more than seven (7) years after the lease or rental period on the box or other repository has expired, are presumed abandoned.

14-517. REPORT OF ABANDONED PROPERTY. (1) A person holding property tangible or intangible, presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the administrator concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) 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 property of the value of twenty-five dollars ($25.00) or more presumed abandoned under this chapter;

(b) In the case of unclaimed funds of twenty-five dollars ($25.00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and the place where it is held and may be inspected by the administrator and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under twenty-five dollars ($25.00) each may be
reported in the aggregate;
(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and
(f) Other information the administrator prescribes by rule as necessary for the administration of the provisions of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his name while holding the property, he shall file with his report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1 of each year as of June 30 next preceding, but the report of any insurance company must be filed before May 1 of each year as of December 31 next preceding. On written request by any person required to file a report, the administrator may postpone the reporting date.

(5) Not more than one hundred twenty (120) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at his last known address informing him that the holder is in possession of property subject to this chapter if:
   (a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;
   (b) The claim of the apparent owner is not barred by the statute of limitations; and
   (c) The property has a value of fifty dollars ($50.00) or more.

14-518. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY.
(1) The administrator shall cause a notice to be published not later than March 1, or in the case of property reported by insurance companies, September 1, of the year immediately following the report required by section 14-517, Idaho Code, at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in a newspaper of general circulation in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:
   (a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section;
   (b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator; and
   (c) A statement that if proof of claim is not presented by the owner to the holder and the owner's right to receive the property
is not established to the holder's satisfaction before April 20, or, in the case of property reported by insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by insurance companies, not later than November 1, in the custody of the administrator and all further claims must thereafter be directed to the administrator. (d) The administrator may also, in its discretion, print the names of holders of unclaimed property. (3) The administrator is not required to publish in the notice any items of less than fifty dollars ($50.00) unless the administrator considers their publication to be in the public interest. (4) Not later than March 1, or in the case of property reported by insurance companies, not later than September 1, of the year immediately following the report required in section 14-517, Idaho Code, the administrator shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property of the value of fifty dollars ($50.00) or more presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the administrator has a last known address. (5) The mailed notice must contain: (a) A statement that, according to a report filed with the administrator, property is being held to which the addressee appears entitled; (b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder; and (c) 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 administrator and all further claims must be directed to the administrator. (6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under section 14-504, Idaho Code.

14-519. PAYMENT OR DELIVERY OF ABANDONED PROPERTY. (1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under section 14-517, Idaho Code, within six (6) months after the final date for filing the report, as required by section 14-517, Idaho Code, shall pay or deliver to the administrator all abandoned property required to be reported. (2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the administrator, and the property will no longer be presumed abandoned. In that case, the holder shall file with the administrator a verified written explanation of the proof of claim or of the error in the presumption of abandonment. (3) Property reported under section 14-517, Idaho Code, for which
the holder is not required to report the name of the apparent owner must be delivered to the administrator at the time of filing the report.

(4) The holder of an interest under section 14-510, Idaho Code, shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the administrator. Upon delivery of a duplicate certificate to the administrator, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with the provisions of section 14-520, Idaho Code, to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the administrator, for any losses or damages resulting to any person by the issuance and delivery to the administrator of the duplicate certificate.

14-520. CUSTODY BY STATE, HOLDER RELIEVED FROM LIABILITY -- REIMBURSEMENT OF HOLDER PAYING CLAIM -- RECLAIMING FOR OWNER -- DEFENSE OF HOLDER -- PAYMENT OF SAFE DEPOSIT BOX OR REPOSITORY CHARGES. (1) Upon the payment or delivery of property to the administrator, the state assumes custody and responsibility for the safekeeping of the property. A person who pays or delivers property to the administrator in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made in respect to the property.

(2) A holder who has paid money to the administrator pursuant to this chapter may make payment to any person appearing to the holder to be entitled to payment and, upon filing proof of payment and proof that the payee was entitled thereto, the administrator shall promptly reimburse the holder for the payment without imposing any fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a travelers check or money order, the holder must be reimbursed under this subsection upon filing proof that the instrument was duly presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder must be reimbursed for payment made under this subsection even if the payment was made to a person whose claim was barred under section 14-529, Idaho Code.

(3) A holder who has delivered property, including a certificate of any interest in a business association, other than money to the administrator pursuant to this chapter may reclaim the property if still in the possession of the administrator, without paying any fee or other charge, upon filing proof that the owner has claimed the property from the holder.

(4) The administrator may accept the holder's affidavit as sufficient proof of the facts that entitle the holder to recover money and property under this section.

(5) If the holder pays or delivers property to the administrator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the administrator, upon written notice of the claim, shall defend the
holder against the claim and indemnify the holder against any liability on the claim.

(6) For the purposes of this section, "good faith" means that:
(a) Payment or delivery was made in a reasonable attempt to comply with the provisions of this chapter;
(b) The person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known to him, that the property was abandoned for the purposes of this chapter; and
(c) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(7) Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall reimburse or pay the holder out of the proceeds remaining after deducting the administrator's selling cost.

14-521. CREDITING OF DIVIDENDS, INTEREST, OR INCREMENTS TO OWNER'S ACCOUNT. Whenever property other than money is paid or delivered to the administrator under this chapter, the owner is entitled to receive from the administrator any dividends, interest, or other increments realized or accruing on the property at or before liquidation or conversion thereof into money.

14-522. PUBLIC SALE OF ABANDONED PROPERTY. (1) The administrator, within three (3) years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever city affords in the judgment of the administrator, the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property for sale if in the judgment of the administrator, the bid is insufficient. If in the judgment of the administrator, the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least three (3) weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

(2) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the administrator considers advisable.

(3) A person making a claim under this chapter is entitled to receive either the securities delivered to the administrator by the holder, if they still remain in the hands of the administrator, or the proceeds received from the sale, less any amounts deducted pursuant to section 14-523(2), Idaho Code, but no person has any claim under this chapter against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the
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holder to the administrator.

(4) The purchaser of property at any sale conducted by the admin-
istrator pursuant to this chapter takes the property free of all
claims of the owner or previous holder thereof and of all persons
claiming through or under them. The administrator shall execute all
documents necessary to complete the transfer of ownership.

14-523. DISPOSITION OF MONEY RECEIVED. (1) All money received
under this chapter, including the proceeds from the sale of property
under section 14-522, Idaho Code, shall be deposited in the unclaimed
property account.

(2) All money in the unclaimed property account is hereby con-
tinuously 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:

(a) For payment of claims allowed by the state tax commission
under the provisions of this chapter.
(b) For refund, to the person making such deposit of amounts,
including overpayments, deposited in error in such account.
(c) For payment of the cost of appraisals incurred by the state
tax commission covering property held in the name of the account.
(d) For payment of the cost incurred by the state tax commission
for the purchase of lost instrument indemnity bonds, or for pay-
ment 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 com-
mission, or which arose from complying with this chapter with
respect to such property or funds.
(e) For payment of amounts required to be paid by the state as
trustee, bailee, or successor in interest to the preceding owner.
(f) For payment of costs of official advertising in connection
with the sale of property held in the name of the account.
(g) For transfer to the general account as provided in subsection
(3) of this section.
(h) 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.

(3) At the end of each month, or oftener, if it deems it advisa-
ble, the state tax commission shall transfer all money in the
unclaimed property account in excess of one hundred thousand dollars
(§100,000) 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.

14-524. FILING OF CLAIM WITH ADMINISTRATOR. (1) A person, exclud-
ing another state, claiming an interest in any property paid or delivered to the administrator, may file a claim on a form prescribed by the administrator and verified by the claimant.

(2) The administrator shall consider each claim within ninety (90) days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last 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 the last address to which notices are to be sent or the address of the claimant.

(3) If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds, if it has been sold by the administrator, together with any additional amount required by section 14-521, Idaho Code. If the property claimed was interest-bearing to the owner on the date of surrender by the holder, the administrator also shall pay interest at a rate of five percent (5%) a year or any lesser rate the property earned while in the possession of the holder. Interest begins to accrue when the property is delivered to the administrator and ceases on the earlier of the expiration of ten (10) years after delivery, or the date on which payment is made to the owner.

(4) Any holder who pays the owner for property that has been delivered to the state and which, if claimed from the administrator, would be subject to the provisions of subsection (3) of this section, shall add interest as provided in subsection (3). The added interest must be repaid to the holder by the administrator in the same manner as the principal.

14-525. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY -- PROCEDURE.

(1) At any time after property has been paid or delivered to the administrator under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state, the property escheated to or was subject to a claim of abandonment by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;
(d) The property was subjected to custody by this state under section 14-503(b), Idaho Code, and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or
(e) The property is the sum payable on a travelers check, money order, or other similar instrument that was subjected to custody by this state under section 14-504, Idaho Code, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

(2) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the administrator, who shall decide the claim within ninety (90) days after it is presented. The administrator shall allow the claim if he determines that the other state is entitled to the abandoned property under subsection (1) of this section.

(3) The administrator shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against any liability on a claim for the property.

14-526. ACTION TO ESTABLISH CLAIM. A person aggrieved by a decision of the administrator or whose claim has not been acted upon within ninety (90) days after its filing may obtain review as provided in section 63-3049(a) and (c), Idaho Code.

14-527. ELECTION TO TAKE PAYMENT OR DELIVERY. (1) The administrator may decline to receive any property reported under the provisions of this chapter which it considers to have a value less than the expense of giving notice and of sale. If the administrator elects not to receive custody of the property, the holder shall be notified within one hundred twenty (120) days after filing the report required under section 14-517, Idaho Code.

(2) A holder, with the written consent of the administrator and upon conditions and terms prescribed by him, may report and deliver property before the property is presumed abandoned. Property delivered under this subsection must be held by the administrator and is not presumed abandoned until such time as it otherwise would be presumed abandoned under this chapter.

14-528. DESTRUCTION OR DISPOSITION OF PROPERTY HAVING INSUBSTANTIAL COMMERCIAL VALUE -- IMMUNITY FROM LIABILITY. If the administrator determines after investigation that any delivered property has insubstantial commercial value, the administrator may destroy or otherwise dispose of the property at any time. No action or proceeding may be maintained against the state or any officer or against the holder for or on account of any action taken by the administrator pursuant to this section.

14-529. PERIODS OF LIMITATION. The expiration, before or after the effective date of this act, of any period of time specified by contract, statute, or court order, during which a claim for money or
property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned or affect any duty to file a report or to pay or deliver abandoned property to the administrator as required in this chapter.

14-530. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS. (1) The administrator may require any person who has not filed a report to file a verified report stating whether or not the person is holding any unclaimed property reportable or deliverable under this chapter.

(2) The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with the provisions of this chapter. The administrator may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under the provisions of this chapter.

(3) If a person is treated under section 14-512, Idaho Code, as the holder of the property only insofar as the interest of the business association in the property is concerned, the administrator, pursuant to subsection (2) of this section, may examine the records of the person if the administrator has given the notice required by subsection (2) to both the person and the business association at least ninety (90) days before the examination.

(4) If a holder fails after the effective date of this act to maintain the records required by section 14-531, Idaho Code, and the records of the holder available for the periods subject to this chapter and insufficient to permit the preparation of a report, the administrator may require the holder to report and pay such amounts as may reasonably be estimated from any available records.

14-531. RETENTION OF RECORDS. (1) Every holder required to file a report under section 14-517, Idaho Code, as to any property for which it has obtained the last known address of the owner, shall maintain a record of the name and last known address of the owner for ten (10) years after the property becomes reportable, except to the extent that a shorter time as provided in subsection (2) of this section or by rule of the administrator.

(2) 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 the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue for three years after the date the property is reportable.

14-532. ENFORCEMENT -- 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 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.

14-533. 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 chapter, as to the Idaho income tax act, and shall cover acts, omissions, and delinquencies under this chapter 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.

14-534. STATE HISTORICAL SOCIETY USE OF PROPERTY. 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 claim for return of such property.

14-535. INTERSTATE AGREEMENTS AND COOPERATION -- JOINT AND RECIPROCAL ACTIONS WITH OTHER STATES. (1) The administrator may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine unclaimed property that it or another state may be entitled to subject to a claim of custody. The administrator by rule may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form for reporting.

(2) To avoid conflicts between the administrator's procedures and the procedures of administrators in other jurisdictions that enact the uniform unclaimed property act, the administrator, so far as is consistent with the purposes, policies, and provisions of this chapter, before adopting, amending or repealing rules, shall advise and consult with administrators in other jurisdictions that enact substantially the uniform unclaimed property act and take into consideration the rules of administrators in other jurisdictions that enact the uniform unclaimed property act.

(3) The administrator may join with other states to seek enforcement of this act against any person who is or may be holding reportable property.

(4) At the request of another state, the attorney general of this state may bring an action in the name of the administrator of the other state in any court of competent jurisdiction to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the attorney general in bringing the action.

(5) The administrator may request that the attorney general of
another state or any other person bring an action in the name of the administrator in the other state. This state shall pay all expenses including attorney’s fees in any action under this subsection. The administrator may agree to pay the person bringing the action attorney’s fees based in whole or in part on a percentage of the value of any property recovered in the action. Any expenses paid pursuant to this subsection may not be deducted from the amount that is subject to the claim by the owner under this chapter.

14-536. AGREEMENT TO LOCATE REPORTED PROPERTY. All agreements to pay compensation to recover or assist in the recovery of property reported under section 14-517, Idaho Code, made within twenty-four (24) months after the date payment or delivery is made under section 14-519, Idaho Code, are unenforceable.

14-537. FOREIGN TRANSACTIONS. This chapter does not apply to any property held, due and owing in a foreign country and arising out of a foreign transaction.

14-538. EFFECT OF NEW PROVISIONS -- CLARIFICATION OF APPLICATION. (1) This chapter does not relieve a holder of a duty that arose before the effective date of this act to report, pay, or deliver property. A holder who did not comply with the law in effect before the effective date of this act is subject to the applicable enforcement and penalty provisions that then existed and they are continued in effect for the purpose of this subsection, subject to section 14-529(2), Idaho Code.

(2) The initial report filed under the provisions of this chapter for property that was not required to be reported before the effective date of this act but which is subject to this chapter must include all items of property that would have been presumed abandoned during the ten (10) year period preceding the effective date of this act as if this chapter had been in effect during that period.

14-539. Rules. The administrator may adopt necessary rules to carry out the provisions of this chapter.

14-540. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act shall be applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

14-541. SHORT TITLE. This chapter may be cited as the "Uniform Unclaimed Property Act."

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 13, 1983.
CHAPTER 210
(H.B. No. 171)

AN ACT
RELATING TO CLASSIFIED EMPLOYEES; AMENDING SECTION 67-5309A, IDAHO CODE, TO CLARIFY WHICH ACTIONS SHALL BE STAYED DURING A GRIEVANCE; AND AMENDING SECTION 67-5309C, IDAHO CODE, TO CHANGE THE AUTHORITY FOR MAKING ADVANCED STEP APPOINTMENTS AND TO CLARIFY THE STANDARDS FOR TEMPORARY HIGHER PAY GRADES.

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

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

67-5309A. ESTABLISHMENT AND ADOPTION OF EMPLOYEE GRIEVANCE PROCEDURE. (1) Each participating department shall, on or before January 1, 1974, establish and adopt an employee grievance procedure within such department, which shall be reduced to writing and be approved by the Idaho personnel commission. A copy of the approved grievance procedure plan shall be furnished and explained to each employee of the department concerned. No employee shall be disciplined or otherwise prejudiced in his employment for exercising his rights under the plan, and department heads shall encourage the use of the plan in the resolution of grievances arising in the course of public employment. As used in this act, grievances may include, but are not necessarily limited to, classification, annual leave, sick leave, dismissal, suspensions, involuntary transfers, promotions and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it applies to alleged inequities within a particular agency or department.

(2) No action of a participating department relating to classification, a disciplinary dismissal, suspension, involuntary transfer or demotion, or an involuntary transfer shall be effective until the affected employee shall have had the opportunity to complete the grievance procedure adopted pursuant to subsection (1) hereof, unless such employee shall have waived his rights to proceed thereunder in writing; provided, however, upon application to the director of the commission by the department and a showing that the matter is of an emergency nature, the director of the commission may approve the immediate implementation of the department action. However, such approval shall not deprive the employee of his right to proceed pursuant to the grievance procedure nor of his right to seek other remedies pursuant to the provisions of chapter 53, title 67, Idaho Code.

The term "emergency" as used in this section shall mean a sudden unforeseen set of facts requiring immediate action to avoid irreparable harm to the role or mission of the participating department. Before invoking the emergency procedure provided for herein, the department shall give written notice to the employee of its intent to invoke such procedure and of the facts constituting such emergency, and shall furnish proof of such notice to the state personnel director.
(3) If the grievance concerns a matter which is reviewable pursuant to section 67-5316, Idaho Code, the time for appeal to the commission shall not commence to run until the employee has completed the grievance procedure provided by the department in accordance with the terms thereof; provided, however, the failure of an employee to pursue the grievance procedures established within his department shall constitute a waiver of the employee's right of review by the commission.

(4) Any grievance procedure adopted by a department shall contain the following minimum requirements:
(a) procedure requiring prompt resolution of the grievance and establishing time periods for each step of the procedure,
(b) provision for impartial review of the grievance which may include review by persons not connected with the particular department,
(c) procedure guaranteeing the employee the right to be represented by a person of his own choosing at each step of the procedure, except the initial informal discussion with his immediate supervisor.

SECTION 2. That Section 67-5309C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309C. SALARY SCHEDULE AND MERIT INCREASES. (a) The following schedule is adopted as the hourly salary schedule for all positions classified pursuant to chapter 53, title 67, Idaho Code.

STATE OF IDAHO
COMPENSATION SCHEDULE
HOURLY BASE RATES

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(b) Each employee in classified service shall, separate and apart from the salary schedule established by subsection (a) hereof, receive two and one-half percent (2 1/2%) of his base salary for each ten thousand four hundred (10,400) hours of service with the state. No additional longevity credit shall be awarded after the twentieth year of service. For purposes of this subsection, employees of former junior college districts which have become state colleges or state universities shall be credited with one (1) year's service with the state for each year's employment with a junior college district regardless of the time of that employment.

(c) It is hereby declared to be the intent of the legislature that the advancement of an employee to steps providing an increased salary within each pay grade shall be based solely on merit, including factors such as increased productivity, reliability, effectiveness, and the ability to achieve the goals and objectives of the particular position. No employee shall advance to a higher step within a pay grade without an affirmative certification for such purpose by the employee's immediate supervisor, approved by the departmental director or the director's designee, in accordance with the following schedule and criteria:

(i) Step A in the salary schedule shall normally be the rate at which an employee is paid within a grade when originally employed. However, when necessary to obtain a particularly qualified individual, the appointing authority may make an initial appointment at a higher step in the authorized pay grade. These advanced steps
appointments shall be accompanied by a written statement containing the appointing authority's justification for the higher than normal starting rate. When necessary to obtain qualified personnel in a particular grade, classification, upon petition of the appointing authority to the commission containing acceptable reasons therefor, a higher step or temporary pay grade may be authorized by the commission which, if granted, shall be reviewed annually to determine the need for continuance.

(ii) Each employee's work performance shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion and after each two thousand eighty (2,080) hours of credited state service thereafter by his or her immediate supervisor. Employees may be eligible for advancement to step B after completion of one thousand forty (1,040) hours of credited state service at step A, provided that such service is certified as meeting the merit requirement set forth in paragraph (c) above. Effective July 1, 1979, employees may advance to steps C through G only if certified as meeting the merit requirements of paragraph (c) above. However, such in-grade advancement shall not be construed as a vested right. The department director shall designate, upon agreement with the employee, whether such in-grade advancement is temporary, conditional or permanent. It shall be the specific responsibility of the supervisor and the departmental director to effect the evaluation prescribed in paragraph (c) above on an evaluation form approved by the commission for that purpose.

Approved April 13, 1983.

CHAPTER 211
(H.B. No. 12)

AN ACT
RELATING TO PENALTIES FOR UNDERPAYMENT OF STATE TAXES; AMENDING SECTION 63-3046, IDAHO CODE, TO PROVIDE A PENALTY IN THE AMOUNT OF TEN PER CENT OF A TAX DEFICIENCY IF THE DEFICIENCY EXCEEDS TEN PER CENT OF THE TAX OR FIVE THOUSAND DOLLARS UNLESS THERE IS REASONABLE CAUSE FOR THE UNDERSTATEMENT.

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

SECTION 1. That Section 63-3046, Idaho Code, be, and the same is hereby amended to read as follows:

63-3046. ADDITIONS TO THE TAX IN CASE OF DEFICIENCY. (a) If any part of any deficiency is due to negligence or disregard of rules and regulations but without intent to defraud, five per cent (5%) of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected and paid in the same manner as if it were a
deficiency except that no interest shall accrue upon the five per cent (5%) amount hereby imposed.

(b) If any part of any deficiency is due to fraud with intent to evade tax, then fifty per cent (50%) of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected and paid.

(c) In the event the return required by this act is not filed, or in the event the return is filed but the tax shown thereon to be due is not paid, there may be collected a penalty of five per cent (5%) of the tax due on such returns for each month elapsing after the due date of such returns until such penalty amounts to twenty-five per cent (25%) of the tax due on such returns.

(d) (1) If there is a substantial understatement of tax for any taxable year, there shall be added to the tax an amount equal to ten per cent (10%) of the amount of any underpayment attributable to such understatement.

(2) For purposes of this subsection, there is a substantial understatement of tax for any taxable year if the amount of the understatement for the taxable year exceeds the greater of:
   (i) Ten per cent (10%) of the tax required to be shown on the return for the taxable year, or
   (ii) Five thousand dollars ($5,000).

(3) In the case of a corporation, paragraph (d)(2)(ii) of this section shall be applied by substituting ten thousand dollars ($10,000) for five thousand dollars ($5,000).

(4) For purposes of paragraph (d)(2) of this section, the term "understatement" means the excess of:
   (i) The amount of tax required to be shown on the return for the taxable year, over
   (ii) The amount of the tax imposed which is shown on the return.

(5) The amount of the understatement under paragraph (4) shall be reduced by that portion of the understatement which is attributable to:
   (i) The tax treatment of any item by the taxpayer if there is or was substantial authority for such treatment, or
   (ii) Any item with respect to which the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return.

(6) In the case of any item attributable to a tax shelter as defined in section 6661 of the Internal Revenue Code:
   (i) Paragraph (5)(ii) shall not apply, and
   (ii) Paragraph (5)(i) shall not apply unless (in addition to meeting the requirements of such paragraph) the taxpayer reasonably believed that the tax treatment of such item by the taxpayer was more likely than not the proper treatment.

(7) The state tax commission may waive all or any part of the addition to tax provided by this section on a showing by the taxpayer that there was reasonable cause for the understatement (or part thereof) and that the taxpayer acted in good faith.

(e) Any person who fails to file a statement of payment to another person required by this act, including the duplicate statement
of tax withheld on wages, on the date prescribed therefor (including any extension of time for filing) shall, unless he shows that such failure is due to reasonable cause and not to wilful neglect, pay, upon notice and demand by the state tax commission and in the same manner as the payment of the tax, a penalty of two dollars ($2.00) for each statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed two thousand dollars ($2,000).

(ef) If the penalty to be added to the tax by subsections (a), (b), (c), or (d) or (e) hereof is less than ten dollars ($10.00), the penalty to be added to the tax shall be a minimum of ten dollars ($10.00).

(fg) A processing charge to be determined and established annually by the state tax commission shall be collected from any person who draws or delivers a check, draft or order for the payment of money in complete or partial satisfaction of the tax imposed by this chapter if that person does not have sufficient funds in or credit with the bank or depository upon which the check, draft or order is drawn. Money collected under this subsection shall be paid to the state tax commission to defer costs of handling such checks, drafts, or orders.

Approved April 13, 1983.

CHAPTER 212
(H.B. No. 166, As Amended)

AN ACT
RELATING TO RENEWABLE TEACHERS' CONTRACTS; AMENDING SECTION 33-1212, IDAHO CODE, TO PROVIDE THAT TEACHERS ON A RENEWABLE CONTRACT MAY BE PLACED ON PROBATION IN EXECUTIVE SESSION AND NOT NAMED IN THE MINUTES OF THE MEETING, AND TO CLARIFY THE REQUIREMENT FOR A PROBATIONARY PERIOD IF A PERSON ON A RENEWABLE CONTRACT IS TO HAVE THE CONTRACT RENEWED AT A REDUCED SALARY OR FOR A DIFFERENT LENGTH OF TERM THAN STATED IN THE CURRENT CONTRACT FOR REASONS OTHER THAN UNSATISFACTORY SERVICE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1212, Idaho Code, be, and the same is hereby amended to read as follows:

33-1212. RENEWABLE CONTRACT. During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection 13 of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, having given notice of acceptance of renewal and upon signing a contract for a fourth full year, be placed on a renewable contract status
with said school district, until the age of sixty-five (65) years is attained, and subject to the provisions included in this chapter.

Except as otherwise provided, each such certificated employee, school nurse, or school librarian shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the 1st day of May preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice hereinabove and that failure so to do may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the 10th day of April, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by section 33-1213, Idaho Code.

Any contract automatically renewed under the provisions of this section shall be for the same length of the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, or service, or both.

Nothing herein shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, from reassigning administrative or supervisory employees to classroom teaching duties with appropriate reduction of salaries from pre-existing contracts.

Before a board of trustees can determine not to renew for reasons of unsatisfactory service the contract of any certificated person whose contract would otherwise be automatically renewed, or to renew the contract of any such person at a reduced salary, such person shall be entitled to a probationary period. This period of probation shall be preceded by a written notice from the board of trustees with reasons for such probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 67-2345, Idaho Code, and may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract, reduce the salary or not to renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 13, 1983.

CHAPTER 213
(H.B. No. 90, As Amended, As Amended in the Senate)

AN ACT
RELATING TO ELECTIONS; AMENDING SECTION 34-413, IDAHO CODE, TO ALLOW AN ELECTOR TO VOTE BY ABSENTEE BALLOT IF HE MOVES WITHIN THIRTY DAYS PRIOR TO ANY ELECTION; AMENDING SECTION 34-605, IDAHO CODE, TO REQUIRE ELECTORS WHO SIGN A CONGRESSIONAL CANDIDATE PETITION TO BE A RESIDENT OF THE CONGRESSIONAL DISTRICT; AMENDING CHAPTER 6, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-626, IDAHO CODE, TO REQUIRE VERIFICATION OF SIGNATURES ON NOMINATING PETITIONS; AMENDING SECTION 34-701, IDAHO CODE, TO ALLOW FILING FEES TO BE PAID BY CHECK; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-702A, IDAHO CODE, TO REQUIRE WRITE-IN CANDIDATES TO FILE A DECLARATION OF INTENT; AMENDING SECTION 34-704, IDAHO CODE, TO REQUIRE THAT A DECLARATION OF CANDIDACY BE FILED AT CERTAIN TIMES; AMENDING SECTION 34-715, IDAHO CODE, TO REQUIRE AN APPOINTED CANDIDATE TO FILE A DECLARATION OF CANDIDACY AND PAY THE FILING FEE; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-717, IDAHO CODE, TO PROVIDE FOR WITHDRAWAL OF CANDIDACY; AMENDING SECTION 34-733, IDAHO CODE, TO PROVIDE FOR REMOVAL OF A WITHDRAWN CANDIDATE FROM THE BALLOT; AMENDING SECTION 34-904, IDAHO CODE, TO PROVIDE THAT A PRIMARY FOR CERTAIN POLITICAL PARTIES MAY BE WAIVED IN CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

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

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

34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE. An elector who changes his residence shall reregister; provided that any elector who moves from one (1) precinct to another precinct within the same county, within ten (10) days prior to any election shall be permitted to vote in the ensuing election if he obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the chief judge of election at the time he votes, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct, in which he is currently a resident. An elector who moves to another county within the state or to another state within ten thirty (130) days prior to any election shall be permitted to vote in the ensuing election by absentee ballot.
SECTION 2. That Section 34-605, Idaho Code, be, and the same is hereby amended to read as follows:

34-605. ELECTION OF UNITED STATES CONGRESSIONAL REPRESENTATIVES -- QUALIFICATIONS. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each United States congressional district a member of the United States house of representatives and any additional number of representatives to which the state may be entitled in the state at large.

(2) No person shall be elected to the house of representatives unless he has attained the age of twenty-five (25) years at the time of his election, has been a citizen of the United States at least seven (7) years and shall have resided within the state for two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) qualified electors who reside within the congressional district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars ($150) which shall be deposited in the general fund.

SECTION 3. That Chapter 6, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-626, Idaho Code, and to read as follows:

34-626. VERIFICATION OF SIGNATURES ON NOMINATING PETITIONS. Before any nominating petitions mentioned in sections 34-604 through 34-624, 34-708 and 34-708A, Idaho Code, can be filed, the signatures on nominating petitions shall be verified in the manner prescribed in section 34-1807, Idaho Code.

SECTION 4. That Section 34-701, Idaho Code, be, and the same is hereby amended to read as follows:

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) All filing fees shall be paid in cash, cashier's check, or postal money orders, or personal check.

SECTION 5. That Chapter 7, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-702A, Idaho Code, and to read as follows:
34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed not later than five (5) days before the day of election. The secretary of state shall prescribe the form for said declaration.

SECTION 6. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8 a.m., April 1 on the thirteenth Monday preceding the primary election and 5 p.m., April 7 prior to on the seventh Friday preceding the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy, except candidates for nonpartisan office.

Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.

SECTION 7. That Section 34-715, Idaho Code, be, and the same is hereby amended to read as follows:

34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER PRIMARY ELECTION. Vacancies that occur during the ten (10) day period before a primary election, or after the primary election but at least ten (10) days before the general election in the slate of candidates of any political party, except candidates for precinct committeeman, shall be filled in the following manner:

1. By the county central committee if it is a vacancy by a candidate for a county office.
2. By the legislative district central committee if it is a vacancy by a candidate for the state legislature.
3. By the state central committee if it is a vacancy by a candidate for a federal or a state office.

Any political party candidate so appointed by the proper central committee must, in order to have his name on the general ballot, file a declaration of candidacy and pay the required filing fee, but the petition otherwise required to accompany such a declaration shall not be required from the candidate.

Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not
be filled.

SECTION 8. That Chapter 7, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-717, Idaho Code, and to read as follows:

34-717. WITHDRAWAL OF CANDIDACY. A candidate for nomination or candidate for election to an office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. A candidate may not withdraw later than thirty (30) days before an election. Filing fees paid by the candidate shall not be refunded.

Any candidate who has filed a statement of withdrawal pursuant to this section shall not be allowed to be appointed to fill a vacancy unless such vacancy occurs because of the death of a previous candidate.

SECTION 9. That Section 34-733, Idaho Code, be, and the same is hereby amended to read as follows:

34-733. NOTIFICATION TO CANDIDATES -- NO AFFIDAVIT OF CANDIDACY REQUIRED. The secretary of state shall forthwith notify each person whom he has nominated and each such person nominated by petition in writing by registered mail that such person's name will be printed as a candidate on the Idaho presidential preference primary ballot. In the event the secretary of state is informed of a candidate's death or incapacity, or withdrawal from the nomination, the secretary of state may, in his sole discretion, remove the name of such nominated candidate from the ballot, but not later than thirty (30) days prior to said election. No declaration of candidacy or affidavit of candidacy shall be required of any candidate as a condition for printing the name of that candidate on the official ballot used in the presidential preference primary.

SECTION 10. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. PRIMARY ELECTION BALLOTS. There shall be a single primary election ballot on which the complete ticket of each political party shall be printed. Each political ticket shall be separated from the others by a perforated line that will enable the elector to detach the ticket of the political party voted from those remaining. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary election ballot to allow for write-in candidates under each office title.

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

It is not necessary to print a primary ballot for a political party which does not have candidates for more than half of the federal or statewide offices on the ballot if no more than one (1) candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election is necessary for that party if such is the case and shall certify to the county clerk the names of candidates for that party for the general election ballot only.

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 13, 1983.

CHAPTER 214
(H.B. No. 341)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 1984; 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. There is hereby appropriated to the Department of Fish and Game the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984:

FROM:
Fish and Game Account $20,600,000

SECTION 2. 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 13, 1983.

CHAPTER 215
(H.B. No. 310, As Amended in the Senate)

AN ACT
RELATING TO HOSPITALS FOR INDIGENT SICK; AMENDING SECTION 31-3502, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF MEDICALLY INDIGENT
SHALL NOT PRECLUDE BOARDS OF COUNTY COMMISSIONERS FROM REQUIRING RECIPIENTS TO PAY A PORTION OF THEIR MEDICAL EXPENSES, TO DEFINE REIMBURSEMENT RATES AND TO DEFINE ADMINISTRATOR; AMENDING SECTION 31-3503, IDAHO CODE, TO EXPRESS THE LEVY AS A PERCENT OF MARKET VALUE, TO PROVIDE THAT THE AD VALOREM TAX LEVY FOR INDIGENT EXPENSES SHALL BE EXEMPT FROM THE LIMITATION IMPOSED BY SECTIONS 63-923(1) AND 63-2220, IDAHO CODE, TO SPECIFY AUTHORITY FOR COLLECTIVE ACTION BY COUNTIES; AMENDING SECTION 31-3508, IDAHO CODE, TO PROVIDE THAT COUNTY PAYMENTS TO HOSPITALS FOR CARE OF INDIGENTS SHALL NOT EXCEED THE DEFINED REIMBURSEMENT RATE; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3510A, IDAHO CODE, TO REQUIRE REIMBURSEMENT OF ASSISTANCE TO THE EXTENT AN APPLICANT IS ABLE, AND TO PROVIDE THAT MONEYS RECEIVED BY REIMBURSEMENT ARE AVAILABLE FOR EXPENDITURE; AMENDING SECTION 31-3518, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE MEDICALLY INDIGENT AND CATASTROPHIC HEALTH CARE COSTS PROGRAMS SHALL HAVE ON FILE THE REIMBURSEMENT RATES ALLOWED; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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. Nothing in this definition shall preclude the board of county commissioners from requiring medically indigent persons to reimburse the county for a portion of their medical expenses, when investigation of their application pursuant to chapters 34 and 35, title 31, Idaho Code, determines their ability to do so.

(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"—mean—charges—normally—and—nec­essarily—made—by—a—hospital—in-connection—with—the-care-of—a—patient Reimbursement rates" mean the unadjusted medicaid rate of reimbursement for medical charges allowed pursuant to title XIX of the social security act, as amended. For long-term care facilities, "reimbursement rates" mean the unadjusted medicaid rate of reimbursement allowed pursuant to the medical assistance program as determined by chapter 1, title 56, Idaho Code, or the unadjusted medicare rate of reimbursement
established under title XVIII of the social security act, as amended, whichever is greater.

(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 sick persons.
(9) "Administrator" means the administrator as-designated by the Idaho Association of Counties appointed by the counties, collectively, by a valid agreement under the joint exercise of powers act, sections 67-2326 through 67-2333, Idaho Code.
(10) "Catastrophic health care costs" mean all medical expenses for which an applicant for relief under this chapter or any third party are not liable and which are incurred by a recipient, and not paid for or reimbursed by third party payers, during any twelve (12) month period, which exceed in aggregate the sum of ten thousand dollars ($10,000), or a lesser amount as determined by the negotiated catastrophic insurance policy.
(11) "Recipient" means an individual determined eligible for county medical assistance under uniform county guidelines on indigent eligibility adopted by the administrator pursuant to law.

SECTION 2. 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 persons as 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 ten one-hundredths of one percent (0.10%) of the market value for assessment purposes of all taxable property in the county. Such levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and the moneys derived from such levy shall be exempt from the limitation imposed by section 63-2220, Idaho Code.
(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.
(3) Participate in the catastrophic health care costs program established pursuant to this chapter and operate the program in accordance with the uniform county guidelines on indigent eligibility, and all procedures contained therein as adopted by the Idaho Association of Counties at their most recent annual convention counties, collectively. Proposed amendments to the uniform county guidelines on indigent eligibility by the counties through the Idaho Association of Counties will be submitted for review and comment to the Idaho Hospital Association, the Idaho Medical Association, the Idaho Health Facilities Care Association, and all other interested parties at least thirty (30) days prior to the annual meeting of the Idaho Association of Counties their proposed effective date. Amendments to the uniform county guidelines on indigent eligibility as adopted by the counties at their annual meeting will be distributed to the Legislative Council, the Idaho Hospital Association, the Idaho Medical Association, the Idaho Health Facilities Care Association, and all other interested parties within thirty (30) days of their adoption and will become effective January 1 of the year following.

SECTION 3. That Section 31-3508, Idaho Code, be, and the same is hereby amended to read as follows:

31-3508. AMOUNT OF AID FOR HOSPITALIZATION. The county responsible for payment shall pay regular hospital charges for the hospitalization of a medically indigent person shall pay an amount not to exceed the reimbursement rates to the hospital rendering such services. The bill submitted for payment pursuant to section 31-3405, Idaho Code, shall show the total hospital charges less any amounts which have been received under any other federal or state law. Bills of less than twenty-five dollars ($25.00) shall not be presented for payment.

SECTION 4. That Chapter 35, 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 31-3510A, Idaho Code, and to read as follows:

31-3510A. REIMBURSEMENT. By the acceptance of county assistance, an applicant agrees to reimburse the county from which assistance is received, for any portion of the hospitalization or other medical expense paid on behalf of the applicant if the county commissioners find that the applicant is able to pay any portion of the charges over a reasonable period of time.

Moneys received by a county as reimbursement shall be credited to the county indigent fund and need not be budgeted or appropriated in the manner required by chapter 16, title 31, Idaho Code, but shall be available for expenditure at any time for the purposes of the county indigent fund.

SECTION 5. That Section 31-3518, Idaho Code, be, and the same is hereby amended to read as follows:
31-3518. ADMINISTRATIVE RESPONSIBILITY. The administrator shall, in order to facilitate payment to providers participating in the county medically indigent program and the catastrophic health care cost program, require-that-the-insurer have on file the fee-schedule reimbursement rates allowed for all participating providers of medical care. However, in no event shall the amount to be paid exceed the usual, reasonable, and customary charges for the area.

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 13, 1983.

CHAPTER 216
(H.B. No. 161, As Amended in the Senate
As Amended in the Senate)

AN ACT
RELATING TO MOTOR VEHICLES ON LAND ACTIVELY DEVOTED TO CULTIVATED CROPS; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-762, IDAHO CODE, TO PROVIDE THAT IT SHALL BE A MISDEMEANOR TO DRIVE A MOTOR VEHICLE OVER PRIVATE LAND ACTIVELY DEVOTED TO CULTIVATED CROPS WITHOUT THE CONSENT OF THE OWNER OR THE OWNER'S AGENT, AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 7, 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 49-762, Idaho Code, and to read as follows:

49-762. MOTOR VEHICLES ON PRIVATE LAND ACTIVELY DEVOTED TO CULTIVATED CROPS. No motor vehicle shall be willfully or intentionally driven into, upon, over or through any private land actively devoted to cultivated crops without the consent of the owner of the land or the tenant, lessee or agent of the owner of the land actively devoted to cultivated crops. Violation of the provisions of this section shall be a misdemeanor. For the purpose of this section, motor vehicle shall be defined as set forth in subsection (b) of section 49-101, Idaho Code. Land actively devoted to cultivated crops shall be defined as land that is used to produce field crops including, but not limited to, grains, feed crops, legumes, fruits and vegetables.

Approved April 13, 1983.
AN ACT
APPROPRIATING MONEYS TO THE BOARD OF VETERINARY MEDICINE IN THE
DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Board of Veterinary Medicine in the Department of Self-governing Agencies the following amount, to be expended for the designated expense classes from the listed account for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>State Board of Veterinary</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Medicine Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$25,000</td>
</tr>
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</table>

Approved April 13, 1983.

CHAPTER 218
(H.B. No. 244, As Amended)

AN ACT
RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2701, IDAHO CODE, TO CLARIFY THE DEFINITION OF MANUFACTURE AND TO EXPAND THE DEFINITION OF SIMULATED CONTROLLED SUBSTANCE; AMENDING SECTION 37-2732, IDAHO CODE, TO PROVIDE EXEMPTIONS FOR POSSESSING SIMULATED CONTROLLED SUBSTANCES, TO PROVIDE PENALTIES, TO PROVIDE CRIMINAL BEHAVIOR REGARDING SIMULATED CONTROLLED SUBSTANCES, TO PROVIDE REASONS WHY A PROSECUTION MAY NOT BE DISMISSED AND TO PROVIDE ISSUES FOR THE TRIER OF FACT; AMENDING SECTION 37-2744, IDAHO CODE, TO CLARIFY PROPERTY WHICH IS SUBJECT TO FORFEITURE FOR VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT.

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 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 and includes extraction, directly or indirectly, 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 salts (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 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, concealing, 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;

(cc) "Simulated controlled substance" means any product which identifies itself by a misleading similarity of appearance, size, shape, or external marking to a controlled substance, by a common name or slang term associated with a controlled substance, and which indicates on the product label or accompanying promotional material, that the product simulates the effect of a controlled substance a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, size, and markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

(1) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
(2) Statements made to the recipient that the substance may be resold for inordinate profit; or
(3) Whether the substance is packaged in a manner normally used for illicit controlled substances.
SECTION 2. That Section 37-2732, Idaho Code, be, and the same is hereby amended to read as follows:

37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by this act, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(A) a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than twenty-five thousand dollars ($25,000), or both;

(B) any other controlled substance which is a nonnarcotic drug classified in schedule I, or a controlled substance classified in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

(C) a substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;

(D) a substance classified in schedule V, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(A) a counterfeit substance classified in schedule I which is a narcotic drug, or a counterfeit substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars ($25,000), or both;

(B) any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I or a counterfeit substance contained in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

(C) a counterfeit substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;

(D) a counterfeit substance classified in schedule V or a noncontrolled counterfeit substance, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.
It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act.

(1) Any person who violates this subsection and has in his possession a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars ($5,000), or both.

(2) Any person who violates this subsection and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I or a controlled substance classified in schedules III, IV and V is guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars ($1,000), or both.

(d) It shall be unlawful for any person to be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away. A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) and not more than ninety (90) days in the county jail, or both.

(e) If any person is found to possess marihuana, which for the purposes of this subsection shall be restricted to all parts of the plants of the genus Cannabis, and not a derivative or an extract thereof, in an amount greater than three (3) ounces net weight, it shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars ($10,000), or both.

(f) If two (2) or more persons conspire to commit any offense defined in this act, said persons shall be punishable by a fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

(g) Except as authorized by the provisions of this act, it is unlawful for any person to manufacture, deliver, or possess any "simulated controlled substance." Any person who violates the provisions of this subsection is guilty of a misdemeanor and upon conviction thereof, may be imprisoned for not more than one (1) year, fined not more than one thousand dollars ($1,000); or both. It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, a "simulated controlled substance." Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000) and not more than one (1) year in the county jail, or both.

(h) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation
offering for sale simulated controlled substances. Any person who violates this subsection is guilty of a misdemeanor and shall be punished in the same manner as prescribed in subsection (g) of this section.

(i) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in section 37-2701(1), Idaho Code, in the course of professional practice or research.

(j) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

SECTION 3. 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 paragraph (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 consenting 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 violation 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 or other property described in paragraphs (2) and (3) hereof 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 paragraph (2) or (3) hereof.

(7) All drug paraphernalia as defined by section 37-2701, Idaho Code.

(8) All simulated controlled substances, which are used or intended for use in violation of this act.

(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), (4), (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 who has a right, title, or interest which in the case of a conveyance shall be determined by the 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.

(B) Within twenty (20) days after the mailing or publication of the notice, the owner of the conveyance or claimant may file a verified answer and claim to the property described in the complaint instituting forfeiture proceedings.

(C) If at the end of twenty (20) days after the notice has been mailed 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 property forfeited to the director, if such fact is proved.

(D) If a verified answer is filed, the forfeiture proceeding shall be set for hearing before the court without a jury 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 his interest
in 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 property 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 property 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 property forfeited to the director if it determines that such property was used, or intended for use, in violation of this act.

(IV) An owner, co-owner or claimant of any right, title, or interest in the conveyance may prove that his right, title, or interest, whether under a lien, mortgage, conditional sales contract or otherwise, 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, purchaser, lien holder, mortgagee, or conditional sales vendor. The court may order payment of all costs incurred by the state or law enforcement agency as a result of such seizure.

(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 owner, purchaser, conditional sales vendor, lien holder or mortgagee of the conveyance, if any, up to the value of his interest in the conveyance.

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 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 lien holder, mortgagee or conditional sales vendor and thereby purchase the conveyance for use to enforce this act.

(c) 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 (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 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) Upon the recommendation of the director only, the court may order property forfeited, in whole or in part, to a city or county the law enforcement agency of which participated in the events leading to the seizure of the property. Upon such order, the city
or county shall use the property for drug enforcement purposes consistent with this act.

(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.

Approved April 13, 1983.

CHAPTER 219
(H.B. No. 342)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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, 1983, through June 30, 1984:

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<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
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<tr>
<td>Personnel Costs</td>
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<tr>
<td>Operating Expenditures</td>
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<tr>
<td>Capital Outlay</td>
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<td>2,752,500</td>
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<tr>
<td>TOTAL</td>
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<td></td>
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SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1983, through June 30, 1984:

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<thead>
<tr>
<th>PROGRAM</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
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</thead>
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<tr>
<td>UTILITIES REGULATION:</td>
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<td>CAPITAL</td>
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<td>$140,700</td>
<td>$32,000</td>
</tr>
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GRAND TOTAL: $1,478,200 $1,220,300 $54,000 $2,752,500

Approved April 13, 1983.

CHAPTER 220
(H.B. No. 10, As Amended)

AN ACT
RELATING TO SALES TAX COLLECTIONS; AMENDING SECTION 63-3621, IDAHO CODE, TO STRIKE REFERENCES TO THE TAXES COLLECTED AS A DEBT OWED TO THE STATE; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3623A, IDAHO CODE, TO PROVIDE THAT TAXES COLLECTED BY RETAILERS UNDER THE SALES TAX ACT IMMEDI-
ATELY ON COLLECTION ARE STATE MONEYS HELD FOR THE STATE AND ARE NOT SUBJECT TO ENCUMBRANCE OR SEIZURE FOR DEBTS OF THE RETAILER.

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) 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 prop-
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erty 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.

(gf) 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.

(hg) 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.

(th) 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.

(ji) 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.

(kj) 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.

(ik) 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 39-248149-3203, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

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. That Chapter 36, 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 63-3623A, Idaho Code, and to read as follows:

63-3623A. TAXES AS STATE MONEY. All moneys collected by retailers in compliance with this chapter shall, immediately upon collection, be state money and every such retailer shall hold such money for the state of Idaho and for payment to the state tax commission in the manner and at the times required in this chapter. Such money shall not, for any purpose, be considered to be a part of the proceeds of the sale to which the tax relates and shall not be subject to an encumbrance, security interest, execution or seizure on account of any debt owed by the retailer to any creditor other than the state tax commission.

Approved April 13, 1983.

CHAPTER 221
(H.B. No. 319)

AN ACT
RELATING TO STATE INCOME TAXES; AMENDING SECTION 63-3025, IDAHO CODE, TO PROVIDE FOR ADJUSTMENTS IN RATES AND BRACKET AMOUNTS FOR THE EXCISE TAX ON CORPORATIONS; AMENDING SECTION 63-3025A, IDAHO CODE, TO PROVIDE FOR ADJUSTMENTS IN RATES AND BRACKET AMOUNTS FOR THE TAX ON CORPORATE INCOME; AMENDING SECTION 63-3082, IDAHO CODE, TO STRIKE REFERENCE TO CORPORATIONS WHICH HAVE NO GROSS INCOME; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE INCOME [Effective January 1, 1983]. For taxable years commencing on and after January 1, 1983, a tax is hereby imposed on the taxable income derived from sources within this state by a corporation which transacts or is authorized to transact business in this state or which has income attributable to this state. The tax shall be equal to six and seven-tenths percent (67.7%) of all taxable income up-to-and-including-two-hundred-fifty-thousand-dollars ($250,000); and six-and-five-tenths--percent--(6.5%)--of--all--taxable income-in-excess-of-two-hundred-fifty-thousand-dollars--($250,000); provided, however, that the tax shall not be less than twenty dollars ($20.00); provided further that the twenty dollar ($20.00) minimum payment shall not be collected from nonproductive mining corporations. The tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025A, Idaho Code.

SECTION 2. That Section 63-3025A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025A. FRANCHISE TAX [Effective January 1, 1983]. For taxable years commencing on and after January 1, 1983, a franchise tax shall be imposed upon any corporation for the privilege of exercising its corporate franchise within the state during such taxable year, including but not limited to, 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, which tax shall be measured by taxable income derived from sources within this state and which tax shall be equal to six and seven-tenths percent (67.7%) of all taxable income up-to-and-including-two-hundred-fifty-thousand-dollars ($250,000); and six-and-five-tenths--percent--(6.5%)--of--all--taxable income-in-excess-of-two-hundred-fifty-thousand-dollars--($250,000); provided, however, that the tax shall not be less than twenty dollars ($20.00); provided further that the twenty dollar ($20.00) minimum tax shall apply to corporations qualified to file returns and actually filing returns under the provisions of subchapter "S" of Internal Revenue Code.

SECTION 3. That Section 63-3082, Idaho Code, be, and the same is hereby amended to read as follows:

63-3082. ADDITIONAL TAX REQUIRED WHEN FILING INCOME TAX RETURN [Effective January 1, 1983]. Every person required to file an income tax return shall pay a tax of ten dollars ($10.00). For this purpose, a husband and wife filing a joint return shall be deemed a single person. This tax shall be in the nature of an excise tax upon the receipt of the income which requires the filing of such return. This tax shall not apply to corporations which have no gross income--during the-taxable-year-to-which-the-return-applies.
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 passage and approval, and retroactively to January 1, 1983.

Approved April 13, 1983.

CHAPTER 222
(H.B. No. 349)

AN ACT
APPROPRIATING MONEYS FROM THE FEDERAL MEAT INSPECTION ACCOUNT TO THE AGRICULTURE DEPARTMENT INSPECTION ACCOUNT FOR THE PURPOSE SPECIFIED.

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

SECTION 1. There is hereby appropriated from the Federal Meat Inspection Account to the Agriculture Department Inspection Account, the sum of $25,000, for bean inspection.

Approved April 13, 1983.

CHAPTER 223
(H.B. No. 332)

AN ACT
RELATING TO THE CORRECTIONAL INDUSTRIES BETTERMENT ACCOUNT; AMENDING SECTIONS 20-209D, 20-409, 20-411 AND 20-412, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 20-415, IDAHO CODE, TO PROVIDE THAT MONEYS HELD IN DEPOSITORIES BY THE BOARD OF CORRECTION FOR CORRECTIONAL INDUSTRIES SHALL BE DEPOSITED WITH THE STATE TREASURER IN THE CORRECTIONAL INDUSTRIES BETTERMENT ACCOUNT, TO CREATE THE ACCOUNT, AND TO PROVIDE FOR INVESTMENT OF MONEYS IN THE ACCOUNT; REPEALING SECTION 20-415A, IDAHO CODE; AMENDING SECTION 20-416, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE, AND TO STRIKE REFERENCE TO BANK ACCOUNTS MAINTAINED BY THE BOARD OF CORRECTION; AND AMENDING SECTION 20-419, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 20-209D, Idaho Code, be, and the same is hereby amended to read as follows:
20-209D. FORFEITURE OF CONTRABAND PROPERTY OR MONEY FOUND IN POSSESSION OF INMATES. The state board of correction, or its designee, shall have the authority to confiscate contraband money found in the possession of inmates and thereafter deposit the money in the correctional industries betterment fund account established by section 20-415, Idaho Code, and to dispose of other contraband property found in possession of inmates by donation to a nonprofit organization.

SECTION 2. That Section 20-409, Idaho Code, be, and the same is hereby amended to read as follows:

20-409. PAYMENT OF EXPENSES OF BOARD. The expenses of the board shall be paid from the correctional industries betterment fund account.

SECTION 3. 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 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 board deems proper. The cost of such insurance shall be paid from the correctional industries betterment fund account.

SECTION 4. 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 board shall determine, to be paid out of any funds available in the correctional industries betterment fund account. 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 performance. Compensation shall be credited to the account of the prisoner, and paid from the correctional industries betterment fund account.

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 5. That Section 20-415, Idaho Code, be, and the same is
hereby amended to read as follows:

20-415. CORRECTIONAL INDUSTRIES BETTERMENT FUND ACCOUNT -- TRANSFER OF FUNDS. Funds held by the treasurer-of-the-state-of-idaho board of correction on the-effective-date-of-this-act-in-the-state-penal betterment-fund on June 30, 1983, in depositories, shall be, and hereby are, transferred therefrom to-the-depository-or-depositories-selected under-this-act by the board of correction, and deposited on July 1, 1983, with 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 board-of-correction in the correctional industries betterment account which is hereby created in the agency asset fund. All state depart­ments, agencies and offices affected by such transfer are authorized and directed to enter such transfer on their books, records and accounts.

Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the account.

SECTION 6. That Section 20-415A, Idaho Code, be, and the same is hereby repealed.

SECTION 7. 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 moneys received for sale of goods or services under the provisions of this act chapter shall be deposited in a bank-account-in-the-name-of-the board the correctional industries betterment account. The 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 account. All moneys received under the provisions of this act chapter shall be deposited in the name-of-the-board account and made available for defraying expenses or repaying indebtedness of the board in carry­ing out the provisions of this act chapter.

(2) All salaries, costs and expenses incurred by the board in performing its duties and exercise of power under this act chapter shall be paid out of such bank-account-known-as the correctional industries betterment fund account.

(3) All moneys received by the 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-board-in-such-banks-or-trust--com­panies-approved-under chapter 27, title 67, Idaho Code, as state deposi­tories.—The-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-board; and-upon-checks-or-other orders-upon-such-accounts; signed-by-a-designated-member-of-the-board, officer, agent or employee-of-the-board as the-board-designates: A receipt; 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 account is exempted from powers and duties of the state purchasing agent, as enumerated in chapter 16, title 67, Idaho Code.

(64) Surplus moneys in the correctional industries betterment fund account may be expended by the board for the use and benefit of vocational training and educational programs.

SECTION 8. That Section 20-419, Idaho Code, be, and the same is hereby amended to read as follows:

20-419. FUND ACCOUNT AS CONTINUING-APPROPRIATION -- NONREVERSION. All moneys transferred to or hereafter placed in the correctional industries betterment fund account are hereby perpetually appropriated for the use and purposes specified in this act chapter. The correctional industries betterment fund account or any surplus funds in said fund account shall not revert to the state general fund account.

Approved April 13, 1983.

CHAPTER 224
(H.B. No. 347)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 1984, DESIGNATING PROGRAM LIMITS; 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 Department of Administration not exceed the following amounts from the listed accounts for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 1,840,700</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>6,847,000</td>
</tr>
<tr>
<td>Permanent Building Fund Account</td>
<td>654,900</td>
</tr>
<tr>
<td>Federal Surplus Property Revolving Account</td>
<td>326,900</td>
</tr>
<tr>
<td>Risk Retention Account</td>
<td>240,500</td>
</tr>
<tr>
<td>Employee Group Insurance Account</td>
<td>200,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,110,400</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the Department of Administration the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

I. CENTRAL ADMINISTRATION
FROM:
   General Account                      $ 124,600
   Interagency Billing and Receipts Account 497,100
   TOTAL                                $ 621,700

II. GENERAL SERVICES
FROM:
   General Account                      $ 232,800
   Interagency Billing and Receipts Account 2,768,000
   TOTAL                                $ 3,000,800

III. PUBLIC WORKS
FROM:
   General Account                      $ 1,231,400
   Interagency Billing and Receipts Account 3,339,400
   Permanent Building Fund Account      654,900
   TOTAL                                $ 5,225,700

IV. PURCHASING
FROM:
   General Account                      $ 251,900
   Interagency Billing and Receipts Account 242,500
   Federal Revolving Account            326,900
   TOTAL                                $ 821,300

V. INSURANCE MANAGEMENT
FROM:
   Employee Group Insurance Account     $ 200,400
   Risk Retention Account               240,500
   TOTAL                                $ 440,900

GRAND TOTAL                            $10,110,400

SECTION 3. It is legislative intent that no money be used to implement a state-owned microwave telecommunications system.

Approved April 13, 1983.

CHAPTER 225
(H.B. No. 72, As Amended in the Senate)

AN ACT
RELATING TO ASSESSMENT OF CAR COMPANIES; AMENDING SECTION 63-801, IDAHO CODE, TO PROVIDE THAT ALL CAR COMPANIES ARE UNIFORMLY ASSESSED; AMENDING SECTION 63-802, IDAHO CODE, TO REDEFINE CAR COMPANIES THAT ARE ASSESSED AND NECESSARY DOCUMENTS REQUIRED BY
THE STATE TAX COMMISSION; AMENDING SECTION 63-804, IDAHO CODE, TO DEFINE THE MANNER OF ASSESSMENT AND ALLOCATION OF CAR COMPANIES; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-804A, IDAHO CODE, DEFINING CAR COMPANY APPORTIONMENT AND TAXATION.

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

SECTION 1. That Section 63-801, Idaho Code, be, and the same is hereby amended to read as follows:

63-801. CAR COMPANIES ASSESSABLE BY THE STATE TAX COMMISSION. The property of all car companies shall be subject to assessment in a uniform manner annually assessed as prescribed in this chapter by the state tax commission.

SECTION 2. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. CAR COMPANIES DEFINED — STATEMENT. The president or other chief officer of every car company; mercantile or other company or corporation; other than a railroad company operating a line of railroad; and every firm; corporation or individual owning or operating any stock cars; furniture cars; refrigerator cars; fruit cars; poultry cars; tank cars; coach cars; sleeping cars; slumber coach cars; diner cars; lounge cars; parlor cars; baggage cars; mail cars; or any other kind of cars; and locomotives A car company is defined as any person, company or corporation other than a railroad company operating a line of railroad in Idaho and other than any company classified as a class I, class II or class III railroad by the interstate commerce commission and is the owner, occupant, lessee, franchisee, or otherwise is entitled to the possession of railroad cars of any type. Any person or corporation who has in possession any locomotives or railroad cars of any type solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or cars shall not be defined as a car company.

The representative of any such car company owning or operating railroad cars of any type through, in or into the state of Idaho, shall, on or before such time as may be determined by the state tax commission, make to the state tax commission a true, full and accurate statement, verified by the affidavit of the officer or person making the report, showing the aggregate number of miles traveled by their cars on the several lines of railroad in this state ending on the thirty-first day of December last past, and a further statement showing the average number of miles traveled per day of a particular class of car covered by the statement in the ordinary course of business during the year, and the total number of cars owned by in the possession of said company, individual or firm, and any additional information which the state tax commission may deem pertinent. The state tax commission shall declare the date for filing of the statement in its rules and regulations.
SECTION 3. That Section 63-804, Idaho Code, be, and the same is hereby amended to read as follows:

63-804. CAR COMPANIES MANNER OF ASSESSMENT -- ALLOCATION. It shall be the duty of the state tax commission, as authorized and directed by section 63-202, Idaho Code, and as prescribed by rules and regulations, to estimate determine the 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 companies, and such other pertinent information deemed necessary by the state 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 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 shall also be responsible for the allocation of the estimated market value for assessment purposes to the state of Idaho, of cars of such companies taxable in this state. In making such determination developing the allocation method, 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 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 of less than five hundred thousand dollars ($500,000), the commission then shall determine the tax to be charged on the property covered by each such assessment by applying to the market value for assessment purposes thereof the average tax rate in the state for the current year on car companies having a market value for assessment purposes of more than five hundred thousand dollars ($500,000) in the event no car companies are assessed for five hundred thousand dollars ($500,000) 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 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 4. That Chapter 8, 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 63-804A, Idaho Code, and to read as follows:

63-804A. CAR COMPANIES APPORTIONMENT -- TAXATION. Such estimated market value for assessment purposes shall be included in the records and proceedings of the state tax commission.

1. Car companies having an Idaho estimated market value for assessment purposes of five hundred thousand dollars ($500,000) or more shall be apportioned to where said cars were present in each county as determined by the state tax commission. The state tax commission shall certify the estimated market value to the county auditor of each county showing the amounts of market value to be apportioned to the qualified taxing districts. The county auditor shall cause the estimated market value to be entered upon the tax roll in the same manner as all other properties. The taxes shall be collected in the same manner as other operating property taxes by the county tax collector as provided by law.

2. Car companies having an Idaho estimated market value of less than five hundred thousand dollars ($500,000) shall not be apportioned to counties. The state tax commission hereby is empowered to charge, levy and collect the tax so determined on the car companies under five hundred thousand dollars ($500,000) having a taxable situs in the state and such property shall be treated as personal property for taxing purposes.

a. The state tax commission shall determine the tax to be charged on the property covered by each such assessment by applying to the market value for assessment purposes thereof the average tax rate in the state for the current year on car companies having market value for assessment purposes of more than five hundred thousand dollars ($500,000). In the event no car companies are assessed for five hundred thousand dollars ($500,000) or more in the current year, then the average tax rate shall be the average tax rate on all taxable property for the prior year.

b. Each tax so charged and levied shall constitute a lien as of January 1 of the year of assessment on all the operating 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.
(c) 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.
(d) All moneys collected by the state tax commission as provided under subsection (2) of this section shall be paid forthwith to the state treasurer for transfer to the public school income fund.

Approved April 13, 1983.

CHAPTER 226
(H.B. No. 119, As Amended in the Senate)

AN ACT
RELATING TO THE SIZE OF VEHICLES; AMENDING SECTION 49-913, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION BOARD MAY DETERMINE WHEN CERTAIN SAFETY DEVICES SHALL NOT BE INCLUDED IN THE CALCULATION OF WIDTH, TO ESTABLISH A MAXIMUM WIDTH FOR FARM TRACTORS, A MAXIMUM LENGTH FOR TRAILERS AND SEMI-TRAILERS AND TO EXCLUDE ADDITIONAL LENGTH REQUIRED BY ENERGY CONSERVATION DEVICES FROM THE OVERALL LENGTH OF COMMERCIAL VEHICLES, AND TO REMOVE THE EXEMPTIONS FOR IMPLEMENTS OF HUSBANDRY AND EQUIPMENT USED IN LAND-LEVELING OPERATIONS FROM THE REQUIREMENTS FOR PERMITS FOR OVERWEIGHT OR OVER-SIZE LOADS.

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 certain safety devices as determined by the Idaho transportation board as necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width, and further 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. Notwithstanding any other provision of this section, the total outside width of any farm tractor using the interstate system in this state may not exceed nine (9) feet, except as permitted by section 49-905, Idaho Code. Such overweight 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
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(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 motor vehicle shall exceed a length of forty (40) feet, extreme overall dimension, inclusive of front and rear bumpers; no vehicle-equipped-with-a-semi-trailer-shall-exceed-a-length-of-sixty-five-(65)-feet-overall-dimensions; provided that if the coupling device-connecting-the-truck-tractor-to-the-semi-trailer-is-located-to-the-rear-of-the-tire-tread-of-the-truck-tractor's-rearmost-axle; such combination-of-truck-tractor-and-sterling-steered-semi-trailer-may-have-an-overall-combination-length-inclusive-of-front-and-rear-bumpers-of-seventy-five-(75)-feet trailer or semi-trailer shall exceed a length of forty-eight (48) feet overall dimensions, provided that the length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semi-trailer to a trailer shall be excluded from the
length of a trailer; and no combination of vehicles coupled together shall consist of more than three (3) vehicles and, when so combined as a truck-trailer combination, shall not exceed a total length of seventy-five (75) feet, inclusive of front and rear bumpers, and when combined as a truck-tractor semitrailer trailer, the length of the semitrailer trailer portion, including the connecting device, shall not be more than sixty (60) 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. The overall allowable length of commercial vehicles shall not include additional length required by energy conservation devices, provided that no cargo is carried in the energy conservation device. 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.

CHAPTER 227
(H.B. No. 359)

AN ACT
RELATING TO THE WHEAT COMMISSION; AMENDING SECTION 22-3303, IDAHO CODE, TO DEFINE A CROP REDUCTION PROGRAM; AND AMENDING SECTION 22-3315, IDAHO CODE, TO PROVIDE FOR THE IMPOSITION OF A TAX OF ONE CENT PER BUSHEL ON WHEAT GIVEN TO IDAHO GROWERS UNDER A CROP REDUCTION PROGRAM AND TO PROVIDE WHEN SUCH TAX SHALL BE DUE.

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

SECTION 1. That Section 22-3303, Idaho Code, be, and the same is hereby amended to read as follows:

22-3303. DEFINITIONS. As used in this act, unless the context requires otherwise:

(1) "Commercial channels" means the sale of wheat for use as food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, user, dealer, processor, cooperative, or to any person, public or private, who resells any wheat or product produced from wheat.

(2) "Commission" means the Idaho wheat commission.

(3) "First purchaser" means any person, group, association or partnership that buys wheat from the grower in the first instance, or any lienholder, public or private, including the Commodity Credit Corporation, who may possess wheat from the grower under any lien.

(4) "Grower" means any landowner personally engaged in growing wheat, a tenant of the landowner personally engaged in growing wheat, or both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative, trust, sharecropper or any and all other business units, devices and arrangements.

(5) "Sale" includes any pledge, mortgage or delivery of wheat for sale after harvest to any person, public or private.

(6) "Delivery" means placing of wheat into the primary channels of trade.

(7) "Crop reduction program" means an offer by an agency of the United States government to give growers an amount of wheat as payment for reducing planted acreage of wheat.

SECTION 2. That Section 22-3315, Idaho Code, be, and the same is hereby amended to read as follows:
22-3315. IMPOSITION OF TAX. (1) From and after the first day of July, 1974, there is hereby levied and imposed a tax of one cent (1¢) per bushel on all wheat grown in the state of Idaho or given to Idaho growers under a crop reduction program, and sold or contracted through commercial channels, and each and every crop grown or wheat given to growers under a crop reduction program thereafter;--which. The tax shall be due on wheat given to growers under a crop reduction program and sold or contracted through commercial channels, regardless of any deduction of the tax on this same wheat prior to it being given to the grower. The tax shall be due on or before the time when such wheat is first sold or contracted in the commercial channels and shall be paid at such time or times as the commission may, by rule or regulation, prescribe, as hereinafter provided, but not later than the 15th day of the month next succeeding the three (3) month period in which such wheat is sold or contracted in commercial channels. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

(2) The tax shall be levied and assessed to the grower at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the grower at the time of sale or in case of a lienholder who may possess such wheat under his lien, the tax shall be deducted by the lienholder from the proceeds of the claim secured by such lien at the time the wheat is pledged or mortgaged. The tax shall be deducted as provided in this section whether the wheat is stored in this or any other state. The commission may, however, permit any federal corporation, such as the Commodity Credit Corporation, to waive its responsibility for the collection of the tax, provided the amount of the tax is one dollar ($1.00) or less.

(3) The tax constitutes a lien prior to all other liens and encumbrances upon such wheat except liens which are declared prior by operation of a statute of this state.

Approved April 13, 1983.

CHAPTER 228
(H.B. No. 356)

AN ACT
APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR SPECIAL FUELS TAX ADMINISTRATION FOR FISCAL YEAR 1983; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR SPECIAL FUELS TAX ADMINISTRATION FOR FISCAL YEAR 1984; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation contained in Section 2, Chapter 144, Laws of 1982, there is hereby appropriated to the State Tax Commission for the designated program to be used for Special Fuels Tax Administration, the following amount, to be expended accord-
ing to the designated expense classes from the Highway Suspense Account for the period July 1, 1982, through June 30, 1983:

**PROGRAM:**

- Audit and Collections: $61,800
- Personnel Costs: $28,300
- Operating Expenditures: $33,500
  
  **TOTAL: $61,800**

**FROM:**

- Highway Suspense Account: $61,800

**SECTION 2.** In addition to the appropriation contained in Section 2, S.B. No. 1182, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Tax Commission for the designated programs to be used for Special Fuels Tax Administration, the following amounts, to be expended according to the designated expense classes from the Highway Suspense Account for the period July 1, 1983, through June 30, 1984:

**PROGRAM:**

- Administration and Support: $19,200
- Audit and Collections: $399,300
  
  **TOTAL: $418,500**

**FOR:**

- Personnel Costs: $317,400
- Operating Expenditures: $80,300
- Capital Outlay: $20,800
  
  **TOTAL: $418,500**

**FROM:**

- Highway Suspense Account: $418,500

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

Approved April 13, 1983.

CHAPTER 229
(H.B. No. 336)

AN ACT

RELATING TO APPEALS FROM DECISIONS OF THE STATE TAX COMMISSION; AMEND-ING SECTION 63-3049, IDAHO CODE, TO ELIMINATE APPEALS TO THE BOARD OF TAX APPEALS IN THE CASE OF CERTAIN SALES OR USE TAXPAYERS AND CORPORATE INCOME TAXPAYERS.

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

**SECTION 1.** That Section 63-3049, Idaho Code, be, and the same is hereby amended to read as follows:
63-3049. JUDICIAL REVIEW. (a) Redetermination by the state tax commission may be reviewed in the district court for Ada county or the county in which the taxpayer resides or has his principal office or place of business by a complaint filed by the taxpayer against the state tax commission within thirty (30) days after the receipt of notice of the decision of the state tax commission denying, in whole or in part, any protest of the taxpayer or, within the same thirty (30) day period, by filing an appeal with the board of tax appeals. Upon the serving of summons upon the state tax commission the case shall proceed as other civil cases but may be heard by the judge in chambers. If the case is appealed to the board of tax appeals, the hearing before that body shall proceed as set forth in the act creating such board. If the court finds that any tax is due, it shall enter judgment for such tax, including any interest or penalties that may also be due and owing, against the taxpayer. Any taxes, penalties or interest paid, found by the court to be in excess of that which can be legally assessed, shall be ordered refunded to the taxpayer with interest from the time of payment. In the case of sales or use tax and corporate income tax decisions by the state tax commission, when the amount in dispute at the time the notice of deficiency determination/overassessment is issued exceeds twenty-five thousand dollars ($25,000), no appeal to the board of tax appeals shall be allowed. (b) Before any such appeal may be filed by the taxpayer, the taxpayer shall pay the tax or deficiency as assessed, together with interest and penalties thereon, or in lieu thereof file with the clerk of the court sufficient and adequate bond in double the amount of the tax penalty and interest claimed due from the taxpayer, executed by a surety company licensed and authorized to do business in the state of Idaho, conditioned upon the payment of any tax, penalty and interest that may be found due by the court. No act, order or proceeding shall be valid until after the time allowed for taking such court action has expired or such court action is finally determined. (c) Any party to the proceedings may appeal to the Supreme Court from the judgment of the district court under the rules and regulations prescribed for appeals. If the appeal be taken by the state tax commission, he shall not be required to give any undertaking or to make any deposits to secure the cost of such appeal.

Approved April 13, 1983.

CHAPTER 230
(H.B. No. 192, As Amended in the Senate)

AN ACT
RELATING TO INCOME TAX CREDITS; REPEALING SECTIONS 63-3029D THROUGH 63-3029G, IDAHO CODE; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029E, IDAHO CODE, TO PROVIDE FOR DEFINITIONS AND CONSTRUCTION OF TERMS; AMENDING CHAPTER 30,
TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029F, IDAHO CODE, TO PROVIDE FOR A CREDIT AGAINST STATE INCOME TAXES FOR NEW EMPLOYEES; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Sections 63-3029D through 63-3029G, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3029E, Idaho Code, and to read as follows:

63-3029E. DEFINITIONS -- CONSTRUCTION OF TERMS. As used in sections 63-3029E and 63-3029F, Idaho Code:

(1) (a) "New employee" means a person from whom Idaho income tax has been withheld, employed by the taxpayer in a revenue-producing enterprise, and covered for unemployment insurance purposes under chapter 13, title 72, Idaho Code, during the taxable year for which the credit allowed by section 63-3029F, Idaho Code, is claimed. A person shall be deemed to be so engaged if such person performs duties on:

1. A regular, full-time basis; or
2. A part-time basis if such person is customarily performing such duties at least twenty (20) hours per week.

No credit shall be earned unless the new employee shall have performed such duties for the taxpayer for a minimum of nine (9) months during the taxable year for which credit is claimed.

(b) The provisions of paragraph (a) of this subsection notwithstanding, no credit shall be allowed for employment of persons by a taxpayer who acquires a revenue-producing enterprise from another taxpayer or who operates in a place of business the same or a substantially identical revenue-producing enterprise as operated by another taxpayer within the prior twelve (12) months, except as the prior taxpayer would have qualified under the provisions of paragraph (c) of this subsection. Employees transferred from a related taxpayer shall not be included in the computation of the credit.

(c) The number of employees during any taxable year for any taxpayer shall be the mathematical average of the number of employees reported to the Idaho department of employment for employment security purposes during the twelve (12) months of the taxable year which qualified under paragraph (a) of this subsection. In the event the business is in operation for less than the entire taxable year, the number of employees of the business for the year shall be the average number actually employed during the months of operation, provided that the qualifications of paragraph (a) of this subsection are met.

(2) "Revenue-producing enterprise" means:

(a) The production, assembly, fabrication, manufacture, or proc-
essing of any agricultural, mineral, or manufactured product;
(b) The storage, warehousing, distribution, or sale at wholesale
of any products of agriculture, mining, or manufacturing;
(c) The feeding of livestock at a feedlot;
(d) The operation of laboratories or other facilities for scientif­

c, agricultural, animal husbandry, or industrial research,
development, or testing.
(3) "Same or a substantially identical revenue-producing enter­
prise" means a revenue-producing enterprise in which the products pro­
duced or sold, or the activities conducted are the same in character
and use and are produced, sold or conducted in the same manner as to
or for the same types of customers as the products or activities pro­
duced, sold or conducted in another revenue-producing enterprise.

SECTION 3. That Chapter 30, Title 63, Idaho Code, be, and the
same is hereby amended by the addition thereto of a NEW SECTION, to be
known and designated as Section 63-3029F, Idaho Code, and to read as
follows:

63-3029F. SPECIAL CREDIT AVAILABLE -- NEW EMPLOYEES. (1) Any tax­
payer shall be allowed a credit, in an amount determined under subsec­
tion (2) of this section, against the tax imposed by this chapter,
other than the tax imposed in section 63-3082, Idaho Code, for any
taxable year during which the taxpayer's employment, as defined under
section 63-3029E(1), Idaho Code, increases above the taxpayer's aver­
age employment for either: (a) the prior taxable year, or (b) the
average of the three (3) prior taxable years, whichever is higher. No
credit shall be allowed under this section unless the number of new
employees equals or exceeds one (1) person.

(2) The credit authorized in subsection (1) of this section shall
be five hundred dollars ($500) per new employee, but the total credit
allowed shall not exceed three and one-quarter percent (3.25%) of net
income from the taxpayer's corporate, proprietorship, partnership,
farm, or small business corporation revenue-producing enterprise in
which the employment occurred. Additionally, the total of this and
all other credits allowed under this chapter, except for the credits
allowed under sections 63-3024A, 63-3025D and 63-3029, Idaho Code,
taken during any taxable year, shall not exceed thirty-three percent
(33%) of the tax otherwise imposed on the taxpayer for the taxable
year for which such credit is allowed.

(3) If the sum of the credit carryovers from the credit allowed
by subsection (2) and the amount of credit for the taxable year from
the credit allowed by subsection (2) exceed the limitation imposed by
subsection (2) for the current taxable year, the excess attributable
to the current taxable year's credit shall be a credit carryover to
the three (3) succeeding taxable years. The entire amount of unused
credit shall be carried forward to the earliest of the succeeding
years, wherein the oldest available unused credit shall be used first,
so long as the employment level for which the credit was granted is
still maintained.

SECTION 4. An emergency existing therefor, which emergency is
hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1983.

Approved April 13, 1983.

CHAPTER 231
(H.B. No. 324, As Amended)

AN ACT
RELATING TO PROPERTY TAX APPEALS FROM OPERATING PROPERTY VALUATIONS;
AMENDING CHAPTER 7, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 63-710A, IDAHO CODE, TO PROVIDE FOR APPEALS FROM DECISIONS
OF THE STATE TAX COMMISSION TO THE DISTRICT COURTS, AND PROVIDING
THAT APPEALS MAY BE BASED UPON ANY ISSUE PRESENTED BY THE TAXPAYER
TO THE TAX COMMISSION AND THAT APPEALS SHALL BE CONDUCTED AS A
TRIAL DE NOVO; AMENDING SECTION 63-3811, IDAHO CODE, TO STRIKE
REFERENCES TO APPEALS FROM STATE-WIDE VALUATIONS OR ALLOCATIONS OF
VALUE; AMENDING SECTION 63-3812, IDAHO CODE, TO STRIKE REFERENCES
TO APPEALS CONCERNING ASSESSMENTS MADE ON A STATE-WIDE BASIS; AND
PROVIDING TRANSITION PROVISIONS.

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

SECTION 1. That Chapter 7, 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 63-710A, Idaho Code, and to read as
follows:

63-710A. APPEALS FROM STATE TAX COMMISSION VALUATIONS OF OPER­
ATING PROPERTY. Any taxpayer or county assessor who is aggrieved by a
state tax commission decision assessing a taxpayer's operating prop­
erty may file an appeal to the district court of Ada county or, if
such operating property is located in only one (1) county, to the dis­
trict court in and for the county in which such operating property is
located. The appeal shall be filed within thirty (30) days after ser­
vice upon the taxpayer of the decision. The appeal may be based upon
any issue presented by the taxpayer to the state tax commission and
shall be heard by the district court in a trial de novo without a jury
in the same manner as though it were an original proceeding in that
court. Nothing in this section shall be construed to suspend the pay­
ment of taxes pending appeal. Payment of taxes while an appeal here­
der is pending shall not operate to waive the right to an appeal.
Any final order of the district court under this section shall be
subject to appeal to the Idaho supreme court in the manner provided by
the Idaho appellate rules.

SECTION 2. That Section 63-3811, Idaho Code, be, and the same is
hereby amended to read as follows:
63-3811. APPEAL FROM DETERMINATION OF TAX LIABILITY. Taxpayers may, within the period herein provided and by following the procedures herein required, appeal to the board of tax appeals from a final determination of any tax liability, including those pursuant to sections 63-401, 63-2210, 63-3049, and 63-3632, Idaho Code. County-assessors may appeal to the board from valuations of property made on a statewide basis by the state tax commission; or allocation of such value:

SECTION 3. That Section 63-3812, Idaho Code, be, and the same is hereby amended to read as follows:

63-3812. APPEAL FROM BOARD -- PAYMENT OF TAXES WHILE ON APPEAL. Whenever any taxpayer, assessor, the state tax commission or any other party appearing before the board of tax appeals is aggrieved by a decision of the board of tax appeals or a decision on a motion for rehearing, an appeal may be taken to the district court located in the county of residence of the affected taxpayer; or, in the case of a taxpayer whose taxes are assessed on a statewide basis, the district court of Ada county, or to the district court in and for the county in which property affected by an assessment is located. The appeal shall be taken and perfected in the following manner:

(a) The appellant shall cause notice specifying the grounds of appeal to be filed with the clerk of the board of tax appeals within thirty (30) days after copy of the final decision of the board shall have been deposited in the mail. The grounds of appeal specified in such notice shall frame the issues for such appeal.

(b) Any record made in such matter together with the record of all proceedings shall be filed by the clerk with the district court of the proper county.

(c) Appeals shall be heard and determined by the court without a jury in a trial de novo on the issues framed. The court may affirm, reverse or modify the order, direct the tax collector of the county or the state tax commission to refund any taxes found in such appeal to be erroneously or illegally assessed or collected or may direct the collection of additional taxes in proper cases.

(d) Nothing in this section shall be construed to suspend the payment of taxes pending any appeal, except that any privileges as to bonds or other rights extended by the provisions of chapters 30 and 36, title 63, Idaho Code, shall not be affected. Payment of taxes while an appeal hereunder is pending shall not operate to waive the right to an appeal.

(e) Any final order of the district court under this section shall be subject to appeal to the supreme court in the manner provided by law.

SECTION 4. All cases appealed to the district court on or after the effective date of this act shall be reviewed by the district court as provided in this act.

Approved April 13, 1983.
CHAPTER 232
(H.B. No. 340)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. ADMINISTRATION:
FROM:
- General Account $40,400
- Electrical Board Account 70,800
- Idaho Building Code Account 39,100
- Plumbing Board Account 29,700
- Interagency Billing and Receipts Account 13,800
  TOTAL $193,800

B. ELECTRICAL BUREAU:
FROM:
- Electrical Board Account 1,258,200
C. UNIFORM BUILDING BUREAU:
FROM:
- Idaho Building Code Account 326,200
D. PLUMBING BUREAU:
FROM:
- Plumbing Board Account 385,300
E. SAFETY AND LABOR RELATIONS BUREAU:
FROM:
- General Account 368,400
- Mine Safety Training Grant Account 184,400
  TOTAL 552,800

GRAND TOTAL $2,716,300

Approved April 13, 1983.

CHAPTER 233
(H.B. No. 232)

AN ACT
RELATING TO PLATS AND VACATIONS; AMENDING CHAPTER 13, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-1330, IDAHO CODE, TO PROVIDE FOR ACCEPTANCE OR VACATION OF PUBLIC STREETS WITHIN A
HIGHWAY DISTRICT BY HIGHWAY DISTRICT COMMISSIONERS.

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

SECTION 1. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-1330, Idaho Code, and to read as follows:

50-1330. JURISDICTION OF PUBLIC STREETS WITHIN A HIGHWAY DISTRICT. In a county with highway districts, the highway district board of commissioners in such district shall have exclusive general supervisory authority over all streets under their jurisdiction within their district, excluding streets located inside of an incorporated city that has a functioning street department, with full power to accept, create, open, widen, extend or vacate said streets. Provided, however, when said street lies within one (1) mile of a city, or the established county/city impact area or adjacent to a platted area within one (1) mile of a city or the established county/city impact area, consent of the city council of the affected city shall be necessary prior to the granting of acceptance or vacation of said street by the highway district board of commissioners.

Approved April 13, 1983.

CHAPTER 234
(H.B. No. 327)

AN ACT
RELATING TO LOCATION OF STATE HIGHWAYS; AMENDING SECTION 40-121, IDAHO CODE, TO REQUIRE THAT PROPERTY OWNERS FROM WHICH PROPERTY MUST BE PURCHASED FOR RIGHT OF WAY BE INFORMED BY CERTIFIED OR REGISTERED MAIL OF INTENT TO LOCATE A STATE HIGHWAY.

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

SECTION 1. That Section 40-121, Idaho Code, be, and the same is hereby amended to read as follows:

40-121. STATE HIGHWAY SYSTEM -- DETERMINATION THEREOF -- STANDARDS FOR CONSIDERATION OF BOARD -- PROTESTS AND PUBLIC HEARINGS -- APPEALS AND PROCEDURE THEREFOR -- MAPS. In determining which highways or section thereof, the public interest requires shall be a part of the state highway system, the board shall consider the relative importance of each highway to cities, existing business, industry and enterprises and to the development of cities, natural resources, industry and agriculture and be guided by statistics on existing and projected traffic volumes. The board shall also consider the safety and convenience of highway users, the common welfare of the people of
the state, and of the cities within the state and the financial capacity of the state of Idaho to acquire rights of way and to construct, reconstruct and maintain state highways. In making such determination, the board must, before it can abandon, relocate, or replace by a new road, any highway serving or traversing any city, or the area in which such city is located, specifically find and determine that the benefits to the state of Idaho are greater than the economic loss and damage to the city affected. No highway serving or traversing any city shall be abandoned, relocated or replaced by a new road serving the area in which such city is located without the board first holding a public hearing in such city. Written notice thereof, setting forth the action proposed to be taken by the board shall be served upon the mayor of any city affected, and upon all property owners from which acquisition of right of way is necessary and from which such property must be purchased, by certified or registered mail, and shall also be published in at least one (1) issue of a newspaper published and of general circulation in each city affected thereby and if there be no newspaper published in such city, then by posting notice thereof in three (3) of the most public places in such city; such service, publication and posting, shall be made at least ten (10) days prior to the date fixed for any such hearing. The notice shall contain a statement of any action contemplated by the board affecting such city or property owner and shall specify the time and place of such meeting. At such hearing a property owner from which right of way is necessary to be acquired and from which such property must be purchased, the governing body of any city affected may appear, and voice objections to the action proposed to be taken by the board and may present evidence and call witnesses in support of such objections. The board shall give consideration to such protests and objections and make a written decision thereon determining whether or not the proposed action would be of greater benefit to the state of Idaho than the economic loss and damage resulting to the city. The board shall serve such written decision upon the governing body of any affected city and property owners within ten (10) days following the completion of said hearing and no action shall be taken by the board prior to the service of such written decision.

Within ten (10) days after the written decision shall have been served, an appeal may be taken from such decision by such person from which such property must be purchased, interested city or board of county commissioners to the district court in and for the county in which such city affected by said order is located. The appeal shall be taken and perfected in the following manner:

1. The appellant shall file with the clerk of the district court of the proper county, and serve upon the board, notice specifying the grounds of appeal, and a certified copy of the decision of the board appealed from. Thereafter said district court shall have jurisdiction of said matter and may make any order or judgment that the equities of the case require. Upon such appeal being perfected, such appeal shall receive a preferential place on the calendar of the district court.

2. Appeal shall be heard and determined by the district court in a summary manner as in a suit in equity, and the trial thereof shall be a trial de novo on the issues framed. The court may affirm,
reverse, or modify the order appealed from and may issue injunctions whenever it appears necessary for the protection of the interests of any party to said appeal.

3. No bond or undertaking shall be required of any party appealing under any of the provisions of this section.

4. The filing fees required in the district court shall be the same as is provided for filing cases originally in said court.

Any final order or judgment of the district court under this section shall be appealable to the Supreme Court of the state of Idaho within thirty (30) days following the entry of such final order or judgment in the same manner as appeals in civil actions are taken to the Supreme Court.

The Idaho transportation board shall take no action on any matter affecting any property owner from which right of way is necessary to be acquired or any city until either:

(a) The time has elapsed for an appeal to the district court and no appeal has been taken therefrom; or

(b) If an appeal has been taken to the district court, then until the time for appeal from its final order or judgment to the Supreme Court has elapsed and no such appeal has been taken; or

(c) If an appeal has been taken to the Supreme Court, then until the matter has been finally determined by such court.

The board shall cause to be prepared and publicly displayed in a conspicuous place in the state capitol building, a complete map of the state highway system in which each section thereof shall be identified by location, length and a control number. Said map shall be of suitable size and scale and contain such data and information as deemed appropriate by the board. Periodically, and not less than once each year, the board shall revise and correct said map to record the changes in the designated state highway system resulting from additions, abandonments and relocations. Hand maps of the state highway system shall be issued periodically for public distribution.

Approved April 13, 1983.

CHAPTER 235
(H.B. No. 355)

AN ACT
RELATING TO LIMITATIONS ON BUDGET REQUESTS; AMENDING SECTION 33-802, IDAHO CODE, TO STRIKE REFERENCE TO A LIMITATION ON CERTAIN SCHOOL DISTRICTS' LEVIES; AMENDING SECTION 63-2220, IDAHO CODE, TO PROVIDE A LIMITATION ON SCHOOL DISTRICTS' BUDGET REQUESTS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. 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 the levies upon each dollar of taxable property in the district 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 four-tenths of one percent (.4%) applied to the adjusted market value for assessment purposes of the district for the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), or
   (b) Four-tenths of one percent (.4%) applied to the actual market value for assessment purposes of the district for the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), 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, Idaho Code.

4. The privilege of a charter notwithstanding, all charter districts shall limit the ad valorem portion of the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, unless 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. If so authorized, and if not in conflict with any provision of its charter, all levies made thereafter by such charter district in excess of the levies authorized in paragraph 2 of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

5. All non-charter school districts shall limit the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, except when such limitation would produce a levy less than the district contribution calculation required by section 33-1892--7--a ;) Idaho Code; in such event, the district may levy an amount equal to the district contribution calculation, subject to the provisions of paragraph 3 of this section.

SECTION 2. That Section 63-2220, Idaho Code, as amended by House Bill No. 306, First Regular Session, Forty-seventh Idaho Legislature,
be, and the same is hereby amended to read as follows:

63-2220. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (2), for its fiscal year commencing in 1981 and each year thereafter, no taxing district shall certify a budget request to finance the ad valorem portion of its operating budget that exceeds:

(i) the greater of (a) or (b):

(a) the dollar amount of ad valorem taxes certified for its operating budget in 1978, 1979, 1980, or the year preceding the current tax year, whichever is greater, which amount may be increased by a growth factor of not to exceed five percent (5%), except that for school districts, the budget request shall not include the dollar amount made available to that school district under the provisions of section 33-1009 6., Idaho Code, during the previous year, and except that a school district shall not use the dollar amount of ad valorem taxes certified in 1978; or

(b) subject to the same restrictions for school districts as provided by paragraph (a), the dollar amount of ad valorem taxes certified for its operating budget in 1978, 1979, 1980, or the year preceding the current tax year, whichever is greater, which amount may be increased by a growth factor determined by applying the current year tax rates to not more than eighty percent (80%) of the increase in market value for assessment purposes, without any allowance for exemptions allowed by section 63-105DD, Idaho Code; or

(ii) the dollar amount of ad valorem taxes certified for its operating budget during the last year in which a levy was made, if no levy was made during 1978 or 1979 or 1980; or

(iii) the dollar amount of the actual budget request, if the taxing district is newly created; or

(iv) in the case of school districts, the amount of the district contribution calculation applied to the current year's market value for assessment purposes.

(2) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for operating budget purposes which exceeds the limitation imposed by subsection (1), 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, and the dollar amount of ad valorem taxes certified pursuant to such voter approval shall be used in applying the limitations imposed by subsection (1)(i) above for a period not to exceed five (5) years after such voter approval, provided such election was held after November 7, 1978.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1983.

Approved April 13, 1983.
CHAPTER 236
(H.B. No. 333, As Amended, As Amended)

AN ACT
RELATING TO WILLS; AMENDING CHAPTER 2, PART 6, TITLE 15, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 15-2-616, IDAHO CODE, TO PROVIDE RESTRICTIONS AGAINST ANY BEQUEATH OR DEVISE BY A TESTATOR WHO IS A RESIDENT OF A NURSING HOME TO INDIVIDUALS WHO OWN, OPERATE, OR ARE EMPLOYED AT THE NURSING HOME.

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

SECTION 1. That Chapter 2, Part 6, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-616, Idaho Code, and to read as follows:

15-2-616. RESTRICTION ON DEVICES TO NURSING HOME OR SHELTER HOME OPERATORS. No estate, real or personal, shall be bequeathed or devised, either directly or indirectly, to any person who owns, operates or is employed at a nursing home or shelter home, whether or not licensed, in which the testator was a resident within one (1) year of his death if the will was executed while the testator was a resident of the facility, except the same be done by will duly executed at least one (1) year before the death of the testator. This section shall apply to all property passing by testate succession after the effective date of this section regardless of when the will was written; provided, this section shall in no way limit or affect the rights of a beneficiary who is related to the testator, or who is a charitable or benevolent society or corporation; provided further that the foregoing limitations shall not apply to wills of persons whose death is caused by accidental means and whose wills are executed prior to the accident which results in death.

Approved April 13, 1983.

CHAPTER 237
(H.B. No. 353)

AN ACT
RELATING TO TAX LEVIES FOR TUITION CHARGES; AMENDING SECTION 33-1408, IDAHO CODE, TO PROVIDE THAT ANY SCHOOL DISTRICT IS AUTHORIZED TO MAKE A TAX LEVY TO PAY FOR TUITION FOR STUDENTS ATTENDING SCHOOL IN ANOTHER DISTRICT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1408, Idaho Code, be, and the same is hereby amended to read as follows:

33-1408. SPECIAL LEVY FOR TUITION. Any school district which does not operate a school that offers instruction above grade ten is hereby authorized to make a levy above the maintenance and operation levy otherwise authorized by law for the purpose of paying tuition costs of its students who, under authorization of the board of trustees of the district, attend school in another district either in or out of Idaho, except for those costs reimbursed by the state under border contracts. Any levy made under the provisions of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

Approved April 13, 1983.

CHAPTER 238
(H.B. No. 107, As Amended in the Senate)

AN ACT
RELATING TO PLUMBING SYSTEMS; AMENDING SECTION 39-2704, IDAHO CODE, TO PROVIDE THAT A PLUMBING SYSTEM SHALL NOT INCLUDE WATER CONDITIONING EQUIPMENT AND TO DEFINE WATER CONDITIONING EQUIPMENT, AND PROVIDING A BONDING REQUIREMENT.

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

SECTION 1. That Section 39-2704, Idaho Code, be, and the same is hereby amended to read as follows:

39-2704. PLUMBING SYSTEMS. (1) A plumbing system, public or private, means and includes:
(a) plumbing fixtures, interconnecting system pipes and traps;
(b) soil, waste and vent pipes;
(c) building drains and building sewers;
(d) sanitary and storm water drainage facilities;
(e) liquid waste and sewerage facilities;
(f) water supply systems and distribution and disposal pipes of any premises;
(g) water treating and water using equipment attached to a plumbing system except for water conditioning equipment; and
(h) all the respective connections, devices and appurtenances of any plumbing system, public or private, within or adjacent to any building, residence or structure to and including a connection with any point of a public or private supply, distribution or disposal system or other acceptable terminal.
(2) As used in this section, "water conditioning equipment" shall
mean those devices necessary to remove impurities and sediment from water.

(3) It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause to be done, whether acting as a principal, agent, or employee, any construction, installation, improvement, extension or alteration of any plumbing system or water conditioning equipment in any residence, building, or structure, or service lines thereto, in the state of Idaho, without complying with the bonding provisions as provided by section 39-2702, Idaho Code.

Approved April 13, 1983.
control of the snowmobile.

(5) "Public roadway" means all portions of any road or street, improved, designed or ordinarily used for travel or parking of motor vehicles, which is controlled by an authority other than the state highway department.

(6) "Department" means the Idaho transportation department of parks and recreation.

(7) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles.

(8) "Highway" means all highways as defined by law, except public roadway as defined above.

(9) "Agent" means any person authorized by the department to sell registrations.

(10) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(11) "Director" means the director of the department of parks and recreation.

SECTION 2. That Section 49-2608, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 26, 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 49-2608, Idaho Code, and to read as follows:

49-2608. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE ACCOUNT. (1) Each county assessor and authorized agent shall not later than the fifteenth day of each month remit all moneys collected under the provisions of this chapter to the state treasurer for credit to the state snowmobile account, which account is hereby established in the dedicated fund, to be administered by the director of the department.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated in that county during that registration period. Application for additional funds shall be made to the department by each county prior to the second Monday of August of each year. The moneys applied for shall be used solely for a bona fide snowmobile program. Counties with a bona fide snowmobile program, may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the statewide snowmobile account generated each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile account.

(4) Authorized agents and county assessors shall be entitled to charge an additional fifty cents (50¢) handling fee per registration
for the distribution of certificates of number.

(5) Counties which have not established a bona fide snowmobile program shall remit the entire balance in the county snowmobile fund to the state treasurer for credit to the state snowmobile account, and shall be available to counties with a bona fide snowmobile program. Application for such moneys shall be made prior to the second Monday of August of that registration period.

SECTION 4. That Section 49-2612, Idaho Code, be, and the same is hereby amended to read as follows:

49-2612. RESPONSIBILITY FOR ENFORCEMENT. The provisions of this act chapter shall be enforced by the law enforcement personnel of the department of law enforcement, the department of fish and game, employees of the department of parks and recreation authorized by the director of the department of law enforcement, the sheriffs and their deputies of the various counties in the state and the police of each city.

SECTION 5. That Chapter 26, 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 49-2615, Idaho Code, and to read as follows:

49-2615. RULES AND REGULATIONS. The director is authorized to adopt and enforce administrative rules and regulations under the provisions of chapter 52, title 67, Idaho Code, as necessary to carry out the provisions of this chapter.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after April 1, 1983.

Approved April 13, 1983.
known and designated as Section 63-3640A, Idaho Code, and to read as follows:

63-3640A. CONTRACTS ENTERED INTO BEFORE EFFECTIVE DATE OF INCREASED TAX. (1) Commencing March 1, 1983, and ending June 30, 1984, the purchase, use, storage or other consumption of tangible personal property which is otherwise subject to the taxes imposed by this chapter by persons defined in section 63-3609(a), Idaho Code, shall be exempt from the additional taxes imposed by section 63-3640, Idaho Code, if:

(a) The tangible personal property is purchased, used, stored or otherwise consumed for incorporation into real property; and
(b) The tangible personal property is purchased, used, stored or otherwise consumed in regard to a project performed by such person pursuant to a qualified contract; and
(c) The taxpayer claims the exemption in the manner provided by subsection (3) of this section.

(2) As used in this section, the term "qualified contract" means a contract which:

(a) Is a written contract; and
(b) Was in effect on February 28, 1983, or was submitted for bid or bid in written form on or before February 28, 1983, and subsequently became a written contract; and
(c) Was negotiated or bid based upon the sales or use tax being three percent (3%); and
(d) Requires the cost of the sales or use tax to be borne by the contractor.

(3) A person entitled to the exemption granted in subsection (1) of this section may submit a claim for refund to the state tax commission for the amount of additional tax imposed by section 63-3640, Idaho Code, actually paid by him to which the exemption granted in subsection (1) of this section applies. The claim for refund shall include:

(a) A copy of a written contract which is a qualified contract; and
(b) A detailed invoice prepared by the seller showing all items of tangible personal property purchased by the claimant, the sale of which is subject to the exemption granted in subsection (1) of this section; and
(c) A document signed by the purchaser certifying that the tangible personal property shown on the invoice required by subpart (3)(b) of this section has in fact been used by him on the project to which the qualified contract relates.

(4) Upon receipt of the claim for refund, the state tax commission shall review the claim and, if it finds it to be proper, shall pay the refund together with interest from the date that the claim was filed at the rate established by section 63-3045, Idaho Code, within thirty (30) days from the date the claim was received by the commission.

(5) The use or incorporation into real property of any tangible personal property upon which the exemption provided by subsection (1) of this section has been claimed pursuant to any contract other than a
qualified contract shall be a misdemeanor.

(6) In addition to the criminal penalties provided by subsection (5) of this section, the use or incorporation into real property of tangible personal property upon which the exemption provided by subsection (1) of this section has been claimed pursuant to any contract which is not a qualified contract shall subject the user to a penalty of three (3) times the sales or use tax otherwise due under this chapter to be enforced and collected as provided by sections 63-3634 and 63-3635, Idaho Code.

(7) In the case of a retailer who makes sales of tangible personal property to any person entitled to the exemption granted in subsection (1) of this section who is for any reason unable to collect the additional tax imposed by section 63-3640, Idaho Code, from the purchaser, the retailer shall be entitled to claim the refund otherwise available to the purchaser. The claim for refund shall be filed in the manner prescribed by subsection (3) of this section. Nothing in this subsection shall excuse the retailer from reporting sales and use taxes at the full statutory rate on all taxable sales made during the period to which his sales or use tax return relates. If a refund claim is filed concurrently with the return, the refund claimed may be credited against the tax due on the return. Any retailer who claims a refund for any taxes actually collected from the purchaser shall be subject to a penalty of three (3) times the sales or use tax refund improperly claimed to be enforced and collected as provided by sections 63-3634 and 63-3635, 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 March 1, 1983.

Approved April 13, 1983.

CHAPTER 241
(H.B. No. 180, As Amended in the Senate)

AN ACT
RELATING TO CHAIN OR PYRAMID SCHEMES; AMENDING CHAPTER 31, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3101, IDAHO CODE, TO PROVIDE THAT CHAIN OR PYRAMID SCHEMES ARE PROHIBITED, TO PROVIDE PENALTIES, TO PROVIDE THAT A CHAIN OR PYRAMID SCHEME IS AN UNFAIR AND DECEPTIVE PRACTICE AND TO PROVIDE FOR A SCOPE OF REMEDY.

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

SECTION 1. That Chapter 31, 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 18-3101, Idaho Code, and to read as
follows:

18-3101. CHAIN OR PYRAMID DISTRIBUTOR SCHEMES PROHIBITED -- PENALTIES -- SALE OF INTEREST VOIDABLE -- SCOPE OF REMEDY. (1) It is illegal and prohibited for any person, or any agent or employee thereof, to promote, offer, advertise or grant participation in a chain or pyramid distributor scheme.

(2) As used herein:
(a) A "chain distributor scheme" or a "pyramid distributor scheme" means any plan or operation whereby a person gives consideration for the opportunity to receive consideration to be derived primarily from any person's introduction of other persons into participation in the plan or operation rather than from the sale of goods, services, or other intangible property by the person or other persons introduced into the plan or operation.
(b) "Consideration" means anything of value, but shall not include:
1. The not for profit sale of sales demonstration equipment and materials for use in making sales and not for resale.
2. Time or effort spent in selling or recruiting activities.
(c) "Person" means a natural person, partnership, corporation, trust, estate, business trust, joint venture, unincorporated association, or any other legal or commercial entity.
(3) A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility, or upon payment of anything of value by a person whereby the person obtains any other property in addition to the right to receive consideration, does not change the identity of the scheme as a chain or pyramid distributor scheme.
(4) Any person, or any agent or employee thereof who wilfully and knowingly promotes, offers, advertises, or grants participation in a chain or pyramid distributor scheme shall be guilty of a felony.
(5) All chain or pyramid distribution schemes offered by the same person, or agents or employees thereof, or any person controlled by or affiliated with such person, for the same type of consideration, at substantially the same period of time and for the same general purpose, shall be deemed to be one (1) integrated chain or pyramid distributor scheme, even though such chain or pyramid distributor schemes may be given different names or other designations.
(6) Any violation of this act shall also be deemed an unfair and deceptive practice in violation of the Idaho consumer protection act. Any person aggrieved by a violation of this section can recover monetary damages pursuant to the Idaho consumer protection act.
(7) The rights and remedies that are granted under the provisions of this section to purchasers in chain or pyramid distributor schemes are independent of and in addition to any other right or remedy available to them in law or equity, and nothing contained herein shall be construed to diminish or abrogate any such right or remedy.

Approved April 14, 1983.
CHAPTER 242
(H.B. No. 246, As Amended in the Senate)

AN ACT
RELATING TO THE MOTOR FUEL EXCISE TAX; AMENDING SECTION 40-405, IDAHO CODE, TO CONTINUE THE FORMULA FOR DISTRIBUTION OF A ONE CENT INCREASE IN THE MOTOR FUEL EXCISE TAX RATE; AMENDING SECTION 63-2405, IDAHO CODE, AS ENACTED BY SENATE BILL NUMBER 1049, AS AMENDED IN THE HOUSE, FIRST REGULAR SESSION, FORTY-SEVENTH IDAHO LEGISLATURE, TO INCREASE THE RATE OF EXCISE TAX ON MOTOR FUELS TO FOURTEEN AND ONE-HALF CENTS PER GALLON AND TO PROVIDE THAT ONE CENT OF THE MOTOR FUEL EXCISE TAX SHALL BE PUT INTO AN ACCOUNT FOR LOCAL UNITS OF GOVERNMENT TO BE USED FOR MAINTENANCE AND CONSTRUCTION OF LOCAL ROADS AND STREETS; AND DECLARING AN EMERGENCY.

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 ACCOUNT. There is hereby appropriated and allocated out of the state highway account of the state of Idaho, to the local units of government of the state, thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to such state highway account between January 1 and December 31 of each year, and until the beginning of fiscal year 1984, plus an additional amount equal to one cent (1¢) per gallon of motor fuels and aircraft fuels excise tax as set forth in section 63-24065, Idaho Code, 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: thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of January, February, and March of each year not later than April 25 of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of April, May and June of each year not later than July 25 of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of July, August, and September of each year not later than the 25th of October of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of October, November, and December of each year not later than January 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 (b) 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 63-2405, Idaho Code, as enacted by Senate Bill No. 1049, as amended in the House, First Regular Session, Forty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

63-2405. IMPOSITION OF TAX. An excise tax is hereby imposed on all gasoline and/or aircraft engine fuel received. The tax is to be paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of twelve fourteen and one-half cents (124 1/2¢) per gallon, one cent (1¢) of which shall be put into the account for local units of government to be used in the maintenance and construction of local roads and streets. From May 1, 1981, to April 30, 1986, the rate of the excise tax to be imposed on gasohol, shall be four cents (4¢) per gallon less than the amount of the excise tax that is imposed on gasoline and/or aircraft engine fuel by this section. On and after May 1, 1986, the same amount of excise tax shall be imposed on gasohol as is imposed on gasoline and/or aircraft engine fuels. That tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, 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 April 14, 1983.

SECTION 1. It is legislative intent that the expenditures for the listed items not exceed the following amounts for the period July 1, 1983, through June 30, 1984:

FOR NATIONAL ORGANIZATION DUES:

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<td>National Conference of State Legislatures</td>
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<td>Council of State Governments</td>
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<td>Western States Forestry Task Force</td>
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<td>Education Commission of the States</td>
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<td><strong>TOTAL</strong></td>
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SECTION 2. There is hereby appropriated to the Legislative Council the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. RESEARCH ASSISTANCE

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B. LEGISLATIVE MANAGEMENT

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<tbody>
<tr>
<td>General Account</td>
<td>$75,000</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>3,900</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$81,900</strong></td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:
A. LEGISLATIVE AUDITOR
FROM:
General Account $440,200
Interagency Billing and Receipts Account $337,600
TOTAL $777,800

B. LEGISLATIVE BUDGET OFFICE
FROM:
General Account $344,800

C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE
FROM:
General Account $1,000


Approved April 14, 1983.

CHAPTER 244
(S.B. No. 1093, As Amended)

AN ACT
RELATING TO ALLOWABLE GROSS LOADS; AMENDING SECTION 49-901, IDAHO CODE, BY INCREASING CERTAIN SINGLE AXLE AND WHEEL GROSS WEIGHT LIMITATIONS.

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

SECTION 1. That Section 49-901, Idaho Code, be, and the same is hereby amended to read as follows:

49-901. ALLOWABLE GROSS LOADS. No vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, which with the load thereon exceeds the following weight limitations, shall be operated on the United States federal interstate and defense highways of this state:

(a) The total gross weight imposed on the highway by any one (1) axle shall not exceed 18,000 pounds, nor shall the total gross weight imposed on the highway by any one (1) wheel exceed 9,000 pounds.

(b) The total gross weight imposed on the highway by any group of consecutive axles shall not exceed the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet</th>
<th>Allowed Weight in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>30,500</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>32,000</td>
<td>32,000</td>
</tr>
</tbody>
</table>
(c) The weight limitations set forth in subsections (a) and (b) hereof shall not apply to any vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof, engaged in the transportation of logs, pulp wood, stull, rough lumber, poles or piling; nor to any such vehicle engaged in the transportation of ores, concentrates, sand and gravel, and aggregates thereof, in bulk; nor to any such vehicle engaged in the transportation of agricultural commodities including livestock, but no such vehicle shall be operated on the highways of this state where the total gross weight imposed on the highway by any one (1) axle exceeds 18,900 twenty thousand (20,000) pounds, or where the total gross weight imposed on the highway by any one (1) wheel exceeds 9,450 ten thousand (10,000) pounds, or where the total gross weight imposed on the highway by any group of consecutive axles exceeds the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet Allowed Load in Pounds</th>
<th>Vehicles with</th>
<th>Vehicles with</th>
</tr>
</thead>
<tbody>
<tr>
<td>between First and Last Axles of any Group of Axles</td>
<td>Three or Four Axles</td>
<td>Five or More Axles</td>
</tr>
<tr>
<td>3</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>4</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>5</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>6</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>7</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>8</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>9</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>10</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>11</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>12</td>
<td>37,800</td>
<td>37,800</td>
</tr>
<tr>
<td>13</td>
<td>56,470</td>
<td>56,470</td>
</tr>
<tr>
<td>14</td>
<td>57,940</td>
<td>57,940</td>
</tr>
<tr>
<td>15</td>
<td>59,400</td>
<td>59,400</td>
</tr>
<tr>
<td>16</td>
<td>60,610</td>
<td>60,610</td>
</tr>
<tr>
<td>17</td>
<td>61,820</td>
<td>61,820</td>
</tr>
<tr>
<td>18</td>
<td>63,140</td>
<td>63,140</td>
</tr>
<tr>
<td>19</td>
<td>64,350</td>
<td>64,350</td>
</tr>
<tr>
<td>20</td>
<td>65,450</td>
<td>65,450</td>
</tr>
<tr>
<td>21</td>
<td>66,000</td>
<td>66,330</td>
</tr>
<tr>
<td>22</td>
<td>66,000</td>
<td>67,250</td>
</tr>
<tr>
<td>23</td>
<td>66,000</td>
<td>67,880</td>
</tr>
<tr>
<td>24</td>
<td>66,000</td>
<td>68,510</td>
</tr>
<tr>
<td>25</td>
<td>66,000</td>
<td>69,150</td>
</tr>
<tr>
<td>26</td>
<td>66,000</td>
<td>69,770</td>
</tr>
<tr>
<td>27</td>
<td>66,000</td>
<td>70,400</td>
</tr>
<tr>
<td>28</td>
<td>66,000</td>
<td>70,950</td>
</tr>
<tr>
<td>29</td>
<td>66,000</td>
<td>71,500</td>
</tr>
<tr>
<td>30</td>
<td>66,000</td>
<td>72,050</td>
</tr>
<tr>
<td>31</td>
<td>66,000</td>
<td>72,600</td>
</tr>
<tr>
<td>32</td>
<td>66,000</td>
<td>73,150</td>
</tr>
<tr>
<td>33</td>
<td>66,000</td>
<td>73,700</td>
</tr>
<tr>
<td>34</td>
<td>66,000</td>
<td>74,250</td>
</tr>
</tbody>
</table>
(d) The weight limitations set forth in subsections (a) and (b) hereof shall not apply to any vehicle, motor vehicle, trailer and/or semi-trailer, or combination thereof when a greater allowed weight in pounds would be permitted such vehicles under the table provided in this subsection, but no such vehicle shall be operated on the highways of this state where the total gross weight imposed on the highway by any one (1) axle exceeds 18,900 pounds, or where the total gross weight imposed on the highway by any one (1) wheel exceeds 9,450 pounds, or where the total gross weight imposed on the highway by any group of consecutive axles exceeds the weight set forth for the respective axle spacing in the following table:

<table>
<thead>
<tr>
<th>Distance in Feet</th>
<th>Allowed Load in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicles with Four Axles</td>
</tr>
<tr>
<td>3</td>
<td>37,800</td>
</tr>
<tr>
<td>4</td>
<td>37,800</td>
</tr>
<tr>
<td>5</td>
<td>37,800</td>
</tr>
<tr>
<td>6</td>
<td>37,800</td>
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<tr>
<td>7</td>
<td>37,800</td>
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<td>8</td>
<td>37,800</td>
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<td>9</td>
<td>37,800</td>
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<tr>
<td>10</td>
<td>37,800</td>
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<tr>
<td>11</td>
<td>37,800</td>
</tr>
<tr>
<td>12</td>
<td>37,800</td>
</tr>
<tr>
<td>13</td>
<td>56,470</td>
</tr>
<tr>
<td>14</td>
<td>57,940</td>
</tr>
<tr>
<td>15</td>
<td>59,400</td>
</tr>
<tr>
<td>16</td>
<td>60,610</td>
</tr>
<tr>
<td>17</td>
<td>61,820</td>
</tr>
</tbody>
</table>
In applying the weight limitations imposed by this section the distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half (1/2) foot the next larger whole number shall be used.

The limitations imposed by this section are in addition and supplemental to all other laws imposing limitations upon the size and weight of vehicles.

Approved April 20, 1983.
CHAPTER 245
(1S.B. No. 1099, As Amended, As Amended in the House)

AN ACT
RELATING TO THE BOARD OF ARCHITECTURAL EXAMINERS; AMENDING SECTION 54-302, IDAHO CODE, TO CLARIFY LANGUAGE AND TO GRANT THE BOARD RULE-MAKING POWER; AMENDING CHAPTER 3, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-302A, IDAHO CODE, TO PROVIDE FOR LICENSING BY ENDORSEMENT AND TO PERMIT TEMPORARY PRACTICE IN THE STATE; AMENDING SECTION 54-303, IDAHO CODE, TO CLARIFY LANGUAGE AND TO ALLOW THE BOARD CERTAIN RULE-MAKING POWERS; AMENDING SECTION 54-304, IDAHO CODE, TO INCREASE PERMITTED FEES AND AUTHORIZE FEES FOR TEMPORARY PRACTICE TO BE SET BY BOARD RULE; AMENDING SECTION 54-305, IDAHO CODE, TO ALTER THE REQUIREMENTS FOR LICENSE DISCIPLINARY MEASURES, AND TO REMOVE THE REQUIREMENT FOR A TRIAL DE NOVO ON APPEAL; AMENDING SECTION 54-307, IDAHO CODE, TO ALLOW EXCEPTIONS AND TO REMOVE A RESIDENTIAL REQUIREMENT FOR MAINTAINING A PRACTICE; AMENDING SECTION 54-309, IDAHO CODE, TO CLARIFY THE DEFINITION OF THE PRACTICE OF ARCHITECTURE AND TO ADD AN EXCEPTION FOR EXPERT CONSULTATION PERFORMED UPON APPROVAL OF AN ARCHITECT; AMENDING SECTION 54-310, IDAHO CODE, TO PROVIDE EXEMPTIONS; AMENDING SECTION 54-312, IDAHO CODE, TO PROVIDE FOR SIX BOARD MEMBERS, TO REQUIRE THAT ONE MEMBER BE AN ARCHITECTURAL EDUCATOR, TO ADD POWERS TO ADOPT ADMINISTRATIVE RULES, CONDUCT INVESTIGATIONS; AMENDING CHAPTER 3, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-316, IDAHO CODE, TO PERMIT AND REGULATE ARCHITECTURAL PRACTICE BY OUT-OF-STATE FIRMS.

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

SECTION 1. That Section 54-302, Idaho Code, be, and the same is hereby amended to read as follows:

54-302. QUALIFICATIONS FOR EXAMINATION AND LICENSE ---REQUIRED. 1. A person applying for examination and license shall submit satisfactory evidence of the following to the board of architectural examiners:

1a. That he is of good moral character;

2a. Graduation from an approved accredited architectural curriculum in a school or college approved by the board of architectural examiners as of satisfactory standing, and a specific record of an additional three (3) years or more of experience in architectural work of a character deemed satisfactory to the board, and by rule indicating that the applicant is competent to practice architecture, or;

3b. Evidence satisfactory to the board of architectural examiners that the applicant possesses that the applicant has attained standards, as the board may adopt by rule, of knowledge and skill approximating that attained through graduation from an approved accredited architectural curriculum, and a specific record of eight (8) years or more of experience in architectural work of a character deemed satisfactory to the board by rule, and indicating that the applicant is
competent to practice architecture, or

4. The board of architectural examiners may exempt from examination an applicant for license who holds a valid license or certificate of practice architecture issued to him by the proper authority of another state or territory or political subdivision of the United States, or of a foreign country, and provided the applicant has successfully passed an examination equivalent in time and subject matter to the standards established by the National Council of Architectural Registration Boards, and furnishes to the board a council certificate of such attainment, and further provided the state in which the applicant is licensed grants equivalent reciprocal privileges to licensed architects of this state.

2. The board may adopt, by rule, as its own standards for education and experience, the guidelines published by the national council of architectural registration boards.

SECTION 2. That Chapter 3, 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 54-302A, Idaho Code, and to read as follows:

54-302A. LICENSE BY ENDORSEMENT -- TEMPORARY PRACTICE. 1. Applicants may be licensed by endorsement, if:
   a. The applicant holds a current and valid license issued by another state, a licensing authority recognized by the board; and
   b. The applicant holds a national council of architectural registration boards certificate; and
   c. The applicant pays the fees specified in section 54-304, Idaho Code, files an application with the board, upon a form prescribed by the board, containing such information satisfactory to the board concerning the applicant as the board considers pertinent.

2. An architect, not licensed in this state, seeking an architectural commission in this state, shall be permitted to practice in the state for a period not to exceed six (6) months, for the purpose of offering to render architectural services and for that purpose only, without first having been licensed by the board, if:
   a. The applicant holds a current and valid license issued by a licensing authority recognized by the board; and
   b. The applicant holds a national council of architectural registration boards certificate; and
   c. The applicant notifies the board in writing, prior to any practice, including evidence to satisfy subsections 2a and 2b of this section, that he will be present in the state for the purpose of offering to render architectural services; and
   d. The applicant pays the fee as specified by section 54-304, Idaho Code, and set by board rule.

3. Persons allowed to offer architectural services under subsection 2 of this section are prohibited from doing more than offering such services or actually rendering architectural services until fully licensed by the board. Violation of this provision, if found by the board after a hearing under chapter 52, title 67, Idaho Code, constitutes grounds for refusal to issue a license.
SECTION 3. That Section 54-303, Idaho Code, be, and the same is hereby amended to read as follows:

54-303. REGULAR EXAMINATIONS. The bureau of occupational licenses shall hold each year at least one (1) examination for license to practice architecture, if there be any such applicants. The examinations shall be conducted by the board of architectural examiners under fair and wholly impartial methods and subject to such rules and regulations as the board may establish to test the applicant's qualifications in all branches of the professional practice of architecture with special reference to the structural stability of buildings and the protection of life, health, and property. The board may adopt, by rule, the examinations and recommended grading procedures of the national council of architectural registration boards.

SECTION 4. That Section 54-304, Idaho Code, be, and the same is hereby amended to read as follows:

54-304. FEES -- ISSUANCE OF LICENSES. Every person applying for examination for a license under this chapter shall pay a fee of not to exceed two thousand fifty dollars ($2,500), as established by board regulations rules, to the bureau of occupational licenses. In case the applicant fails to qualify, said fee shall be retained by the bureau to cover the necessary expenses of said examination. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a certificate setting forth the fact that he is a licensed architect and authorized to practice his profession in this state. The fee for reexamination shall be a fee not to exceed two hundred fifty dollars ($250), as established by board regulations rules. The fee for obtaining a license under the provisions of subsection 1 of section 54-302A, Idaho Code, shall be one hundred dollars ($100). The fee for permission under subsection 2 of section 54-302A, Idaho Code, shall be an amount not to exceed one hundred dollars ($100), as adopted by board rule. The annual fee for renewal of a license shall be forty dollars ($40.00), which shall be paid to the bureau. The fee for reinstatement of any license shall be as provided in section 67-2614, Idaho Code.

SECTION 5. That Section 54-305, Idaho Code, be, and the same is hereby amended to read as follows:

54-305. REVOCATION AND SUSPENSION OF LICENSES -- GROUNDS -- APPEAL -- SUBSEQUENT LICENSE. 1. The board may refuse to grant, or may temporarily suspend a license to practice architecture in this state for a period not to exceed two (2) years, or may revoke a license, upon any one (1) of the following grounds:
   a. The employment of any fraud or deception in applying for a license or in passing the examination required under this chapter.
   b. The employment of a fraud or deceit in the practice of his profession or procuring any contract in the practice of his
profession by fraudulent means, or upon conviction of a felony involving the practice of architecture.

2. A display of incompetency or recklessness in the practice of architecture resulting in a detriment to life, health, or public safety.

d. The conviction of a crime involving moral turpitude, or adjudication of mental incompetency or insanity.

e. Affixing of his signature to, or impressing his seal upon, any plans, drawings, specifications, or other instruments of service which have not been prepared by him in his office, or under his immediate and responsible direction, or has permitted his name to be used for the purpose of assisting any person, not a licensed architect, to evade the provisions of this chapter.

f. Receiving of rebates, commissions, grants of money or other favors in connection with the work, without the knowledge of the party for whom he is working, or having a pecuniary interest in the performance of the contract for the work designed, planned or supervised by him without the knowledge and consent of the owner.

g. Practicing architecture contrary to the provisions and requirements of this chapter.

h. Violation of rules of conduct for architects which the board may adopt in accordance with guidelines published by the national council of architectural registration boards.

i. Practicing architecture without being licensed, in violation of licensing laws of the jurisdiction in which the practice took place.

2. Before any license shall be revoked or suspended, or the issuance thereof denied under subsection 3 of section 54-302A, Idaho Code, the holder or applicant shall be entitled to at least twenty (20) days' notice in writing of the nature of the charge against him and of the time and place of the meeting before the board for the purpose of hearing and determining such charge. Any revocation or suspension of license shall be certified in writing by the said board and attested to with the official seal of said board affixed thereto; and such revocation or suspension of license shall be filed in the office of the secretary of state, who shall be paid the usual fee for filing similar documents in his office.

3. The holder of any license may within twenty (20) days after the filing of such certificate with the secretary of state appeal from such order of revocation or suspension to the district court in the county where a copy of such license is filed, by filing with the clerk of said court a notice of appeal, together with a certified copy of the certificate of revocation or suspension and payment to said clerk a fee of five dollars ($5.00). Such case appeal shall be tried-in-said court-de-novo-the-same-as-all-other-cases-are-tried-and-a-notice-of appeal-duly-filed-shall-stay-any-order-of-revocation-or-suspension until-final-determination-of-the-matter-on-appeal conducted in accordance with chapter 52, title 67, Idaho Code.

4. Any person whose license has been revoked by said board for cause and the order revoking or suspending the same not having been revoked by a court of competent jurisdiction, may apply for a reissuance or reinstatement of a license and the board, for reasons it may
deem sufficient, may reissue or reinstate the license to such person, provided, however, that it shall not reissue a license until the expiration of one (1) year after the date of an order of revocation.

SECTION 6. That Section 54-307, Idaho Code, be, and the same is hereby amended to read as follows:

54-307. LICENSE IS INDIVIDUAL -- FIRM NAME. 1. Every person practicing or offering to practice architecture as herein defined, and not otherwise excepted, shall have a separate license under his own name. A license shall not be issued in the name of any firm or corporation. 2. The holder of a license shall not maintain, in the practice of architecture, any person who does not hold a license to practice architecture in this state, unless such unlicensed person works under the immediate and personal direction and supervision of his licensed employer supervisor who shall regularly and customarily attend his business in the same quarters.

3. When an architectural firm maintains or professes to maintain a permanent office or facility within this state for the purpose of practicing architecture, a principal of the firm registered in the state of Idaho must establish and maintain residence within this state.

4. All architects practicing architecture as individuals, all existing firms and all firms organized and formed henceforth, or when any change in the personnel of the firm occurs, whether by withdrawal, addition, resignation or death, or upon a change in the firm name, shall make and file with the bureau of occupational licenses, a sworn statement giving the names and addresses of all its present members and the name under which the firm is practicing architecture. Nothing in this section shall prevent the surviving members of a partnership, professional association or professional corporation, from continuing the existing firm name as long as the practice and business is continued under the existing firm name without change.

SECTION 7. That Section 54-309, Idaho Code, be, and the same is hereby amended to read as follows:

54-309. DEFINITIONS -- LIMITATION ON APPLICATION. 1. Within the meaning and intent of this chapter, the following words shall be defined as follows:

   a. "Architect" means a person who engages in the practice of architecture as herein defined, and is licensed under the provisions of this chapter.
   b. "Building" is a structure consisting of foundations, floors, walls, columns, beams, and roof, or other structural features, or a combination of any number of these parts and may include related mechanical and electrical equipment and site, which are incidental thereto.
   c. "Practice of architecture" consists of rendering or offering to render to the owner or client any one or combination of the following services: advice, consultation, preliminary studies, plans, drawings, specifications, designs, including aesthetic and
structural design, or responsible supervision observation of construction, wherein expert knowledge and skill are required in connection with the erection, enlargement, alteration, or repair of any building or buildings, as defined herein, wherein the safeguarding of life, health and property is concerned or involved.

2. Nothing contained in this chapter shall be held or construed to have any application to, or to prevent or affect the following:
   a. The practice of engineering or any other profession or trade for which a license is required under any law of this state, or the practice of consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.
   b. Draftsmen, students, clerks of work, superintendents project representatives, and others working under the supervision of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employees supervisors, or to prevent the employment of superintendents clerks of work or inspectors of buildings paid by the owners from acting, if under the control or direction of a licensed architect who has prepared the drawings and specifications for the building.
   c. The rendering of any architectural service required in the erection, enlargement, alteration, or repair of any building, where such building is to be, or is used as a single or multiple family residence not exceeding two (2) stories in height, or as a farm building; or for the purpose of outbuildings or auxiliary buildings in connection with such residential or farm premises.
   d. The rendering of any architectural service required in the erection, enlargement, alteration, or repair of any building which does not involve the public health or safety.
   e. The preparation of shop drawings by persons other than architects for use in connection with the execution of their work; or the preparation of drawings of fixtures, or other appliances or equipment, or for any work necessary to provide for their installation.
   f. Expert consultation rendered to an architect by a consultant, whether licensed or not, employed by the architect to consult, advise, and assist as long as the architect approves, adopts and is responsible for the results of such consultation, advice and assistance.

SECTION 8. That Section 54-310, Idaho Code, be, and the same is hereby amended to read as follows:

54-310. VIOLATIONS AND PENALTIES. Any person, not otherwise exempted, 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.

SECTION 9. That Section 54-312, Idaho Code, be, and the same is hereby amended to read as follows:

54-312. ARCHITECTS -- BOARD OF EXAMINERS -- POWERS AND DUTIES -- COMPENSATION. 1. The board of architectural examiners is hereby created in the department of self-governing agencies. The board of architectural examiners shall consist of five (5) members, to be appointed by the governor, each of whom shall be an architect, and shall have been a resident of and a lawfully practicing architect within the state of Idaho for a period of at least five (5) years next before his appointment. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest. At all times the board shall have at least one (1) member who is engaged primarily in professional architectural education.

2. The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers and duties:
   a. To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest.
   b. To adopt, pursuant to the administrative procedure act, such rules as the board, in its discretion, deems necessary for the administration and enforcement of this chapter.
   c. To conduct investigations into violations of this chapter.
   d. The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. 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 in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.
   3. Each member of the board of architectural examiners shall be compensated as provided by section 59-509(g), Idaho Code.
SECTION 10. That Chapter 3, 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 54-316, Idaho Code, and to read as follows:

54-316. FOREIGN PARTNERSHIP AND CORPORATE PRACTICE. 1. A foreign partnership or a foreign corporation may be allowed to practice architecture through an individual in this state if prior to any such practice it establishes to the board that:
   a. All the partners of a partnership or all the shareholders of a professional corporation are licensed under the laws of any state either to practice architecture or to provide allied professional services as defined in section 30-1303, Idaho Code; and
   b. One-third (1/3) of the partners of a partnership or one-third (1/3) of the shareholders of a professional corporation are licensed under the laws of any state to practice architecture; and
   c. The individual having the practice of architecture in his charge and through whom the corporation or partnership is practicing in this state is himself a partner or a shareholder, his ownership interest is equal to or greater than one (1) divided by the number of partners in the case of partnerships, or one (1) divided by the number of shareholders in the case of a corporation, and he is licensed to practice architecture in this state.

2. The provisions of this section shall not apply to foreign partnerships or foreign corporations authorized under chapter 13, title 30, Idaho Code, or other provisions of law, to do business in this state prior to the effective date of this act.

Approved April 20, 1983.
at the time of application for examination, a fee in accordance with
the following:

Examination for Plumbing Contractor .................... $50.00
Examination for Plumbing Journeyman .................... $50.00

Apprentices shall not be required to be examined for competency, but
shall register with the board and maintain such registration yearly.
The registration fee for apprentices shall be five dollars ($25.00)
initial and five dollars ($25.00) per year renewal. Any person who
fails to pass the examination may apply for reexamination at the next
scheduled examination upon payment of the examination fee. Should any
person fail to pass the examination the second time, the board may
refuse a subsequent application until the expiration of one (1) year.

SECTION 2. That Section 39-2721, Idaho Code, be, and the same is
hereby amended to read as follows:

39-2721. FEES FOR CERTIFICATES. Before a certificate is issued,
and for the renewal thereof, the successful applicant shall pay to the
department of labor and industrial services a fee in accordance with
the following schedule:

<table>
<thead>
<tr>
<th></th>
<th>Initial Fee</th>
<th>Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumbing Contractor</td>
<td>$50.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Plumbing Journeyman</td>
<td>$10.00</td>
<td>$7.50</td>
</tr>
</tbody>
</table>

SECTION 3. That Section 39-2724, Idaho Code, be, and the same is
hereby amended to read as follows:

39-2724. MUNICIPAL FEES FOR LICENSES, CERTIFICATES, PERMITS,
INSPECTIONS -- EXCEPTIONS. No provision of this act shall deprive
incorporated cities or towns, including those specially chartered,
from collecting occupational license fees from plumbing contractors
and journeymen; or from collections of fees from the issuance of
certificates of competency; permits and inspections; provided that
municipal certificates of competency shall only be issued to applicants possessing a valid certificate of competency issued by the state
plumbing board. Notwithstanding the provisions of sections 50-304,
50-306 and 50-606, Idaho Code, no cities, including those specially
chartered, shall require occupational license fees from plumbing con-
tractors and journeymen who possess a valid certificate of competency
issued by the director of the department of labor and industrial ser-
vices, except those cities that have qualified plumbing inspectors.

Approved April 20, 1983.

CHAPTER 247
(S.B. No. 1106)

AN ACT
RELATING TO THE DEFINITION OF SALES PRICE FOR SALES TAX;
AMENDING SECTION 63-3613, IDAHO CODE, TO PROVIDE THAT THE VALUE OF
MANUFACTURER'S REFUND COUPONS SHALL NOT BE DEDUCTED FROM THE SALES PRICE OF TANGIBLE PERSONAL PROPERTY FOR SALES TAX PURPOSES.

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

SECTION 1. That Section 63-3613, Idaho Code, be, and the same is hereby amended to read as follows:

63-3613. SALES PRICE. (a) The term "sales price" means the total amount for which tangible personal property, including services agreed to be rendered as a part of the sale, is sold, rented or leased, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

1. The cost of the property sold. However, in accordance with such rules and regulations as the state tax commission may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale or rental, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold or rented the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.
2. The cost of materials used, labor or service cost, losses, or any other expense.
3. The cost of transportation of the property prior to its sale.
4. The face value of manufacturer's refund coupons.

(b) The term "sales price" does not include any of the following:
1. Retailer Bdiscounts allowed and taken on sales, but only to the extent that such retailer discounts represent price adjustments as opposed to cash discounts offered only as an inducement for prompt payment.
2. Any sums allowed on merchandise accepted in part payment of other merchandise, provided that this allowance shall not apply to the sale of a "new mobile home" as defined herein.
3. The amount charged for property returned by customers when the amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.
4. The amount charged for labor or services rendered in installing or applying the property sold, provided that said amount is stated separately and such separate statement is not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.
5. The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.
6. The amount charged for finance charges, carrying charges, ser-
vice charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Charges for transportation of tangible personal property after sale.

(c) The sales price of a "new mobile home" as defined in this act shall be limited to and include only fifty-five per centum (55%) of the sales price as otherwise defined herein.

(d) For sales made on and after January 1, 1967, taxes previously paid on amounts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax herein provided or, if no such tax is due, refunded; provided, however, that such credit or refund may be claimed only upon that sales tax returned for the month following the filing date of the taxpayer's state income tax return in which a deduction is claimed for such worthless accounts. If such accounts are thereafter collected, a tax shall be paid upon the amount so collected.

(e) Tangible personal property when sold at retail for more than fifteen cents ($.15) but less than one dollar and one cent ($1.01) through a vending machine shall be deemed to have sold at a sales price equal to one hundred seventeen per cent (117%) of the price which is paid for such tangible personal property and/or its component parts including packaging by the owner or operator of the vending machines.

Approved April 20, 1983.

CHAPTER 248
(S.B. No. 1172, As Amended)

AN ACT
RELATING TO HABEAS CORPUS ACTIONS BROUGHT BY PRISONERS; AMENDING CHAPTER 1, TITLE 12, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 12-122, IDAHO CODE, TO ALLOW THE COURT TO AWARD ATTORNEY FEES IF THE COURT DEEMS A HABEAS CORPUS ACTION TO HAVE BEEN BROUGHT FRIVOLOUSLY BY AN INMATE, AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 1, Title 12, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 12-122, Idaho Code, and to read as follows:

12-122. ATTORNEY'S FEES IN HABEAS CORPUS ACTIONS. In any habeas corpus action brought by a state penitentiary or county jail inmate, the judge shall award reasonable attorney's fees to the respondent, if, in the judgment of the court, the habeas corpus action was brought
frivolously by the petitioner.

In all habeas corpus actions which result in a denial or dismissal of a writ of habeas corpus, the court shall make a specific finding whether or not the habeas corpus action was brought frivolously by the petitioner.

For purposes of this section, "brought frivolously," shall mean that the petitioner petitioned the court for a writ of habeas corpus based upon claims which either had no basis in fact or, even if the factual allegations were true, they did not, as a matter of law, justify any relief to the petitioner; provided, however, that the court, in its discretion, may determine that the action was not brought frivolously when the action involves a material issue of law that has not been settled by statute or by supreme court decision in this state.

Approved April 20, 1983.

CHAPTER 249
(S.B. No. 1145, As Amended in the House)

AN ACT
RELATING TO PAROLE VIOLATORS; AMENDING SECTION 20-229A, IDAHO CODE, TO PROVIDE THAT WITHIN FIFTEEN CALENDAR DAYS FOLLOWING ARREST AND DETENTION ON A WARRANT ISSUED BY THE IDAHO COMMISSION FOR PARDONS AND PAROLE, THE ALLEGED PAROLE VIOLATOR SHALL BE SERVED WITH A COPY OF THE FACTUAL ALLEGATIONS OF THE VIOLATION OF THE CONDITIONS OF PAROLE BY A STATE PROBATION AND PAROLE OFFICER OR A LAW ENFORCEMENT OFFICIAL.

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

SECTION 1. 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) calendar days from the date of the following arrest and detention of on a warrant issued by the Idaho commission for pardons and parole, the alleged parole violator, he shall be personally served by a state probation and parole officer or a law enforcement officer with a copy of the factual allegations of the violation of the conditions of parole by a state probation and parole officer or a law enforcement official, 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 allegation 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 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.

Approved April 20, 1983.

CHAPTER 250
(S.B. No. 1154)

AN ACT
RELATING TO THE DESTRUCTION, ALTERATION, OR CONCEALMENT OF EVIDENCE; AMENDING SECTION 18-2603, IDAHO CODE, TO PROVIDE PUNISHMENT FOR PERSONS FOUND GUILTY OF DESTRUCTION, ALTERATION OR CONCEALMENT OF EVIDENCE.

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

SECTION 1. That Section 18-2603, Idaho Code, be, and the same is hereby amended to read as follows:

18-2603. DESTRUCTION, ALTERATION OR CONCEALMENT OF EVIDENCE. Every person who, knowing that any book, paper, record, instrument in writing, or other object, matter or thing, is about to be produced in, used or discovered as evidence upon any trial, inquiry, or investigation whatever, authorized by law, wilfully destroys, alters or conceals the same, with intent thereby to prevent it from being produced, used or discovered, 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 April 20, 1983.

CHAPTER 251
(H.B. No. 362)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION CONTAINED IN SECTION 2, CHAPTER 337, LAWS OF 1982; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. In addition to the appropriation contained in Section 2, Chapter 337, Laws of 1982, there is hereby appropriated to the Department of Lands for the Forest and Range Fire Protection Program the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1982, through June 30, 1983:

FOR:
- Operating Expenditures $2,600
- FROM: U.S. Clark-McNary Account $2,600

SECTION 2. An emergency existing therefor, 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 20, 1983.

CHAPTER 252
(H.B. No. 329)

AN ACT
RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2233, IDAHO CODE, TO PROVIDE THAT A PERMITTEE MAY MAINTAIN ACCOUNTS IN A SAVINGS AND LOAN ASSOCIATION AS WELL AS IN A BANK.

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

SECTION 1. That Section 26-2233, Idaho Code, be, and the same is hereby amended to read as follows:

26-2233. PERMITTEE ACCOUNTS REQUIRED. A permittee shall in its own name:
- (1) Establish and maintain a separate creditors' account for creditors' funds for each permit held, in a bank or savings and loan association in the state of Idaho.
- (2) Establish and maintain a separate business account for the business funds and moneys for each permit, in a bank or savings and loan association in the state of Idaho.

Approved April 20, 1983.

CHAPTER 253
(H.B. No. 376)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 1984.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Insurance the following amount, from the listed accounts for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$719,400</td>
</tr>
<tr>
<td>Arson, Fire and Fraud Prevention Account</td>
<td>174,200</td>
</tr>
<tr>
<td>Title Insurance Account</td>
<td>12,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$906,000</strong></td>
</tr>
</tbody>
</table>

Approved April 20, 1983.

CHAPTER 254
(H.B. No. 357, As Amended in the Senate)

AN ACT RELATING TO OPERATOR AND CHAUFFEUR LICENSES; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE FOR THE AUTOMATIC RENEWAL, UPON APPLICATION, OF AN OPERATOR OR CHAUFFEUR LICENSE OF A PERSON ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES UNLESS SUCH LICENSE IS SUSPENDED, CANCELLED OR REVOKED AS PROVIDED BY LAW; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. EXPIRATION AND RENEWAL OF OPERATOR'S AND CHAUFFEUR'S LICENSE -- CERTIFICATE OF EXTENSION -- FEE AUTOMATIC EXTENSION FOR ACTIVE MILITARY DUTY. (a) Every operator's and chauffeur's license originally issued to an operator or chauffeur shall expire on the licensee's birthday in the third year following the issuance of such his license. Every such license shall be renewable on or before its expiration, but not more than twelve (12) months before, upon application, payment of the required fee, and satisfactory completion of the required eyesight and hearing examination.

No written examination shall be required for renewal of a license.

(b) When a licensee's license has been expired for less than twelve (12) months, the renewal of the license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the licensee's license is expired for more than twelve (12) months, the application shall expire on the licensee's birthday in the third year following issuance of such his license.

(c) If a licensee's license has expired or will expire and the licensee is temporarily out-of-state except on active military duty,
and the license has not, as provided by law, been suspended, revoked, or cancelled, the licensee may request in writing on a form prescribed by the department, accompanied by a fee of three dollars ($3.00) which shall be deposited to the state highway account, an extension of the license, but such the extension shall be less than a twelve (12) month period. If the department determines that an extension of the licensee's license is necessary, it may issue a certificate of extension showing the date to which the expired license is extended, and this certificate must be attached to the expired license. Certificates of extension are limited to one (1) per licensee. Upon returning to the state of Idaho, the licensee shall within ten (10) days, apply as provided by other sections of this chapter, for a renewal of the expired license and surrender the certificate of extension. The certificate of extension shall not be valid beyond the date indicated on the certificate.

(d) An Idaho operator's or chauffeur's license issued to any person prior to serving on active duty in the armed forces of the United States, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall automatically, upon application, be renewed for a period of three (3) years so long as active duty continues, if the license is not suspended, cancelled or revoked, as provided by law, during the active duty, and the license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

SECTION 2. An emergency existing therefor, 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 20, 1983.

CHAPTER 255
(H.B. No. 326, As Amended)

AN ACT
RELATING TO EXEMPTIONS FROM MOTOR VEHICLE REGISTRATIONS; AMENDING SECTION 49-101, IDAHO CODE, TO DEFINE "FARM TRACTOR" AND "IMPLEMENTS OF HUSBANDRY"; AND AMENDING SECTION 49-108, IDAHO CODE, TO PROVIDE EXEMPTIONS FROM REGISTRATION FOR IMPLEMENTS OF HUSBANDRY TEMPORARILY OPERATED OR MOVED UPON HIGHWAYS.

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

SECTION 1. That Section 49-101, Idaho Code, be, and the same is hereby amended to read as follows:

49-101. DEFINITIONS. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meaning respectively ascribed to them in this section except in those
instances where the context clearly indicates a different meaning.

a. The term "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

b. The term "motor vehicle" shall mean every vehicle as herein defined which is self-propelled.

c. The term "motorcycle" shall mean every motor vehicle designed to travel (on) not more than three (3) wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

d. The term "truck tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

e. The term "farm tractor" shall mean every motor vehicle designed or adapted and used primarily as a farm implement for-drawing plows, mowing machines, and other implements of husbandry power unit operated with or without other farm implements attached in any manner consistent with the structural design of such power unit.

f. The term "maximum gross weight" shall be the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried thereon as declared by the owner in making application for registration. The term "light weight" or "unladen weight" shall be the scale weight of a vehicle, equipped for operation, but without any cargo thereon.

g. The term "trailer" shall mean every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

h. The term "semi-trailer" shall mean every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

i. The term "specially constructed vehicle" shall mean any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

j. The term "essential parts" shall mean all integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

k. The term "reconstructed vehicle" shall mean any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

l. The term "foreign vehicle" shall mean every motor vehicle, trailer, or semi-trailer which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.
m. The term "pneumatic tires" shall mean all tires inflated with compressed air.

n. The term "solid rubber tire" shall mean every tire made of rubber other than a pneumatic tire.

o. The term "metal tires" shall mean all tires the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

p. The term "person" shall mean every natural person, firm, co-partnership, association or corporation.

q. The term "owner" shall mean the person legally responsible for the operation of a vehicle upon the highways of the state of Idaho, whether as owner, lessee or otherwise.

r. The term "resident" shall mean every person who has resided continuously in the state of Idaho for a period of ninety (90) days or any person residing in the state of Idaho and gainfully employed in the state of Idaho, notwithstanding that the period of residing therein is less than ninety (90) days. All other persons shall be non-residents and shall include any association, partnership or corporation organized under the laws of any foreign country, federal district, territory, or another state.

s. The term "manufacturer" shall mean every person engaged in the business of manufacturing motor vehicles, trailers, or semi-trailers.

t. The term "new motor vehicle dealer" as employed in this act, shall mean any person, who has a franchise from a manufacturer of motor vehicles to sell new motor vehicles and who is engaged in the business of selling or exchanging three (3) or more new or new and used motor vehicles in any one (1) calendar year.

u. The term "highway" shall mean every way or place of whatever nature open to the use of the public as a matter of right for the purposes of vehicular travel which is maintained by the state of Idaho or some taxing subdivision or unit thereof or the federal government or an agency thereof.

v. The term "department" shall mean the Idaho transportation department of this state acting directly or through its duly authorized officers and agents.

w. The term "board" shall mean the Idaho transportation board of this state.

x. The term "assessor" shall mean county assessor.

y. The term "ambulance" as employed in this chapter shall mean a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.

z. The term "hearse" as employed in this chapter shall mean a motor vehicle designed and used primarily for transporting deceased persons.

aa. The term "wrecker" as used in this chapter shall mean a motor vehicle designed and used primarily for towing other vehicles that may be disabled.

bb. The term "used motor vehicle dealer," as employed in this act, shall mean any person engaged in the business of buying, selling, or exchanging used motor vehicles, or who buys and sells, or exchanges, three (3) or more used motor vehicles in any one (1) calen-
Provided, however, that no insurance company, bank, finance company, public utilities company, or other person coming into possession of any motor vehicle, as an incident to its regular business, who shall sell such vehicle under any contractual rights it may have with respect thereto shall be considered a new motor vehicle dealer or used motor vehicle dealer.

c. The term "used motor vehicle," as employed in this act, shall mean every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof.

d. The term "principal place of business," as employed in this act, shall mean a site or location devoted exclusively to the business for which the new motor vehicle dealer or used motor vehicle dealer is licensed, and businesses incidental thereto, sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary thereof and to admit of a definite description, with space thereon adequate to permit the display of one or more new or new and used or used motor vehicles, on which there shall be located or erected a permanent closed building or structure large enough to accommodate the office or offices of the dealer and to provide a safe place to keep the books and other records of the business of such dealer, at which site or location the principal portion of such dealer's business shall be conducted and the books and records thereof kept and maintained.

e. The term "house trailer" shall mean:
   (a) A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
   (b) A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

f. The term "truck" shall mean every motor vehicle exceeding eight thousand (8,000) pounds gross weight which is designed, used or maintained primarily for the transportation of property.

g. The term "bus" shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

h. The term "school bus" shall mean every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses as approved by the state board of education and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban trans-
portation of school children.

ii. The term "pickup truck" shall mean every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property shall be exempt from the provisions of section 49-842, Idaho Code.

jj. The term "implements of husbandry" shall mean every vehicle, including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, harrows, hay balers, harvesting and stacking equipment, pesticide applicators, plows, swathers and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. "Implements of husbandry" does not include semi-trailers, nor does it include motor vehicles or trailers unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations. "Incidentally operated" shall mean the transport of the implement of husbandry from one farm operation to another.

SECTION 2. That Section 49-108, Idaho Code, be, and the same is hereby amended to read as follows:

49-108. EXEMPTIONS FROM REGISTRATION. Farm tractors, implements of husbandry, road rollers and road machinery temporarily operated or moved upon the highways need not be registered under the provisions of this chapter. In addition, self-propelled wheelchairs, invalids' tricycles, and wheelchair conveyances operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter.

Approved April 20, 1983.
18-1507. SEXUAL EXPLOITATION OF A CHILD. (1) The legislature hereby finds and declares that the commercial sexual exploitation of children constitutes a wrongful invasion of the child's right of privacy and results in social, developmental, and emotional injury to the child; that a child below the age of eighteen (18) years is incapable of giving informed consent to the use of his or her body for a commercial purpose; and that to protect children from commercial sexual exploitation it is necessary to prohibit the production for trade or commerce of material which involves or is derived from such exploitation and to exclude all such material from the channels of trade and commerce.

(2) As used in this section, unless the context otherwise requires:
(a) "Child" means a person who is less than eighteen (18) years of age.
(b) "Commercial purpose" means the intention, objective, anticipation, or expectation of monetary gain or other material consideration, compensation, remuneration, or profit.
(c) "Erotic fondling" means touching a person's clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved. "Erotic fondling" shall not be construed to include physical contact, even if affectionate, which is not for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved.
(d) "Erotic nudity" means the display of the human male or female genitals or pubic area, the undeveloped or developing genitals or pubic area of the human male or female child, the human female breasts, or the undeveloped or developing breast area of the human female child, for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved.
(e) "Explicit sexual conduct" means sexual intercourse, erotic fondling, erotic nudity, masturbation, sadomasochism, or sexual excitement.
(f) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), by manual manipulation or self-induced or with an artificial instrument, for the purpose of real or simulated overt sexual gratification or arousal of the person.
(g) "Sadomasochism" means:
   1. Real or simulated flagellation or torture for the purpose of real or simulated sexual stimulation or gratification; or
   2. The real or simulated condition of being fettered, bound,
or otherwise physically restrained for sexual stimulation or gratification of a person.

(h) "Sexual excitement" means the real or simulated condition of human male or female genitals when in a state of real or simulated overt sexual stimulation or arousal.

(i) "Sexual intercourse" means real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, between persons of the same or opposite sex, or between a human and an animal, or with an artificial genital.

(j) "Sexually exploitative material" means any photograph, motion picture, videotape, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material which depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct.

(3) A person commits sexual exploitation of a child if, for any commercial purpose, he knowingly:

(a) Causes, induces, or permits a child to engage in, or be used for, any explicit sexual conduct; or

(b) Prepares, arranges for, publishes, produces, promotes, makes, sells, finances, offers, exhibits, advertises, deals in, possesses, or distributes any sexually exploitative material.

(4) The possession by any person of three (3) or more identical copies of any sexually exploitative material shall create a presumption that such possession is for a commercial purpose.

(5) The sexual exploitation of a child is a felony.

(6) If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Approved April 20, 1983.

CHAPTER 257
(H.B. No. 315)

AN ACT
RELATING TO CORPORATE INCOME TAXATION; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A LIMITATION UPON THE INTEREST DEDUCTIBLE FROM THE TAXABLE INCOME OF CERTAIN CORPORATIONS; PROVIDING A STATEMENT OF INTENT; AND DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

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

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

   (1) In the case of a corporation whose income is computed pursuant to section 63-3027, Idaho Code, the interest expense deductible shall be an amount equal to interest and dividend income subject to apportionment, plus the amount, if any, by which the balance of interest expense exceeds interest and dividend income not subject to apportionment. Interest expense not included in the preceding sentence shall be directly offset against interest and dividend income not subject to apportionment.

(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. 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. Provided, however, reasonable compensation paid to such nonresident officers or directors for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources.

(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. In the event that a nonresident beneficiary of a trust or estate fails to file an Idaho income tax return reporting all or any part of distributable net income taxable in Idaho or fails to pay any tax due thereon, the trust or estate making the payment or distribution shall be taxable upon the amount of such distribution or payment at the rates established by section 63-3024, Idaho Code.

(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 zero bracket amount 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. Providing, however, reasonable compensation paid to such nonresident shareholders for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources. 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 (1) or (2) at the option of the taxpayer:

(1) a. The zero bracket amount as defined by section 63, Internal Revenue Code, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(2) a. 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, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(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 credits have been claimed and which were not deducted on the taxpayer's federal return.

(n) Deduct any amounts added to gross income under section 86 of the Internal Revenue Code for tax credits allowable to the taxpayer under section 44E of the Internal Revenue Code.

(o) Add the ordinary income portion of any lump sum distribution deducted from gross income pursuant to section 402(e)(3) of the Internal Revenue Code.

SECTION 2. It is not the intention of the legislature, by enacting this legislation, to limit the application of Idaho income tax regulation 27-4.1.a.ii.

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 tax years beginning on and after April 1, 1982.

Approved April 20, 1983.
The Idaho Code, to provide a limitation upon the interest deductible from the taxable income of certain corporations; providing a statement of intent; and 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. 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. Provided, however, reasonable compensation paid to such nonresident officers or directors for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources.

(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. In the event that a nonresident beneficiary of a trust or estate fails to file an Idaho income tax return reporting all or any part of distributable net income taxable in Idaho or fails to pay any tax due thereon, the trust or estate making the payment or distribution shall be taxable upon the amount of such distribution or payment at the rates established by section 63-3024, Idaho Code.

(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 zero bracket amount 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. Provided, however, reasonable compensation paid to such nonresident shareholders for personal services actually performed outside the state of Idaho shall not be included as income earned from Idaho sources. 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 (1) or (2) at the option of the taxpayer:
(1) a. The zero bracket amount as defined by section 63, Internal Revenue Code, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(2) a. 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, plus
b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus
c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(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 credits have been claimed and which were not deducted on the taxpayer's federal return.

(n) Deduct any amounts added to gross income under section 86 of the Internal Revenue Code for tax credits allowable to the taxpayer under section 44E of the Internal Revenue Code.

(o) Add the ordinary income portion of any lump sum distribution deducted from gross income pursuant to section 402(e)(3) of the
Internal Revenue Code.

SECTION 2. It is not the intention of the legislature, by enacting this legislation, to limit the application of Idaho income tax regulation 27-4.1.a.ii.

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, 1983.

Approved April 20, 1983.

CHAPTER 259
(S.B. No. 1180, As Amended)

AN ACT
RELATING TO JURISDICTION OVER THE WATER RIGHTS OF AN ELECTRICAL CORPORATION BY THE IDAHO PUBLIC UTILITIES COMMISSION AND TO CONTRACTS BETWEEN AN ELECTRICAL CORPORATION AND THE STATE OF IDAHO RELATING TO SUCH WATER RIGHTS; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-539, IDAHO CODE, TO PROVIDE THAT THE COMMISSION HAS NO POWER OR JURISDICTION TO MAKE ANY DETERMINATION, DECISION, RULE, DEMAND, REQUIREMENT, OR ISSUE ANY ORDER OR DECREE INVOLVING OR RELATING TO THE FAILURE OR REFUSAL OF AN ELECTRICAL CORPORATION TO PROTECT ITS WATER RIGHTS FROM DEPLETION OR LOSS TO JUNIOR PRIORITY CONSUMPTIVE USES PRIOR TO NOVEMBER 19, 1982, CERTAIN CONSUMPTIVE USES FOR IRRIGATION PURPOSES WHERE SUBSTANTIAL INVESTMENT IN IRRIGATION WELLS AND IRRIGATION EQUIPMENT WAS MADE PRIOR TO NOVEMBER 19, 1982, BUT WERE NOT IN OPERATION IN 1982, AND JUNIOR PRIORITY CONSUMPTIVE USES FOR DOMESTIC, NONCONSUMPTIVE COMMERCIAL, NONCONSUMPTIVE INDUSTRIAL OR NONCONSUMPTIVE MUNICIPAL USES AFTER NOVEMBER 19, 1982, AND PROVIDING APPLICABILITY TO SPECIFIED COMMISSION PROCEEDINGS; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-540, IDAHO CODE, TO PROVIDE FOR NEGOTIATION AND EXECUTION OF A CONTRACT ON BEHALF OF THE STATE OF IDAHO WITH ELECTRICAL CORPORATIONS RELATING TO CERTAIN WATER RIGHTS OF AN ELECTRICAL CORPORATION AS A RESULT OF IDAHO SUPREME COURT OPINION NO. 13794 FILED NOVEMBER 19, 1982, AND PROVIDING THE GUIDELINES FOR CERTAIN PROVISIONS WHICH SHALL BE INCLUDED IN ANY SUCH CONTRACT; AND DECLARING AN EMERGENCY AND PROVIDING THE EFFECTIVENESS OF SECTION ONE IS CONTINGENT UPON THE SIGNING OF A CERTAIN CONTRACT BY CERTAIN PARTIES.

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

SECTION 1. That Chapter 5, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be
61-539. WATER RIGHTS OF AN ELECTRICAL CORPORATION -- NO COMMISSION JURISDICTION. The commission shall have no power or jurisdiction to make any determination, decision, rule, demand, requirement, or issue any order or decree involving or related to the failure or refusal of an electrical corporation to protect its hydropower water rights from depletion or loss to (1) junior priority consumptive water uses for any consumptive purpose prior to November 19, 1982, (2) junior priority consumptive water uses for irrigation where substantial investments in irrigation wells and irrigation equipment were made prior to November 19, 1982, but were not operating in 1982, and (3) junior priority consumptive water uses for domestic, nonconsumptive commercial, nonconsumptive industrial or nonconsumptive municipal uses occurring from and after November 19, 1982.

This section shall apply not only to future proceedings concerning claims the cause for which arose prior to November 19, 1982, but also to proceedings pending before the commission at the time this act becomes effective, and any claims which might be asserted against the electrical corporation for depletions from uses within (1), (2) or (3) above.

SECTION 2. That Chapter 5, 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 61-540, Idaho Code, and to read as follows:

61-540. AUTHORIZING NEGOTIATION AND EXECUTION OF CONTRACTS BY THE STATE OF IDAHO WITH ELECTRICAL CORPORATIONS REGARDING CERTAIN WATER RIGHTS IDENTIFIED IN SECTION 61-539, IDAHO CODE. The governor of the state of Idaho or his designee is hereby empowered to negotiate and the governor to execute a contract on behalf of the state of Idaho with any electrical corporation which has filed or may file suit against water users or possible water users, said electrical corporation seeking to stop junior prior consumptive water uses as a result of Idaho Supreme Court Opinion No. 13794 in "Idaho Power Company vs. State of Idaho, et al," filed November 19, 1982. Each contract shall provide, among other things, that (1) all consumptive water users who have beneficially used water for any consumptive purpose prior to November 19, 1982, or any person or persons who have previously made substantial investments in irrigation wells and irrigation equipment and have pending a water permit or application, even though such irrigation wells and irrigation equipment were not in operation prior to November 19, 1982, may continue the water licensing process, (2) persons included within the provisions of (1) above are third party beneficiaries of said contract, (3) the electrical corporation shall, where any suit is pending in which a person is within the class of consumptive users identified in (1) above, move the court for the dismissal from the suit of such person or persons, (4) said contract shall be conditional upon the passage and approval of this act but shall terminate if section 61-539 or 61-540, Idaho Code, be subse-
quently amended or repealed, and (5) in the event this act be amended
or repealed, the defenses of statute of limitations, abandonment,
adverse possession, statutory forfeiture, latches, waiver, estoppel
and other applicable common law defenses shall not be available
against said electrical corporation following said contract termina-
tion for a period of two (2) years, unless the parties mutually con-
sent to keep said contract in effect by addendum.

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, provided, however, that the
provisions of Section 1 of this act shall be in full force and effect
only after the signing of the contract provided for in Section 61-540,
Idaho Code, by the Governor of the State of Idaho and an appropriate
electrical corporation.

Approved April 25, 1983.

CHAPTER 260
(S.B. No. 1200)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE TOTAL APPROPRIATION
OF THE OFFICE OF THE GOVERNOR; APPROPRIATING MONEYS TO THE OFFICE
OF THE GOVERNOR AND DESIGNATING PROGRAM LIMITS FOR FISCAL YEAR
1984; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE COMMISSION
FOR THE BLIND; AND REAPPROPRIATING CERTAIN MONEYS TO THE MILITARY
DIVISION.

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

SECTION 1. It is legislative intent that the total appropriation
for the Office of the Governor not exceed the following amounts from
the listed accounts, for the period July 1, 1983, through June 30,
1984:
FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$4,582,700</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>190,600</td>
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<tr>
<td>Pacific Northwest Regional Commission Account</td>
<td>285,200</td>
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<tr>
<td>Comprehensive Employment and Training Act Account</td>
<td>40,200</td>
</tr>
<tr>
<td>State Planning Account</td>
<td>14,200</td>
</tr>
<tr>
<td>Idaho Travel and Convention Account</td>
<td>2,133,600</td>
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<tr>
<td>Idaho Development and Publicity Account</td>
<td>111,900</td>
</tr>
<tr>
<td>Economic and Community Affairs Account</td>
<td>6,321,600</td>
</tr>
<tr>
<td>Public Employees' Retirement System Account</td>
<td>1,113,100</td>
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<tr>
<td>Liquor Account</td>
<td>6,095,600</td>
</tr>
<tr>
<td>State Insurance Fund Account</td>
<td>1,383,900</td>
</tr>
<tr>
<td>Office on Aging Account</td>
<td>1,266,700</td>
</tr>
<tr>
<td>Older Americans Account</td>
<td>2,959,900</td>
</tr>
</tbody>
</table>
Human Rights Account 83,100
Blind Commission Account 626,000
Adjutant General Receipts Account 2,242,000
Civil Defense - Federal Administration and Personnel Account 286,100
TOTAL $29,736,400

SECTION 2. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. GOVERNOR'S OFFICE
FROM:
General Account 609,100
Pacific Northwest Regional Commission Account 285,200
Comprehensive Employment and Training Act Account 40,200
TOTAL 934,500

B. GOVERNOR'S EMERGENCY FUND REIMBURSEMENT
FROM:
General Account 50,000

C. DIVISION OF FINANCIAL MANAGEMENT
FROM:
General Account 829,400
Interagency Billing and Receipts Account 65,400
State Planning Account 14,200
TOTAL 909,000

D. DIVISION OF ECONOMIC AND COMMUNITY AFFAIRS
FROM:
General Account 298,000
Idaho Travel and Convention Account 2,133,600
Idaho Development and Publicity Account 111,900
Economic and Community Affairs Account 6,321,600
TOTAL 8,865,100

E. PUBLIC EMPLOYEES' RETIREMENT SYSTEM
FROM:
Public Employees' Retirement System Account 1,113,100

F. STATE LIQUOR DISPENSARY
FROM:
Liquor Account 6,095,600

G. STATE INSURANCE FUND
FROM:
State Insurance Fund Account 1,383,900

H. ENDOWMENT FUND INVESTMENT BOARD
FROM:
General Account 167,500
Interagency Billing and Receipts Account 35,400
TOTAL 202,900

I. OFFICE ON AGING
FROM:
General Account 647,700
Office on Aging Account 1,266,700
Older Americans Account  
TOTAL  
$ 4,874,300

J. COMMISSION ON HUMAN RIGHTS  
FROM:  
General Account  
Human Rights Account  
TOTAL  
$ 233,100

K. COMMISSION FOR THE BLIND  
FROM:  
General Account  
Blind Commission Account  
Interagency Billing and Receipts Account  
TOTAL  
$ 1,239,400

L. MILITARY DIVISION  
FROM:  
General Account  
Adjutant General Receipts Account  
Civil Defense--Federal Administration and Personnel Account  
Interagency Billing and Receipts Account  
TOTAL  
$ 3,835,500

GRAND TOTAL  
$29,736,400

SECTION 3. It is legislative intent that the Commission for the Blind is to implement a client cost-sharing program built upon the Division of Vocational Rehabilitation Model, and that out-of-state students pay tuition for their training.


Approved April 25, 1983.

CHAPTER 261  
(S.B. No. 1207)

AN ACT  
APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of Law Enforcement the following amount, to be expended for the designated program from the listed account for the period July 1, 1983, through June 30, 1984:
INVESTIGATIVE SERVICES:
FROM:
General Account  $120,000
Approved April 25, 1983.

CHAPTER 262
(S.B. No. 1205)

AN ACT
APPROPRIATING MONEYS TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE FOR THE LEGISLATIVE AUDITOR FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amount, to be expended for the Legislative Auditor from the listed accounts for the period July 1, 1983, through June 30, 1984:
FROM:
General Account  $ 50,000
Interagency Billing and Receipts Account  50,000
TOTAL  $100,000

Approved April 25, 1983.

CHAPTER 263
(S.B. No. 1202)

AN ACT

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

SECTION 1. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for the designated programs from the listed account for the period July 1, 1983, through June 30, 1984:
PROGRAMS:
A. DIVISION OF ECONOMIC AND COMMUNITY AFFAIRS
FROM:
General Account  $ 30,000
B. COMMISSION ON HUMAN RIGHTS
FROM:
General Account  $ 10,000
C. COMMISSION FOR THE BLIND
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE RECREATION RESOURCES PROGRAM FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation for the Recreation Resources Program the following amount, to be expended according to the designated expense class from the listed account for the period July 1, 1983, through June 30, 1984:

FOR

Trustee & Benefit Payments

FROM:

State Snowmobile Account

Approved April 25, 1983.
ing Account to the Permanent Building Fund Advisory Council and the Division of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair, of the following buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, named and listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Account for the purpose of undertaking the construction, renovation, repair and acquisitions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

**A. PREVENTIVE MAINTENANCE PROJECTS**

<table>
<thead>
<tr>
<th>Department of Administration</th>
<th>$139,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Education:</td>
<td></td>
</tr>
<tr>
<td>Boise State University</td>
<td>341,000</td>
</tr>
<tr>
<td>Idaho State University</td>
<td>357,000</td>
</tr>
<tr>
<td>University of Idaho</td>
<td>138,000</td>
</tr>
<tr>
<td>Lewis-Clark State College</td>
<td>332,500</td>
</tr>
<tr>
<td>School for the Deaf and the Blind</td>
<td>152,500</td>
</tr>
<tr>
<td>Idaho State Historical Society</td>
<td>84,000</td>
</tr>
<tr>
<td>Department of Health and Welfare</td>
<td>805,500</td>
</tr>
<tr>
<td>Office of the Governor:</td>
<td></td>
</tr>
<tr>
<td>Commission for the Blind</td>
<td>50,000</td>
</tr>
<tr>
<td>Military Division</td>
<td>15,000</td>
</tr>
<tr>
<td>Department of Correction</td>
<td>128,000</td>
</tr>
<tr>
<td>Contingency</td>
<td>57,500</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$2,600,000</strong></td>
</tr>
</tbody>
</table>

**B. STATE BOARD OF EDUCATION**

<table>
<thead>
<tr>
<th>University of Idaho: Phase One, Life Science Addition and Remodel</th>
<th>$1,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Idaho College: Remodel for Computer Science Program</td>
<td>100,000</td>
</tr>
<tr>
<td>School for the Deaf and Blind: Preliminary Programming and Design, High School/Vocational Building</td>
<td>60,000</td>
</tr>
</tbody>
</table>

**C. DEPARTMENT OF HEALTH AND WELFARE**

| State Hospital South: Phase Two, Psychiatric Unit | $700,000 |
| Idaho State School and Hospital: Preliminary Programming and Design, 48-Bed Facility | 65,000 |

**D. DEPARTMENT OF CORRECTION**

| Facilities Programming Study | $25,000 |

**E. DEPARTMENT OF ADMINISTRATION**

| Energy Conservation Projects, Statewide | $450,000 |

**GRAND TOTAL**

|                                                                 | **$5,000,000** |

**SECTION 2.** 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 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 25, 1983.

CHAPTER 266
(S.B. No. 1146, As Amended)

AN ACT
RELATING TO BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS; AMENDING SECTION 18-1502, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION OF DRIVING PRIVILEGES FOR PERSONS UNDER NINETEEN YEARS OF AGE FOUND GUILTY OR CONVICTED OF VIOLATING THE LAW PERTAINING TO THE USE, POSSESSION, PROCUREMENT, ATTEMPTED PROCUREMENT OR DISPENSING OF BEER, WINE OR OTHER ALCOHOLIC BEVERAGES AND TO PROVIDE THE EFFECT OF A CONVICTION UNDER THIS SECTION UPON MOTOR VEHICLE INSURANCE RATES AND UPON RENEWAL OF CASUALTY INSURANCE POLICIES.

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

SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby amended to read as follows:

18-1502. BEER, WINE OR OTHER ALCOHOL AND TOBACCO AGE VIOLATIONS -- FINES. (a) Whenever a person is in violation, on the basis of age, of any federal, state, or municipal law or ordinance pertaining to the use, possession, procurement, or attempted procurement, or dispensing of any beer, wine or other alcoholic beverage or tobacco product, the violation shall constitute a misdemeanor.
(b) Every person convicted of a misdemeanor under this section shall be punished by a fine of not more than one hundred dollars ($100). The second conviction under this section shall be punished by a fine of not more than two hundred dollars ($200). The third and subsequent convictions under this section shall be punished by a fine of not more than three hundred dollars ($300), or up to thirty (30) days in jail or both.

(c) The department of transportation shall suspend the operator's license or permit to drive and any nonresident's driving privileges in the state of Idaho for sixty (60) days of any person under nineteen (19) years of age who is found guilty or convicted of violating the law pertaining to the use, possession, procurement, attempted procurement or dispensing of any beer, wine or other alcoholic beverage. A conviction under this section shall not be used as a factor or considered in any manner for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer, nor shall such conviction be grounds for nonrenewal of any insurance policy as provided in section 41-2507, Idaho Code.

Approved April 25, 1983.

CHAPTER 267
(H.B. No. 234, As Amended)

AN ACT
RELATING TO OPERATING FEES FOR MOTOR VEHICLES; AMENDING SECTION 49-127, IDAHO CODE, TO FURTHER DEFINE FARM AND NONCOMMERCIAL VEHICLES, TO ADJUST GROSS WEIGHTS TO BEGIN AT 8,001 POUNDS RATHER THAN AT 0 POUNDS ON COMMERCIAL, FARM, AND NONCOMMERCIAL VEHICLES AND COMBINATIONS OF VEHICLES, TO STRIKE THE PROVISION FOR THE TRANSPORTATION OF MILK FROM THE FARM TO PROCESSING PLANT UNDER THE FARM VEHICLE DEFINITION IN SUBSECTION 2 AND ADD THE SAME PROVISION TO SUBSECTION (i) TO IDENTIFY THE TRANSPORTATION OF MILK FROM FARM TO PROCESSING PLANT WITH THE 22.45 MILL PER MILE USE FEE RATE, TO STRIKE THE "$" FROM A REFERENCE TO MILLS PER MILE TO CORRECT A CODIFIER'S ERROR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-127, Idaho Code, be, and the same is hereby amended to read as follows:

49-127. OPERATING FEES -- SCHEDULES. The registration fee for operating each motor vehicle, trailer or 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 and adjacent thereto, when the service outside is a part of a regular service rendered inside such city, the fee shall be twelve dollars ($12.00).
(b) On all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars ($29.00), 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 six dollars ($6.00).

(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, 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 owned by a farmer or rancher, which vehicles are operated over public highways, and which are used exclusively to transport to market or place of storage unprocessed agricultural, dairy or livestock products raised, owned and grown by the owner of such vehicle; and shall include the transportation by the farmer or rancher of any equipment, supplies or products to-or-from-the-operations-of-such-owner purchased by such farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on such farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on such farm but not transported for hire, and shall not include vehicles of husbandry, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof, but shall include vehicles--domiciled--in--idaho-used-for-the-sole-purpose-of-transporting-milk-from-the-farm-to-processing-plant.

3. A noncommercial vehicle as herein defined shall not include those vehicles required to be registered under section 49-126, Idaho Code, and shall mean all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles as herein defined, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof. A noncommercial vehicle as herein defined shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.
4. There shall be paid on all noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) 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 maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the department 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>8,001-16,000 inc.</td>
<td>$30.60</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>60.60</td>
</tr>
<tr>
<td>26,001-40,000 inc.</td>
<td>109.20</td>
</tr>
<tr>
<td>40,001-50,000 inc.</td>
<td>187.80</td>
</tr>
<tr>
<td>50,001-60,000 inc.</td>
<td>311.40</td>
</tr>
</tbody>
</table>

5. There shall be paid on all commercial vehicles having a maximum gross weight not in excess of sixty thousand (60,000) 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 department shall issue an identification plate 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>8,001-16,000 inc.</td>
<td>$30.60</td>
</tr>
<tr>
<td>16,001-26,000 inc.</td>
<td>143.40</td>
</tr>
<tr>
<td>26,001-40,000 inc.</td>
<td>223.80</td>
</tr>
<tr>
<td>40,001-50,000 inc.</td>
<td>360.00</td>
</tr>
<tr>
<td>50,001-60,000 inc.</td>
<td>515.40</td>
</tr>
</tbody>
</table>

6. There shall be paid on all commercial vehicles, irrespective of body type, and on all noncommercial vehicles, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount of one hundred twenty dollars ($120); provided, that when the vehicle against which such registration fee is assessed is a combination of vehicles, the term maximum gross weight shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further, that upon payment of such registration fee, the department shall issue an identification plate to be attached to individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles. In addition, an annual license fee shall be required for each trailer or semitrailer in a combination of vehicles in the amount of fifteen dollars ($15.00). Upon payment of said license fees,
the department shall issue license plates 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 sixty thousand (60,000) 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. The use fees herein provided for shall be based on mills per mile of operation, subject to the provisions of subsection (e) hereof, in accordance with the schedule hereinafter set forth; provided further, that use fee schedule "B" shall be charged on the maximum gross weight of the vehicle or combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight of Vehicle (Pounds)</th>
<th>&quot;A&quot; Mills per Mile</th>
<th>&quot;B&quot; Mills per Mile (Fuel Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-18,000</td>
<td>9.30</td>
<td></td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>9.90</td>
<td></td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>10.60</td>
<td></td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>11.25</td>
<td></td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>11.90</td>
<td></td>
</tr>
<tr>
<td>26,001-28,000</td>
<td>12.00</td>
<td></td>
</tr>
<tr>
<td>28,001-30,000</td>
<td>13.15</td>
<td></td>
</tr>
<tr>
<td>30,001-32,000</td>
<td>13.75</td>
<td></td>
</tr>
<tr>
<td>32,001-34,000</td>
<td>14.40</td>
<td></td>
</tr>
<tr>
<td>34,001-36,000</td>
<td>15.00</td>
<td></td>
</tr>
<tr>
<td>36,001-38,000</td>
<td>15.60</td>
<td></td>
</tr>
<tr>
<td>38,001-40,000</td>
<td>15.65</td>
<td></td>
</tr>
<tr>
<td>40,001-42,000</td>
<td>15.75</td>
<td></td>
</tr>
<tr>
<td>42,001-44,000</td>
<td>15.75</td>
<td></td>
</tr>
<tr>
<td>44,001-46,000</td>
<td>16.40</td>
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<tr>
<td>46,001-48,000</td>
<td>16.60</td>
<td></td>
</tr>
<tr>
<td>48,001-50,000</td>
<td>17.25</td>
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</tr>
<tr>
<td>50,001-52,000</td>
<td>17.80</td>
<td></td>
</tr>
<tr>
<td>52,001-54,000</td>
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<td></td>
</tr>
<tr>
<td>54,001-56,000</td>
<td>18.95</td>
<td></td>
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<tr>
<td>56,001-58,000</td>
<td>19.60</td>
<td></td>
</tr>
<tr>
<td>58,001-60,000</td>
<td>20.20</td>
<td></td>
</tr>
<tr>
<td>60,001-62,000</td>
<td>30.05</td>
<td>20.80</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>31.35</td>
<td>21.65</td>
</tr>
<tr>
<td>64,001-66,000</td>
<td>32.60</td>
<td>22.30</td>
</tr>
<tr>
<td>66,001-68,000</td>
<td>33.90</td>
<td>23.00</td>
</tr>
<tr>
<td>68,001-70,000</td>
<td>35.15</td>
<td>23.65</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>36.40</td>
<td>24.25</td>
</tr>
<tr>
<td>72,001-74,000</td>
<td>38.55</td>
<td>24.95</td>
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<tr>
<td>74,001-76,000</td>
<td>40.65</td>
<td>25.75</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>42.75</td>
<td>26.40</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>44.90</td>
<td>27.00</td>
</tr>
</tbody>
</table>
The owners or operators of motor vehicles or combinations of vehicles, in computing use fees, shall use the above tables as follows:

(1) Motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and using other fuels than gasoline shall pay a fuel fee as shown in Table "B."

(2) 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."

(3) The department 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 subject to the provisions of subsection (d) 5, 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) 5 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) 5, 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 where laden or maximum gross weight is eight thousand (8,000) 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:
Maximum Laden or Gross Weight
(Pounds) Two (2) plate or two (2) and Livestock and vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant, having a maximum gross weight in excess of sixty thousand (60,000) pounds, a use fee hereinafter set forth, provided, that if any such vehicle is a combination of vehicles, such 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 such use fee.

Maximum Gross Weight of Vehicle
(Pounds) Mills Per Mile
over 60,000 .........................................................$22.45

SECTION 2. An emergency existing therefor, 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 25, 1983.

CHAPTER 268
(H.B. No. 380)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR THE DESIGNED PROGRAM.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Agriculture the following amount, to be expended for the designated program according to the designated expense class from the listed account.
A. AGRICULTURAL INSPECTIONS:
   FOR:
   Capital Outlay
   FROM:
   Federal Meat Inspection Account
   $25,000
   $25,000

Approved April 25, 1983.

CHAPTER 269
(H.B. No. 381)

AN ACT
APPROPRIATING GENERAL ACCOUNT MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 1984.

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

SECTION 1. In addition to the appropriation contained in Section 13, S.B. No. 1196, and Section 3, S.B. No. 1206, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984:
FROM:
General Account
$40,000

Approved April 25, 1983.

CHAPTER 270
(H.B. No. 346, As Amended)

AN ACT
APPROPRIATING MONIES TO THE DEPARTMENT OF ADMINISTRATION FOR THE PERSONNEL COMMISSION FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Personnel Commission the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1983, through June 30, 1984:
CHAPTER 271
(H.B. No. 370)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE COLLEGE OF SOUTHERN IDAHO AND NORTH IDAHO COLLEGE FOR FISCAL YEAR 1984.

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 College of Southern Idaho and North Idaho College the following amount from the General Account, for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PERSONNEL</td>
<td>OPERATING</td>
</tr>
<tr>
<td>College of Southern</td>
<td>$1,950,000</td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Idaho College</td>
<td>$2,050,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,000,000</td>
<td></td>
</tr>
</tbody>
</table>

FROM:

General Account

$4,000,000

Approved April 25, 1983.

CHAPTER 272
(H.B. No. 372)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT FOR FISCAL YEAR 1984, AND DESIGNATING PROGRAM LIMITS.

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 from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

- General Account
- Liquor Law Enforcement Account
- Idaho Law Enforcement Account
- Idaho State Horse Racing Commission Account
- State Brand Board Account
- Brand Recording Account
- Alcohol Safety Action Program Account
- Peace Officers Standards and Training Account
- Training Account
- Idaho Law Enforcement Telecommunications Account
- Drug Enforcement Donation Account
- Interagency Billing and Receipts Account

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$3,070,000</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>375,000</td>
</tr>
<tr>
<td>Idaho Law Enforcement Account</td>
<td>7,160,300</td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Account</td>
<td>260,800</td>
</tr>
<tr>
<td>State Brand Board Account</td>
<td>891,100</td>
</tr>
<tr>
<td>Brand Recording Account</td>
<td>335,700</td>
</tr>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>750,000</td>
</tr>
<tr>
<td>Peace Officers Standards and Training Account</td>
<td>452,900</td>
</tr>
<tr>
<td>Training Account</td>
<td>78,500</td>
</tr>
<tr>
<td>Idaho Law Enforcement Telecommunications Account</td>
<td>150,000</td>
</tr>
<tr>
<td>Drug Enforcement Donation Account</td>
<td>75,000</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>177,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$13,777,200</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

I. CENTRAL ADMINISTRATION:

FROM:

- Idaho Law Enforcement Account
- Peace Officers Standards and Training Account
- Training Account

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Law Enforcement Account</td>
<td>$1,025,400</td>
</tr>
<tr>
<td>Peace Officers Standards and Training Account</td>
<td>452,900</td>
</tr>
<tr>
<td>Training Account</td>
<td>78,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,556,800</strong></td>
</tr>
</tbody>
</table>

II. (a) INVESTIGATIVE SERVICES:

FROM:

- General Account
- Liquor Law Enforcement Account
- Idaho Law Enforcement Telecommunications Account
- Drug Enforcement Donation Account
- Interagency Billing and Receipts Account

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$3,070,000</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>375,000</td>
</tr>
<tr>
<td>Idaho Law Enforcement Telecommunications Account</td>
<td>150,000</td>
</tr>
<tr>
<td>Drug Enforcement Donation Account</td>
<td>75,000</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>177,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,847,900</strong></td>
</tr>
</tbody>
</table>

(b) Rule 14 of the Rules and Regulations of the Idaho Personnel Commission shall not apply to the Criminal Investigators funded by the General Account.

III. IDAHO STATE POLICE:

FROM:

- Idaho Law Enforcement Account
- Alcohol Safety Action Account

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Law Enforcement Account</td>
<td>$6,134,900</td>
</tr>
<tr>
<td>Alcohol Safety Action Account</td>
<td>750,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,884,900</strong></td>
</tr>
</tbody>
</table>

IV. BRAND INSPECTION:

FROM:

- State Brand Board Account
- Brand Recording Account

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Brand Board Account</td>
<td>891,100</td>
</tr>
<tr>
<td>Brand Recording Account</td>
<td>335,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,226,800</strong></td>
</tr>
</tbody>
</table>

V. HORSE RACING COMMISSION:
CHAPTER 273
(H.B. No. 325, As Amended)

AN ACT
RELATING TO THE ADDITIONAL SALES AND USE TAX; AMENDING SECTION 63-3640, IDAHO CODE, TO INCREASE THE ADDITIONAL SALES AND USE TAX TO ONE AND ONE-HALF PERCENT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-3640, Idaho Code, be, and the same is hereby amended to read as follows:

63-3640. IMPOSITION AND RATE OF TAX. Commencing March 1, 1983, and ending June 30, 1984, in addition to the tax imposed by section 63-3619, Idaho Code, and section 63-3621, Idaho Code, there is hereby imposed a tax of one and one-half percent (1 1/2%) upon the same sales and same uses as are taxed by the provisions of sections 63-3619 and 63-3621, Idaho Code. The additional tax shall be collected at the same time and in the same manner as the taxes imposed by sections 63-3619 and 63-3621, Idaho Code, and shall be subject to all of the collection, enforcement and administrative requirements of chapter 36, title 63, Idaho Code.

The state tax commission is authorized and directed to prepare proper forms, schedules and instructions for the administration of the provisions of this section and collection of taxes hereby imposed. The provisions of section 63-3619, Idaho Code, notwithstanding, the state tax commission is hereby authorized and directed to provide schedules for collection of the tax on sales which involve a fraction of a dollar.

The moneys collected under this section shall be deposited into the general account.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 1983.

Approved April 25, 1983.
CHAPTER 274
(H.B. No. 254)

AN ACT
RELATING TO EXEMPTIONS FROM AD VALOREM TAXATION; AMENDING SECTION 63-105DD, IDAHO CODE, AS ENACTED BY INITIATIVE PETITION NO. 1 ADOPTED BY THE ELECTORATE AT THE GENERAL ELECTION OF NOVEMBER 2, 1982, TO PROVIDE A PERMANENT EXEMPTION FROM AD VALOREM TAXATION FOR OWNER-OCCUPIED RESIDENTIAL IMPROVEMENTS, TO PROVIDE REQUIREMENTS BEFORE THE EXEMPTION MAY BE ALLOWED, AND TO PROVIDE THAT AN OWNER NEED NOT FILE FOR THE EXEMPTION UNDER CERTAIN CONDITIONS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-105DD, Idaho Code, as enacted by Initiative Petition No. 1 adopted by the electorate at the General Election of November 2, 1982, be, and the same is hereby amended to read as follows:

63-105DD. PROPERTY EXEMPT FROM TAXATION -- RESIDENTIAL IMPROVEMENTS. (1) During the tax year 1983 and each year thereafter, the first fifty thousand dollars ($50,000) of the market value for assessment purposes of residential improvements, or fifty percent (50%) of the market value for assessment purposes of residential improvements, whichever is the lesser, shall be exempt from ad valorem taxation. For purposes of this section, "residential improvements" shall include improvements to real property designed for use or primarily used as dwelling places for one or more persons or families; including mobile homes; and shall include garages or other appurtenant structures. Residential improvements shall not include improvements consisting of more than four residential units which are part of a common building. One exemption shall be allowed for a duplex, triplex or fourplex. Provided; however, if units within a duplex, triplex, fourplex, or larger multiple unit complex are separately owned and assessed; as for example with condominiums, each such separately owned and assessed unit shall be entitled to one exemption.

Residential improvements shall also include that portion of the improvements of a commercial, industrial, or other class of property which is actually occupied and used by the owner thereof as his primary dwelling place; provided, the owner thereof certifies to the county assessor by June 15 that;

(2) The exemption allowed by this section may be granted only if:
(a) The residential improvements are owner-occupied and used as the primary dwelling place of the owner;
(b) 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; and
(c) The owner has certified to the county assessor by June 15...
that:

(i) (a) He is making application for the exemption allowed by this section;

(ii) (b) That the residential improvements are his primary dwelling place; and

(iii) (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.

(3) The requirement for an owner to apply for the exemption is waived if that owner received the exemption during the previous year, and the county assessor is reasonably assured that the owner still occupies the same residential improvements. In all other situations, the owner must apply for the exemption as otherwise required by this section.

(4) (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.

(5) (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, 1983.

Approved April 26, 1983.

CHAPTER 275
(H.B. No. 377)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of Finance the following amount, from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:
General Account $827,200
State Cemetery Board Account 1,600
Interagency Billing and Receipts Account 2,000
TOTAL $830,800

Law without signature April 26, 1983.
CHAPTER 276
(H.B. No. 373)

AN ACT
APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 1984; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE DEPARTMENT OF EDUCATION.

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

SECTION 1. There is hereby appropriated to the State Department of Education the following amounts, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

- General Account $2,019,100
- Interagency Billing and Receipts Account 128,300
- Professional Standards Commission Account 142,100
- Driver Education Account 1,500,000
- Commodity Distribution Account 300,000
- SEPARS Account 589,300
- Indian Education Account 250,000
- Elementary-Secondary Education Act Account 17,337,100
- Adult Education Account 440,000
- Food Services Account 10,063,600
- Special Education Teacher Training Account 49,800

TOTAL $32,819,300

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

SECTION 3. There is hereby reappropriated to the State Department of Education any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 163, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

Law without signature April 26, 1983.
AN ACT


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

SECTION 1. In addition to the appropriation contained in Section 4, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984:

FROM:
General Account $2,700,000

SECTION 2. In addition to the appropriation contained in Section 7, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for the Forest Utilization Research Program the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984:

FROM:
General Account $40,000

SECTION 3. In addition to the appropriation contained in Section 13, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education for the Idaho Education Public Broadcasting System the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984:

FROM:
General Account $543,200

SECTION 4. In addition to the appropriation contained in Section 15, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education
for the State Library Board the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984: FROM:
General Account $1,058,000

SECTION 5. In addition to the appropriation contained in Section 17, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984: FROM:
General Account $ 567,300

SECTION 6. In addition to the appropriation contained in Section 19, S.B. No. 1196, First Regular Session, Forty-seventh Idaho Legislature, there is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation for the Vocational Rehabilitation Program the following amount, to be expended from the listed account for the period July 1, 1983, through June 30, 1984: FROM:
General Account $1,319,200

Law without signature April 26, 1983.

CHAPTER 278
(S.B. No. 1192)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 1984, DESIGNATING PROGRAM LIMITS; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT.

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

SECTION 1. It is legislative intent that the total appropriation for the Department of Health and Welfare, from the listed accounts, not exceed the following amounts for the period July 1, 1983, through June 30, 1984: FROM:
General Account $ 63,850,000
Cooperative Welfare Account 114,967,600
Alcoholism Treatment Account 2,004,300
Cancer Control Account 375,000
Central Tumor Registry Account 94,800
Emergency Medical Services Account 641,300
Medical Assistance Account 20,000
Liquor Account 650,000
SECTION 2. There is hereby appropriated to the Department of Health and Welfare, Division of Health, the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983 through June 30, 1984:

A. PHYSICAL HEALTH SERVICES

FROM:
- General Account
- Cooperative Welfare Account
- Cancer Control Account
- Alcoholism Treatment Account
- Central Tumor Registry Account

TOTAL $1,815,200

B. EMERGENCY MEDICAL SERVICES

FROM:
- General Account
- Emergency Medical Services Account
- Cooperative Welfare Account

TOTAL $150,000

C. LABORATORY SERVICES

FROM:
- General Account
- Cooperative Welfare Account

TOTAL $1,342,300

D. SUBSTANCE ABUSE SERVICES

FROM:
- Alcoholism Treatment Account
- Cooperative Welfare Account

TOTAL $1,792,300

DIVISION TOTAL $16,288,700

SECTION 3. There is hereby appropriated to the Department of Health and Welfare, Division of Welfare, the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983 through June 30, 1984:

A. ELIGIBILITY SERVICES

FROM:
- General Account
- Cooperative Welfare Account

TOTAL $4,546,600

B. MEDICAL ASSISTANCE PAYMENTS

FROM:
- General Account
- Medical Assistance Account
- Liquor Account

TOTAL $19,500,000
Cooperative Welfare Account $41,282,000
TOTAL $61,442,000

C. ADULT AND A.D.C. ASSISTANCE PAYMENTS
FROM:
General Account $9,600,000
Cooperative Welfare Account 23,001,700
TOTAL $32,601,700

D. SOCIAL SERVICES
FROM:
General Account $1,395,000
Cooperative Welfare Account 13,051,100
TOTAL $14,446,100

DIVISION TOTAL $119,633,400

SECTION 4. There is hereby appropriated to the Department of Health and Welfare, Division of Environment, the following amounts, to be expended for the designated programs from the listed accounts, for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>Division</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. AIR QUALITY</td>
<td>General Account</td>
<td>$175,000</td>
</tr>
<tr>
<td></td>
<td>Cooperative Welfare Account</td>
<td>567,500</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$742,500</td>
</tr>
<tr>
<td>B. WATER QUALITY AND HAZARDOUS MATERIALS</td>
<td>General Account</td>
<td>$976,500</td>
</tr>
<tr>
<td></td>
<td>Cooperative Welfare Account</td>
<td>2,059,300</td>
</tr>
<tr>
<td></td>
<td>Water Pollution Control Account</td>
<td>8,191,500</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$11,227,300</td>
</tr>
<tr>
<td>DIVISION TOTAL</td>
<td></td>
<td>$11,969,800</td>
</tr>
</tbody>
</table>

SECTION 5. There is hereby appropriated to the Department of Health and Welfare for the Veterans Services Program the following amount, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$354,400</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,601,000</td>
</tr>
<tr>
<td>Idaho Veterans Home Income Account</td>
<td>316,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,272,200</td>
</tr>
</tbody>
</table>

SECTION 6. There is hereby appropriated to the Department of Health and Welfare for the Indirect Support Services Program the following amount, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$3,360,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>2,139,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,499,600</td>
</tr>
</tbody>
</table>
SECTION 7. There is hereby appropriated to the Department of Health and Welfare, Division of Community Rehabilitation, the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

A. COMMUNITY MENTAL HEALTH SERVICES

FROM:
General Account $3,540,000
Cooperative Welfare Account 2,019,700
TOTAL $5,559,700

B. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL NORTH

FROM:
General Account $1,195,000
Cooperative Welfare Account 300,300
Alcoholism Treatment Account 203,300
State Hospital North Income Account 507,700
TOTAL $2,206,300

C. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL SOUTH

FROM:
General Account $4,410,000
Cooperative Welfare Account 916,400
State Hospital South Income Account 700,000
TOTAL $6,026,400

D. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES

FROM:
General Account $4,295,000
Cooperative Welfare Account 2,698,800
TOTAL $6,993,800

E. INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES

FROM:
General Account $4,335,000
Medical Assistance Account 10,000
Cooperative Welfare Account 8,490,000
TOTAL $12,835,000

F. STATE YOUTH SERVICES CENTER

FROM:
General Account $2,860,000
Cooperative Welfare Account 174,100
State Youth Training Center Income Account 515,700
TOTAL $3,549,800

DIVISION TOTAL $37,171,000

GRAND TOTAL $192,834,700

SECTION 8. The State Auditor shall make transfers of the General Account moneys appropriated in this act to the Cooperative Welfare Account, periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amounts provided herein.

Law without signature April 26, 1983.
CHAPTER 279
(S.B. No. 1208)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF COMMUNITY REHABILITATION, FOR FISCAL YEAR 1984; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT.

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

SECTION 1. There is hereby appropriated from the General Account the sum of $275,000 to the Department of Health and Welfare, Division of Community Rehabilitation, for the period July 1, 1983, through June 30, 1984.

SECTION 2. The State Auditor shall make transfers of the General Account moneys appropriated in this act to the Cooperative Welfare Account, periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amounts provided herein.

Law without signature April 26, 1983.

CHAPTER 280
(S.B. No. 1199)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 1984; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 1984; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 1984; 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. There is hereby appropriated to the Department of Lands the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:
A. SUPPORTING SERVICES
FROM:
General Account
$ 791,000
C. 280 '83 IDAHO SESSION LAWS

Interagency Billing and Receipts Account 17,000
U.S. Clark-McNary Account 236,100
Forest Management Account 56,000
Lands Federal Account 30,300
TOTAL $1,130,400

B. FOREST RESOURCES MANAGEMENT
FROM:
General Account $1,200,000
Land Commissioners Scaling Trust Account 518,300
Insect Disease Control Account 223,900
Site Restoration Account 119,600
10% Timber Lease Account 2,264,600
Lands Federal Account 77,700
TOTAL $4,404,100

C. LANDS & RANGE RESOURCES MANAGEMENT
FROM:
General Account
Interagency Billing and Receipts Account 48,500
10% Grazing Lease Account 189,000
TOTAL $938,900

D. EARTH RESOURCES MANAGEMENT
FROM:
General Account $611,000
Oil and Gas Commission Account 3,200
Mining Bond Forfeiture Account 4,800
Lands Federal Account 11,100
10% Recreation Lease Account 42,000
TOTAL $672,100

E. FOREST & RANGE FIRE PROTECTION
FROM:
General Account $1,136,600
Forest & Range Conservation Account 9,600
U.S. Clark-McNary Account 749,600
TOTAL $1,895,800

F. HAZARD MANAGEMENT & EROSION CONTROL
FROM:
Forest Management Account $1,460,200
Soil Erosion Control Account 337,800
Clearwater Potlatch Timber Protection Association Account 1,403,900
Southern Idaho Timber Protection Association Account 329,300
TOTAL $3,531,200

G. SOILS AND WATER MANAGEMENT
FROM:
General Account $283,000
Lands Federal Account 187,100
TOTAL $470,100

H. SCALING PRACTICES
FROM:
Log Scalers Law Account $164,500

GRAND TOTAL $13,207,100
SECTION 2. As appropriated in Section 1, it is legislative intent that the Department of Lands, in the Forest Resources Management Program, assign one forester to coordinate the cruising of timber designated for reforestation purposes with county and private woodland owners; that no moneys shall be transferred from the Forest Resources Management Program or the Soils and Water Management Program to any other program within the Department of Lands; and that timber sales be maximized at the level of funding appropriated.

SECTION 3. There is hereby appropriated to the Department of Water Resources the following amounts to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,867,500</td>
</tr>
<tr>
<td>Watermaster Service Account</td>
<td>95,100</td>
</tr>
<tr>
<td>Water Conservation and Development Account</td>
<td>121,800</td>
</tr>
<tr>
<td>Federal Energy Account</td>
<td>1,084,900</td>
</tr>
<tr>
<td>Miscellaneous Federal Account</td>
<td>582,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,751,600</td>
</tr>
</tbody>
</table>

SECTION 4. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,796,200</td>
</tr>
<tr>
<td>Cross-country Skiing Account</td>
<td>20,500</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td>551,900</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>568,200</td>
</tr>
<tr>
<td>Waterways Improvement Account</td>
<td>300,000</td>
</tr>
<tr>
<td>Lucky Peak Concession Account</td>
<td>7,600</td>
</tr>
<tr>
<td>Park Donation Account</td>
<td>5,000</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>468,600</td>
</tr>
<tr>
<td>Off-Road Motor Vehicle Account</td>
<td>309,500</td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td>4,900</td>
</tr>
<tr>
<td>Parks &amp; Recreation Federal Account</td>
<td>5,500</td>
</tr>
<tr>
<td>Federal Pass-Through Account</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Federal Surcharge Account</td>
<td>303,500</td>
</tr>
<tr>
<td>Harriman State Park Account</td>
<td>40,600</td>
</tr>
<tr>
<td>Lava Hot Springs Capital Improvement Account</td>
<td>140,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,022,000</td>
</tr>
</tbody>
</table>

SECTION 5. Construction as authorized for the Department of Parks and Recreation 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.

Law without signature April 26, 1983.
CHAPTER 281
(S.B. No. 1204)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 1984;
AND APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR
FISCAL YEAR 1984.

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

SECTION 1. There is hereby appropriated to the Department of
Lands the following amount, from the listed account for the period
July 1, 1983, through June 30, 1984:
FROM:
General Account $100,000

SECTION 2. There is hereby appropriated to the Department of
Water Resources the following amount, from the listed account for the
period July 1, 1983, through June 30, 1984:
FROM:
General Account $75,000

Law without signature April 26, 1983.

CHAPTER 282
(H.B. No. 379)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE AUDI-
TOR FOR FISCAL YEAR 1984 AND DESIGNATING PROGRAM LIMITS; AND
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDI-
TURES.

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

SECTION 1. It is legislative intent that the expenditures for the
State Auditor not exceed the following amounts for the period July 1,
1983, through June 30, 1984:
FOR:
Personnel Costs $2,037,900
Operating Expenditures 1,787,500
Capital Outlay 5,700
TOTAL $3,831,100
FROM:
General Account $1,710,000
Interagency Billing and Receipts Account 2,121,100
TOTAL $3,831,100
SECTION 2. There is hereby appropriated to the State Auditor the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1983, through June 30, 1984:

<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: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 697,900</td>
<td>$ 121,400</td>
<td>$5,700</td>
<td>$ 825,000</td>
</tr>
<tr>
<td>B. DATA CENTER: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 885,000</td>
<td>$ 885,000</td>
<td></td>
<td>$ 885,000</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>1,340,000</td>
<td>781,100</td>
<td>2,121,100</td>
<td>3,106,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,340,000</td>
<td>$1,666,100</td>
<td>$5,700</td>
<td>$3,006,100</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,037,900</td>
<td>$1,787,500</td>
<td>$5,700</td>
<td>$3,831,100</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 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.

Law without signature April 26, 1983.
A CONCURRENT RESOLUTION
AUTHORIZING THE CONTINUATION OF IDAHO'S PARTICIPATION IN THE WESTERN STATES FORESTRY TASK FORCE.

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

WHEREAS, the State of Idaho has participated in the formation and work of the Western States Forestry Task Force; and

WHEREAS, the Western States Forestry Task Force is now a working entity, and is diligently pursuing the several subjects important to forest management of the member states; and

WHEREAS, it is to the benefit of the State of Idaho that we continue to participate in the Task Force so that the involved member states have every opportunity to foster sound forest management.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho continue to participate in and be a member of the Western States Forestry Task Force through the medium of a legislative delegation, which is authorized to serve for the duration of the Forty-seventh Idaho Legislature.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate is authorized to appoint two members of the Senate to serve as members of the Task Force, one each from the majority and minority parties, and that the Speaker of the House is authorized to appoint two members of the House, one each from the majority and minority parties, to serve as members of the Task Force. The members of the Task Force shall be entitled to compensation and allowances as provided by law for members of other legislative interim committees, to be paid from the Legislative Account.

Adopted by the Senate January 24, 1983.
Adopted by the House February 10, 1983.

A CONCURRENT RESOLUTION
RELATING LEGISLATIVE FINDINGS, REJECTING CERTAIN RULE AMENDMENTS OF
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of executive agencies pursuant to section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the amendments to the following administrative rules and regulations by the Department of Labor and Industrial Services with a promulgation date of January 21, 1983, and an effective date of March 3, 1983, go beyond the intent of the Legislature, namely:

a. Rule .07.01.03.A.106.c and .d. raising fees for various technical services and occupancy;

b. Rule .07.01.C.310.e. raising the fee for system plan reviews of manufactured buildings;

c. Rule .07.01.03.L.1212.e. raising the fee for system plan reviews commercial coaches;

d. Rule .07.01.03.M.1314.d.e and .j. raising the fee for requested inspections for recreational vehicles; and

e. Rule .07.01.03.H.810.d. raising the fees for plan checks.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that said rules are hereby rejected and declared null and void.

Adopted by the Senate February 15, 1983.
Adopted by the House March 1, 1983.

(S.C.R. No. 104)

A CONCURRENT RESOLUTION CONGRATULATING THE CITY OF CALDWELL ON ITS ONE HUNDREDTH BIRTHDAY.

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

WHEREAS, in August, 1883, the townsite of Caldwell was platted parallel to the Oregon Short Line Railroad tracks when the Idaho and Oregon Land Improvement Company established the townsite in honor of the company's president, C. A. Caldwell, a former U.S. Senator from Kansas; and

WHEREAS, the townsite of Caldwell was affectionately known and referred to as "Bugtown" by residents and visitors in its early days; and

WHEREAS, irrigation systems were built by the Oregon Land Improvement Company and the Boise Valley Canal Company in the surrounding area soon after the townsite's inception; and

WHEREAS, highly diversified farming operations began developing as a result of the construction of these irrigation systems in Caldwell and the surrounding area, and these farming operations grew and still
grow a variety of crops not found in other localities including hops, alfalfa seed, hybrid sweet corn seed, many other types of vegetable seed, sugar beets, potatoes and onions; and

WHEREAS, many seed crops are processed in the Caldwell area with the county seat of Caldwell, Canyon County, providing the nation with eighty percent of its total supply of hybrid sweet corn seed; and

WHEREAS, the College of Idaho was founded in 1891 in the City of Caldwell and has offered and continues to offer one of the finer liberal arts college educations in the nation; and

WHEREAS, Caldwell's past and present residents include a leader in the development of radar and color television, the codiscoverer of Vitamin B-12, the researcher who isolated curium and plutonium, nationally known actors and actresses, professional athletes, researchers and innovators in the fields of plant science and agriculture, and numerous distinguished politicians and public servants; and

WHEREAS, the City of Caldwell has made great strides since its humble beginnings in 1883 as "Bugtown" and has developed into a bustling, progressive city with an unlimited future.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the members of the Legislature take this opportunity to honor the anniversary of the founding of the City of Caldwell and praise it for its many memorable achievements.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Al McCluskey, the Mayor of the City of Caldwell and to the members of the City Council of the City of Caldwell.

Adopted by the Senate February 28, 1983.
Adopted by the House March 8, 1983.

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

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 Director of the Department of Health and Welfare August 11, 1982, and effective September 1, 1982, relating to Medical Assistance, should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Rule 3-9160.04,
Title 3, Chapter 9, "Rules Governing Medical Assistance," Department of Health and Welfare, be, and the same is hereby amended to read as follows:

.04 Payments for Periods of Temporary Absence. No payments may be made for reserving beds in long term care facilities for recipients during their temporarily absence from the facility if the facility charges private paying patients for reserve bed days, subject to the following limitations:

(a) Facility Occupancy Limits. Payment for periods of temporary absence from long term care facilities will not be made when the number of unoccupied beds in the facility on the day preceding the period of temporary absence in question is equal to or greater than the larger of:

1. Five (5) beds; or
2. Five percent (5%) of the total number of licensed beds in the facility.

(b) Time Limits. Payments for periods of temporary absence from long term care facilities will be made for:

1. Therapeutic home visits up to three (3) days per visit and not to exceed a total of fifteen (15) days in any consecutive twelve (12) month period without written preauthorization from the IOCT.
2. Extended therapeutic home visits in excess of three (3) days or fifteen (15) days in any consecutive twelve (12) month period if the extended visit is part of the patient treatment plan ordered by the attending physician and when preauthorization is requested in writing and approved in writing by the IOCT. In determining whether the request for preauthorization of payment for extended therapeutic home visit is to be granted, the IOCT must consider all of the following:

(i) The potential medical, psychological, or social benefit which will be realized by the patient as a result of the leave; and

(ii) The risk that the patient will lose his place in the facility if reimbursement is not made to the facility for those
(iii) The percentage of Medicaid to total patients in the facility. If one hundred percent (100%) of the patients are Medicaid, preauthorization is not justified as the payment for the days in question will not impact on the total reimbursement to be allowed the facility under the program.

(c) Limits on Amount of Payments. Payment for reserve bed days will be the lesser of the following:

(1) Seventy-five percent (75%) of the audited allowable costs of the facility; or

(2) The rate charged to private paying patients for reserve bed days.

Adopted by the Senate March 23, 1983.
Adopted by the House April 4, 1983.

(S.C.R. No. 108)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY RELATING TO FIRE PROTECTION ON IDAHO'S FOREST LANDS AND TO UNDERTAKE AND COMPLETE A STUDY RELATING TO FIRE PROTECTION FOR STATE-OWNED RANGE LANDS AND TO CONSIDER A STUDY RELATING TO ALTERNATIVE METHODS OF FUNDING OF THE ADMINISTRATIVE COST OF STATE TIMBER SALES.

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

WHEREAS, the Legislature finds that each year many thousands of acres of federal, state, and private forest lands are burned in Idaho; and

WHEREAS, these fires not only pose a very real ongoing threat to human life and property, destruction of watersheds and timberlands, a threat to wildlife, soil erosion and water quality; and

WHEREAS, uncontrolled range fires on state-owned rangelands destroy needed forage crops and pose a real threat to adjoining landowners; and

WHEREAS, all fire suppression entities have common goals; and

WHEREAS, there may be alternative methods available of funding administrative cost of state timber sales.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council appoint a committee comprised of eight members to undertake
and complete a study of problems of fire protection on federal, state, and private forest lands. The committee shall study issues such as financing, patterns of ownership, responsibility, mutual response, potential state liability and values at risk. The committee shall consist of four members of the Senate and four members of the House of Representatives.

BE IT FURTHER RESOLVED that the Committee shall study the issues relating to fire protection for state-owned rangelands.

BE IT FURTHER RESOLVED that the Committee may study alternative methods of funding administrative cost of state timber sales and the Legislative Council shall report findings, recommendations and any suggested legislation to the Second Regular Session of the Forty-seventh Idaho Legislature.

Adopted by the Senate March 31, 1983.
Adopted by the House April 9, 1983.

(S.C.R. No. 110)

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF THE STATUS OF EXISTING WATER RIGHTS AND FUTURE WATER NEEDS FOR THE WATERS OF THE SNAKE RIVER, ITS TRIBUTARIES AND THE AQUIFER.

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

WHEREAS, issues relating to water use and the appropriate allocation of the water resources of the State of Idaho are of paramount importance to each and every citizen of this State; and

WHEREAS, the recent Supreme Court decision in regard to Idaho Power water rights in the Snake River at Swan Falls will impact the use of water in the river system and has been the subject of extensive consideration by the First Regular Session of the Forty-seventh Idaho Legislature; and

WHEREAS, the complexity of the water use system developed around the Snake River, its tributaries and the aquifer, warrants comprehensive study to effectuate development of a viable state policy which recognizes and incorporates the interests of water users in this State including irrigators, energy producers and the general public.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized and directed to appoint a committee of not more than ten members to undertake and complete a study of the status of existing water rights and future water needs for the waters of the Snake River, its tributaries and the aquifer. In this study, the Committee shall address matters relating to the existing hydropower base as it affects existing electrical consumers as well as future agricultural and industrial developments. Members of the Committee shall be appointed from the membership of the Senate Resources and
Environment Committee and the House Resources and Conservation Committee and shall include the chairmen of the committees. The Committee may appoint an advisory committee and shall consult with and receive information from representatives of the Public Utilities Commission, the Water Resource Board, the Fish and Game Commission, utilities operating in this State, representatives of water users, industrial users and consumer groups, as well as any others interested and affected by water allocations in this State.

Adopted by the Senate April 13, 1983.
Adopted by the House April 14, 1983.
A CONCURRENT RESOLUTION PROVIDING FOR A COMMITTEE TO STUDY REVENUE PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

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

WHEREAS, it is the responsibility of the Legislature to provide, in cooperation with the Chief Executive, for the sound fiscal operation of the State of Idaho; and

WHEREAS, the Legislature concludes that a sound budget practice is dependent upon an accurate income projection; and

WHEREAS, the Legislature will benefit from an authoritative estimate arrived at on the basis of the best and most accurate information available.

NOW, THEREFORE, BE IT RESOLVED by the members of the Organizational Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that a joint committee is hereby created and constituted to study revenue projections. The committee shall consist of five members of the Senate, appointed by the President Pro Tempore of the Senate, no more than three of whom shall be from the same political party, and five members of the House of Representatives, appointed by the Speaker of the House, no more than three of whom shall be from the same political party. Because of the constitutional provision that makes the House of Representatives responsible for revenue raising measures, and the tradition which places revenue projection responsibility with the Revenue and Taxation Committee, it is further resolved that the Speaker of the House of Representatives shall designate the chairman of the committee. The committee shall avail itself of the expert knowledge available within the State to provide the First Regular Session of the Forty-seventh Idaho Legislature with the most accurate revenue projection available and shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that meetings of the committee may be held prior to the start of the First Regular Session of the Forty-seventh Idaho Legislature and at such other times as necessary.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the expenses of the committee including
necessary staff and consultants, and to certify such compensation and expenses to the state auditor for payment.

Adopted by the House December 3, 1982.
Adopted by the Senate December 3, 1982.

(H.C.R. No. 2)


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

WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-seventh Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 10, 1983.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh 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 10, 1983, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 10, 1983.
Adopted by the Senate January 10, 1983.

(H.C.R. No. 4)

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 1983 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring, that we find the following cal-
culations to provide a factual representation of the revenue available from the General Account for appropriation in the 1982-1983 fiscal year.

Revenue Projections for 1982-1983 fiscal year:

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court System</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>500,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>7,100,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>20,400,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>150,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>950,000</td>
</tr>
<tr>
<td>Department of Revenue and Taxation:</td>
<td></td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>207,000,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>18,000,000</td>
</tr>
<tr>
<td>Kilowatt Hour Tax</td>
<td>2,100,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>1,800,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>400,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>700,000</td>
</tr>
<tr>
<td>Cigarette Tax</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Miscellaneous Agencies and Transfers</td>
<td>800,000</td>
</tr>
<tr>
<td>Liquor</td>
<td>3,700,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>97,100,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$370,800,000</strong></td>
</tr>
</tbody>
</table>

NOTE: In addition to the above revenues, there has been in the current fiscal year a transfer of $3,500,000 from the Cooperative Welfare Account, Department of Health and Welfare, to the General Account.

Adopted by the House January 20, 1983.
Adopted by the Senate January 20, 1983.

(H.C.R. No. 5)

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 1984 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh 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 1983-1984 fiscal year.
Revenue Projections for 1983-1984 fiscal year:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court System</td>
<td>$2,160,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>500,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>8,400,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>16,500,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>180,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>220,000,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>15,000,000</td>
</tr>
<tr>
<td>Kilowatt Hour Tax</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>1,850,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>850,000</td>
</tr>
<tr>
<td>Cigarette Tax</td>
<td>7,100,000</td>
</tr>
<tr>
<td>Miscellaneous Agencies and Transfers</td>
<td>750,000</td>
</tr>
<tr>
<td>Liquor</td>
<td>3,700,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>112,000,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$393,990,000</strong></td>
</tr>
</tbody>
</table>

Adopted by the House January 20, 1983.
Adopted by the Senate January 20, 1983.

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

REJECTING THE RATES OF COMPENSATION AND EXPENSES FOR MEMBERS OF THE LEGISLATURE FIXED BY THE CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION FOR THE TWO YEAR PERIOD COMMENCING DECEMBER 1, 1982, AND PROVIDING THAT THE RATES OF COMPENSATION AND EXPENSES IN EFFECT DURING THE FORTY-SIXTH IDAHO LEGISLATURE ARE CONTINUED IN FULL FORCE AND EFFECT.

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

WHEREAS, the Legislature is vested with the authority to reject or reduce rates of compensation and expenses established for service as members of the Legislature by the Citizens' Committee on Legislative Compensation pursuant to the provisions of Article III, Section 23, of the Constitution of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rates of compensation and expenses for services to be rendered by members of the Legislature during the two year period commencing December 1, 1982, that were fixed by the Citizens' Committee on Legislative Compensation on October 29, 1982, be, and the same are hereby rejected, and the rates of compensation and expenses in effect during the
Forty-sixth Idaho Legislature are continued in full force and effect.

Adopted by the House January 27, 1983.
Adopted by the Senate February 2, 1983.

(H.C.R. No. 12)

A CONCURRENT RESOLUTION

HONORING KRISTIN SCHAUMANN, THE WINNER OF THE IDAHO VOICE OF DEMOCRACY COMPETITION SPONSORED BY THE VETERANS OF FOREIGN WARS AND LADIES AUXILIARY, AND WISHING HER GOOD LUCK IN THE NATIONAL COMPETITION.

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

WHEREAS, the Voice of Democracy speech competition, sponsored by the Veterans of Foreign Wars and the Ladies Auxiliary, is held annually for the purpose of selecting and recognizing young people with unique oratorical qualities; and

WHEREAS, the winner of the 1983 Idaho Voice of Democracy competition is Miss Kristin Schaumann, who is representative of the young people of the State of Idaho and has demonstrated the qualities of talent, intelligence, poise and eloquence; and

WHEREAS, Miss Schaumann is deserving of recognition by the people of the State of Idaho and by the Legislature of the State of Idaho, and they wish to take this opportunity to express appreciation for her efforts in representing the State of Idaho in the national Voice of Democracy competition.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor the accomplishments of Miss Kristin Schaumann and wish her good luck in the national Voice of Democracy competition to be held during the first week in March.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is authorized and directed to forward a copy of this Resolution to Miss Kristin Schaumann.

Adopted by the House February 4, 1983.
Adopted by the Senate February 25, 1983.

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE INTENT, AND DIRECTING THE DEPARTMENT OF WATER RESOURCES TO CONDUCT CERTAIN STUDIES.

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

WHEREAS, the Legislature finds and declares that it is in the
public interest that studies of water projects on the Weiser River Basin be continued and, in particular, that a site for a major storage project on the Weiser River be identified.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Water Resources is hereby directed and required to:

(a) Work with the United States Corps of Engineers and the United States Fish and Wildlife Service on evaluation of downstream fishery benefits from storage water releases on the Weiser River and identification of the dollar benefits attributable to a project providing these releases, and how these funds can be obtained for project implementation;

(b) Identify other sources of funding, including funds for flood control and the production of electrical energy, which may be available to pay the cost of a water project based upon the benefits derived from the project;

(c) Study any other alternative means of project financing;

(d) Establish an official local advisory committee of five members, with three members to be appointed by the Board of County Commissioners of Washington County, and two members to be appointed by the Board of County Commissioners of Adams County, to assist the Department in its efforts;

(e) Prepare and deliver a report to the Second Regular Session of the Forty-seventh Idaho Legislature detailing a time and work flow schedule for completion of any potential water project on the Weiser River; and

(f) Identify the potential impacts on local and state tax revenues resulting from development of a water project on the Weiser River.

Adopted by the House March 31, 1983.
Adopted by the Senate April 5, 1983.

(H.C.R. No. 15)

A CONCURRENT RESOLUTION
ADOPTING TAIWAN AS A SISTER STATE.

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

WHEREAS, Taiwan is of great strategic importance in the defense of East Asia and the Pacific; and

WHEREAS, the people of Taiwan are and have been among the most trusted friends of the people of the United States; and

WHEREAS, the commercial, cultural and other nongovernmental relations between the American people and Taiwan are now and have always been excellent and mutually beneficial; and

WHEREAS, the people of Idaho wish to conduct and carry out numerous economic and cultural programs, transactions and other relations with the people of Taiwan; and
WHEREAS, the products of Idaho's fields and forests are continually essential for maintaining the trade patterns which are developing between the United States and Taiwan; and
WHEREAS, the Legislature has strong reason to believe that it is the will and pleasure of the people of this State that Taiwan be adopted as a sister state.
NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Taiwan is hereby adopted as Idaho's sister state.
BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Resolution to the President of the United States of America, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Chief Executive Officer of the Government of Taiwan, to the Speaker of the Provincial Legislature of Taiwan, and to the Governor of the State of Idaho.

Adopted by the House February 11, 1983.
Adopted by the Senate March 10, 1983.

(H.C.R. No. 16)

A CONCURRENT RESOLUTION PROVIDING FOR OFFSET PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS AND MEMORIALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee have, according to law, made provisions for the offset printing of the House and Senate bills, resolutions and memorials;
NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee;
BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the offset printing of the House and Senate bills, resolutions and memorials, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and COMET PRINTING AND LITHOGRAPH COMPANY, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and concurred in, and is incorporated herein, and made a part of this resolution in words and figures following, to-wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of January,
1983, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE of the First Regular Session of the Forty-seventh Idaho Legislature, hereinafter referred to as the Joint Committee, and COMET PRINTING AND LITHOGRAPH COMPANY, a corporation, hereinafter referred to as Comet.

WITNESSETH:

That pursuant to written bids submitted to and considered by the Joint Committee, a contract for legislative printing is hereby awarded to Comet per your letter response of December 1, 1982, included as Attachment A, for the First and Second Regular Sessions and any Extraordinary Sessions of the Forty-seventh Idaho Legislature upon the following additional terms and conditions:

1. That Comet will utilize an offset process from "Camera Ready" copies, as these terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials.

2. That Comet concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of five thousand dollars ($5,000), guaranteeing the satisfactory and faithful performance by Comet of all the terms and conditions of this contract.

3. That Comet will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Comet will produce all bills, resolutions and memorials with line and page numbering.

5. That Comet will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

7. That Comet will deliver all standard lot printed material conforming to the above requirements by 9:00 a.m. the next morning after receipt of copy, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Comet bond.

9. That a standard lot of printed material will be eight hundred (800) copies or less of individual bills, resolutions or memorials at a cost of nineteen dollars and forty-five cents ($19.45) per printed page. Additional copies may be obtained by the Joint Committee at the rate of one dollar and eighty cents ($1.80) per printed page in units of one hundred (100).

10. That Comet will pick up "Camera Ready" copy at least twice daily of each day that the Legislature is in session.

11. That Comet will make available to and sell to the general public any bill, resolution or memorial in lots of one hundred (100) copies at a cost of one dollar and eighty cents ($1.80) per printed page, provided the order for such is received prior to the time the
bill is printed.

12. In the event that the Joint Committee desires to utilize an offset process from telecommunicated data, as those terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials, or such instruments from either the Senate or the House of Representatives, Comet will proceed to do so, subject to the following provisions:

a. That a standard lot of printed material will be eight hundred (800) copies or less of individual Bills, Resolutions or Memorials at a cost of nineteen dollars and ninety cents ($19.90) per printed page. Additional copies may be obtained by the Joint Committee at the rate of one dollar and eighty cents ($1.80) per printed page in units of one hundred (100);

b. That Comet will accept telecommunicated data at least twice daily of each day that the Legislature is in session.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE

By

ROGER FAIRCHILD, Chairman

JAMES E. RISCH, President Pro Tempore

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE

By

ERNEST A. HALE, Chairman

TOM W. STIVERS, Speaker

COMET PRINTING AND LITHOGRAPH COMPANY

By

GARY D. DOTSON, Manager

Adopted by the House February 21, 1983.
Adopted by the Senate February 25, 1983.
A CONCURRENT RESOLUTION

AUTHORIZING CERTAIN MEMBERS OF THE HOUSE OF REPRESENTATIVES RESOURCES AND CONSERVATION COMMITTEE AND THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE TO ATTEND PUBLIC HEARINGS CONDUCTED BY THE WATER RESOURCE BOARD IN THE MIDDLE OF FEBRUARY.

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

WHEREAS, in late 1982 a very important decision regarding the field of water law and water rights was handed down by the Idaho Supreme Court in the case of Idaho Power Company vs. the Idaho Water Resource Board, the Department of Water Resources et al.; and

WHEREAS, the Idaho Water Resource Board is conducting a series of public hearings in Southern Idaho from February 15 through 18, 1983, to gather public input regarding the aforementioned case, the future of the Swan Falls Project and related matters; and

WHEREAS, it would be desirable to have some legislative input into these public hearings.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Speaker of the House of Representatives appoint the Chairman, one member from the majority party and one member from the minority party of the House of Representatives Resources and Conservation Committee, that the President Pro Tempore of the Senate appoint the Chairman, one member from the majority party and one member from the minority party of the Senate Resources and Environment Committee, and that these members be authorized to attend the public hearings conducted by the Water Resource Board regarding the Swan Falls Project and related matters on February 15 in St. Anthony and Idaho Falls, on February 16 in Pocatello, on February 17 in Burley and Twin Falls, and on February 18 in Boise.

BE IT FURTHER RESOLVED that the members of the House of Representatives and the Senate appointed and authorized to attend the aforementioned public hearings shall be reimbursed for all ordinary and necessary expenses incurred in attending these hearings. All expenses incurred by the members shall be paid out of moneys in the Legislative Account in the State Operating Fund, and the President Pro Tempore of the Senate and the Speaker of the House of Representatives are hereby authorized and directed to make such payments as required by the purposes of this Resolution.

Adopted by the House February 11, 1983.
Adopted by the Senate February 14, 1983.
A CONCURRENT RESOLUTION
RECOGNIZING THE CONTRIBUTIONS OF BEN PLASTINO TO THE VIGOROUS FREE PRESS IN THE STATE OF IDAHO.

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

WHEREAS, as a journalist with roots deep in the traditions of Idaho, Ben Plastino was born in Ucon, Idaho, graduated from the University of Idaho as a journalism major, and has continuously reported events in Idaho since 1932; and
WHEREAS, Ben Plastino has been an active citizen of his community and state, serving on numerous committees, commissions and organizations directing his talents and energies toward improving the quality of life in the community and state; and
WHEREAS, Ben Plastino has worked from 1942 through 1982 reporting political affairs for the Idaho Falls Post Register.

NOW, THEREFORE, BE IT RESOLVED by the members of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the contributions of Ben Plastino to the vigorous free press in the state of Idaho. We recognize the unique perspective he brings to reports, giving the reader benefit of his experience and insight, providing the background which makes today's events comprehensible in the historical perspective. Ben Plastino has consistently respected the role of journalist, and maintained a healthy adversary relationship with personalities making news. His commitment to the concepts of a free press has contributed to the maintenance of freedom in our society. On the occasion of his fortieth anniversary with the Post Register, and over fifty years reporting politics in Idaho, we acknowledge the contributions of Ben Plastino and commend him for a job well done.

Adopted by the House February 22, 1983.
Adopted by the Senate April 1, 1983.

A CONCURRENT RESOLUTION
COMMENDING AND CONGRATULATING BOB LEERIGHT FOR DISTINGUISHED SERVICE IN REPORTING THE EVENTS WHICH HAVE SHAPED THE STATE OF IDAHO.

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

WHEREAS, the press corps has been referred to as the "Third House" and Bob Leeright has distinguished himself as a member of this House; and
WHEREAS, Bob Leeright has covered thirty-five legislative sessions while working for the Associated Press, having spent nineteen years in Boise, Idaho, and sixteen years in Cheyenne, Wyoming; and
WHEREAS, Bob Leeright, who was born in Rupert, Idaho, and graduated from the University of Idaho in 1942 with a degree in journalism, served as editor for the U of I Argonaut and as a reporter for the Twin Falls Times News and for the Lewiston Tribune prior to joining Associated Press in 1947; and

WHEREAS, Bob Leeright has reported on the many events which shaped this state over two decades, including the political campaigns of presidents and people who would be president, the accomplishments of governors and legislatures, and the tragic forces of man and nature in floods, mine disasters, plane crashes and prison riots; and

WHEREAS, Bob Leeright has shown a consistent interest in the community where he lives through his service in a variety of civic organizations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend and congratulate Bob Leeright for his distinguished service in reporting on the events which make the news. We acknowledge his unique humorous perspective on our legislative process. His humor and insight have added greatly to the public understanding of the Legislature, as well as contributing to the atmosphere of cooperation between public officials and the press. While reporting the news, he has also succeeded in bringing a smile to the faces and hearts of the people of Idaho. We in the Legislature take this opportunity to offer our appreciation to Bob Leeright and wish him Godspeed in his retirement.

Adopted by the House February 2, 1983.
Adopted by the Senate April 1, 1983.

(H.C.R. No. 21)

A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO JOINT RULE 6 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 House of Representatives and the Senate deem it necessary and desirable to amend Joint Rule 6 of the temporary joint rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Joint Rule 6 of the temporary joint rules of the Senate and the House of Representatives be amended to read as follows:

JOINT RULE 6

Resolutions and Memorials. -- Joint Resolutions shall be treated in every respect as are bills except that they shall be passed only by 2/3 majority of the membership of each house. Concurrent resolutions and memorials shall be printed as are bills and also be printed in
full in the journal of the house of origin and by number and author only in the journal of the other house. When passed in one house and transmitted to the other, they shall be accepted or rejected only and shall not be subject to amendment. Joint resolutions, concurrent resolutions and memorials shall, after being passed, be filed with the Secretary of State, rather than being submitted to the Governor for consideration.

Adopted by the House February 18, 1983.
Adopted by the Senate March 2, 1983.

(H.C.R. No. 22)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE POLICIES ON PAY POLICIES FOR STATE EMPLOYEES.

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

WHEREAS, the Legislature has by law provided that the Governor and the Idaho Personnel Commission report to the Legislature their recommendations for proposed personnel pay policies, together with estimated costs thereof; and

WHEREAS, the Legislature has received and reviewed the report of the Governor dated January 11, 1983, and the report of the Idaho Personnel Commission dated October, 1982; and

WHEREAS, the Legislature recognizes the need to maintain spending patterns of state government within Constitutional limitations and established guidelines; and

WHEREAS, the Legislature recognizes the necessity to maintain the internal equity of its classification and compensation structure.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

1. Recommendation No. 1 of the Idaho Personnel Commission, relating to an across-the-board payline adjustment is rejected; and Recommendation No. 1 of the Chief Executive to freeze the payline formula is accepted. That part of Recommendation No. 1 which provides one and one-half percent of payroll costs for merit increases is rejected. The Legislature modifies that Recommendation so that one and one-half percent of the moneys appropriated for salaries and wages may be utilized for merit adjustments, if such adjustments can be made without the additional General Account appropriation recommended by the Chief Executive.

2. Recommendation No. 2 of the Chief Executive and the Idaho Personnel Commission, relating to pay grade reallocations, is hereby accepted.

BE IT FURTHER RESOLVED that appropriation measures to fund salary and wage expenditures, and accompanying personnel costs, for fiscal year 1984, shall be prepared in accordance with these expressed guidelines.
BE IT FURTHER RESOLVED that appropriation measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

Adopted by the House March 3, 1983.
Adopted by the Senate March 29, 1983.

(H.C.R. No. 24)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO ORGANIZE AND OVERSEE A COMPLETE STUDY OF ADMINISTRATIVE ORGANIZATION OF SCHOOL DISTRICTS AND TO REPORT FINDINGS.

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

WHEREAS, the Legislature is cognizant of the constitutional mandate to maintain a general, uniform and thorough system of public, free common schools; and

WHEREAS, questions exist whether the current organizational structure of the State's school districts provides a cost efficient and effective delivery system of public education in grades K-12; and

WHEREAS, current economic conditions particularly mandate every effort to assure the most economically efficient system for the best use of educational resources in providing educational opportunity for the children of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to establish a committee to organize and oversee a complete study of administrative organization of school districts. For the purposes of this study the Committee is authorized to designate an advisory committee composed of citizens representing affected sectors of the public; to receive public testimony; and to develop recommendations concerning administrative organization of school districts.

BE IT FURTHER RESOLVED that the goal of the Committee shall be to develop minimum criteria that each school district must meet in order to continue operation as an efficient administrative unit. The criteria to be considered shall include, but not be limited to, population to be served, grades to be provided, types of services, provisions for local governance which will be representative and responsible to patron and district needs, market value for assessment purposes, and bonding capacities and limits.

BE IT FURTHER RESOLVED that the Committee shall submit a report of its findings, including recommended legislation, if any, to the Second Regular Session of the Forty-seventh Idaho Legislature.

Adopted by the House March 9, 1983.
Adopted by the Senate March 21, 1983.
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 THE 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 Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho;

BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the First and Second Regular Sessions, Forty-seventh Idaho Legislature, and the Session Laws of any Extraordinary Session, Forty-seventh Idaho Legislature, in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and 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 15th day of February, 1983, by and between the Speaker of the House of Representatives, T. W. Stivers, and the President Pro Tempore of the Senate, James E. Risch, the Joint Printing Committee of the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding 1200 copies of the Session Laws of the First Regular Session of the Forty-seventh Legislature and for printing and binding 1200 copies of the Session Laws of the Second Regular Session of the Forty-seventh Legislature and the Session Laws of any Extraordinary Session of the Forty-seventh Legislature: $18.25 per
page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished party of the second part, plus $4.90 per volume for binding. The party of the second part shall provide an additional quantity to be made available to the general public at $23.75 per single volume, and $27.10 per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1983, shall be included in the Session Laws of the First Regular Session, or adjourned prior to June 1, 1984, 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES
By T. W. Stivers

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By Ernest A. Hale, Chairman
A CONCURRENT RESOLUTION

CONGRATULATING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION FOR ITS NEW POLICY LEGISLATION RELATING TO FINANCIAL AID AND ELIGIBILITY TO ATHLETES AT THE POSTSECONDARY EDUCATIONAL LEVEL.

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

WHEREAS, many athletes leaving high school and entering postsecondary educational institutions to participate in intercollegiate athletics have been totally unprepared for the stringent requirements of both athletics and academia; and

WHEREAS, many of these athletes have received financial aid purportedly to assist in their pursuit of a degree; and

WHEREAS, not only have many of these athletes left postsecondary institutions at the conclusion of their athletic eligibility, but have done so without a marketable skill; and

WHEREAS, many alumni perceive the exploitation of the athlete's athletic prowess for the institution's winning teams to be an indication of academic excellence; and

WHEREAS, the National Collegiate Athletic Association has recently enacted policy legislation requiring a 2.0 grade point average for eleven solid subjects in secondary school and a specific minimum score on the SAT or ACT test as a prerequisite for receipt of financial aid and participation in intercollegiate athletics for the initial year at a postsecondary institution; and

WHEREAS, the National Collegiate Athletic Association has acted to require that student athletes receiving financial aid successfully pass twenty-four credit hours each academic year in a postsecondary
degree program to which the student athlete is committed.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the members of the Legislature take this opportunity to express congratulations to the National Collegiate Athletic Association for their recent policy legislation to upgrade academic requirements relating to student athletes for receipt of financial aid.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby directed to forward a copy of this Resolution to President John L. Toner and to Executive Director Walter Byers of the National Collegiate Athletic Association.

Adopted by the House March 10, 1983.
Adopted by the Senate March 29, 1983.

(H.C.R. No. 28)

A CONCURRENT RESOLUTION

RELATING TO LEGISLATIVE FINDINGS, REJECTING A CERTAIN RULE AMENDMENT OF THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES PROVIDING FOR SUBMISSION OF CERTIFIED PAYROLLS PAID TO EMPLOYEES BY CONTRACTORS ON PUBLIC BUILDING PROJECTS.

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

WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of executive agencies pursuant to section 67-5218, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the amendments to the following administrative rules and regulations by the Department of Labor and Industrial Services with a promulgation date of January 21, 1983, and an effective date of March 3, 1983, go beyond the intent of the Legislature, namely:

a. Rule .07.02.01.01.C.301. which provides that all contractors performing work subject to the provisions of Chapter 10, Title 44, Idaho Code, shall submit to the director of the Department of Labor and Industrial Services, on a weekly basis, certified payrolls on a form provided by the department, showing wages and fringe benefits paid to each of its employees performing work on public buildings or projects for the State of Idaho or a political subdivision thereof.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the said rule is hereby rejected and declared null and void.

Adopted by the House March 8, 1983.
Adopted by the Senate March 21, 1983.
A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO REVIEW INDIAN AFFAIRS ISSUES.

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

WHEREAS, there are Indian tribes in the State of Idaho with unique rights which are inherent or acknowledged by treaties, statutes or case law and these tribes are recognized by the United States as sovereign dependent nations; and

WHEREAS, due to the unique character of tribal governments, there are many complex issues relating to law enforcement, water rights, zoning and land use, natural resources, wildlife management, health and welfare services, education, and taxation which should continue to be addressed in a coordinated manner by legislative bodies of federal, state and tribal governments; and

WHEREAS, the United States Congress, as the ultimate authority on Indian tribes has not acted in a decisive manner to resolve many of these legal, social and economic issues relating to Indian tribes in Idaho; and

WHEREAS, the Legislature of the State of Idaho and tribal councils of the five Idaho Indian tribes have started an effort toward resolving these complex issues through cooperation, negotiation, and mutual agreement; and

WHEREAS, failure to address Indian affairs issues will result in expensive court litigation which has strained tribal-state relations in the past and has not satisfactorily resolved any of these important issues; and

WHEREAS, it is the goal of the Legislature of the State of Idaho to address current Indian affairs issues through coordinated legislative action based upon improved communications and better understanding between the federal, state and tribal governments; and

WHEREAS, the Legislative Council Committee on Indian affairs met in 1982 and studied Indian affairs issues and determined that it would be beneficial for a special joint committee of the Legislature to continue to meet with tribal and federal government representatives in order to address important issues of mutual concern.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council shall appoint a committee comprised of eight members to review Indian affairs issues. This committee shall consist of four members of the Senate and four members of the House of Representatives, with consideration given in appointing members to the Committee to achieve a geographical balance and with consideration given to individuals who have served on the previous Indian Affairs Committee.

BE IT FURTHER RESOLVED that the Committee may seek opinions of and information from the various Indian tribes, both jointly and individually, state agencies, local government, citizens living on or near Indian reservations, and other interested persons and entities to
assist the Committee in its deliberations as the members deem appropriate for studying Indian-related issues of the various tribes in Idaho.

BE IT FURTHER RESOLVED that the Committee shall initially give priority to Indian affairs issues and may recommend legislation and suggest solutions to resolve those issues.

BE IT FURTHER RESOLVED that the Legislative Council shall report the Committee's findings, recommendations and, if appropriate, legislation to the First Regular Session of the Forty-eighth Idaho Legislature and that the Legislative Council shall submit a progress report of the Committee to the Second Regular Session of the Forty-seventh Idaho Legislature.

Adopted by the House March 24, 1983.
Adopted by the Senate March 30, 1983.

(H.C.R. No. 32)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY THE POTENTIAL FOR PROVIDING MORE EFFICIENT AND LESS COSTLY ADEQUATE SPACE FOR STATE OPERATIONS.

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

WHEREAS, the Legislature has considered at length the most efficient and cost effective means of maintaining necessary and adequate space for state operations; and

WHEREAS, a special committee of the Legislature has instigated an investigation of the possible sale of state buildings and lease back of the buildings, including legal and constitutional ramifications of the potential sale; and

WHEREAS, a matter so complex as this warrants careful study and thorough consideration.

NOW, THEREFORE, BE IT RESOLVED by the members of the Legislature of the State of Idaho, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to undertake and complete a study of the potential for providing more efficient and less costly adequate space for state operations. For these purposes, a committee shall be appointed and cochairs from the House of Representatives and the Senate shall be designated.

BE IT FURTHER RESOLVED that a report of the Committee findings and recommended legislation, if any, shall be made to the Second Regular Session of the Forty-seventh Idaho Legislature.

Adopted by the House March 31, 1983.
Adopted by the Senate April 9, 1983.
A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND
COMPLETE A STUDY OF TAXATION MATTERS.

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

WHEREAS, for many years the State's citizens enjoyed a balanced
tax system which included components of ad valorem taxes, sales taxes,
individual income taxes and corporate income taxes; and

WHEREAS, because of a variety of factors, including voter spon-
sored changes in tax policy as well as federal changes in tax policy,
the tax structure in place today has become dangerously out of bal-
ance; and

WHEREAS, this dangerous imbalance has caused a fiscal crisis for
the State of the highest order; and

WHEREAS, it is apparent that short term or emergency reactions to
the fiscal crisis result in ill-considered, piecemeal and
counter-productive tax measures; and

WHEREAS, it is the desire of this Legislature that a tax structure
should encourage economic development, and not hinder it.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular
Session, Forty-seventh Idaho Legislature, the House of Representatives
and the Senate concurring therein, that the Legislative Council is
directed to appoint a committee to conduct a study of the State's tax
structure in all of its aspects, with the goal of the Committee's
recommendations being to develop a strategy to implement a tax struc-
ture over the succeeding years that is balanced in its application and
effect, meets the revenue needs of the State, and encourages and
assists economic development. The Committee shall consist of not more
than five members of the House of Representatives and not more than
four members of the Senate.

BE IT FURTHER RESOLVED that the Legislative Council shall report
findings and recommendations to the Second Regular Session of the
Forty-seventh Idaho Legislature.

Adopted by the House March 31, 1983.
Adopted by the Senate April 9, 1983.
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 First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the public lands in Idaho are intermingled and managed with state and private lands; and
WHEREAS, management policies on public land impact, restrict and influence the management of state and private lands; and
WHEREAS, the current policies on public land relative to the management of wild horses and burros have caused severe damage to the vegetative, wildlife and soil resources on public, state and private lands; and
WHEREAS, the current management policies for wild horses and burros are not cost effective and have not effectively controlled the wild horse and burro populations.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress is urged to pass legislation incorporating the principles of Senate Bill 2183 of the Second Session, Ninety-seventh Congress, allowing the sale of wild horses and burros from the public lands. Further, the Congress is urged to consider legislation for the management of wild horses and burros which is cost effective, technically sound and considerate of state and private land resources.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 7, 1983.
Adopted by the House February 28, 1983.
A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, RONALD REAGAN; THE SECRETARY OF AGRICULTURE, JOHN BLOCK; THE ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION, CHARLES W. SHUMAN; AND THE DIRECTOR OF THE IDAHO OFFICE OF THE FARMERS HOME ADMINISTRATION, WILLIAM NORBERG.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the whole world is suffering from the most disastrous economic situation since the great depression; and

WHEREAS, commodity prices received by farmers are actually lower on a constant dollar basis than those received during dust bowl days of the 1930's depression; and

WHEREAS, these conditions are forcing the auctioning of farm assets and the break-up of farming operations on an unprecedented basis; and

WHEREAS, the Farmers Home Administration, as an important factor in the farm credit program, is contributing to the disastrous economic situation by pursuing foreclosures; and

WHEREAS, the American farmer is recognized as the most efficient in the world.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein that we urge the President of the United States to take necessary action to help keep farming operations from being subjected to forced liquidation by directing that the Secretary of Agriculture stop all Farmers Home Administration farm foreclosures except in the most extreme circumstances.

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, Ronald Reagan; the Secretary of Agriculture, John Block; the Administrator of the Farmers Home Administration, Charles W. Shuman; and the Director of the Idaho Office of the Farmers Home Administration, William Norberg.

Adopted by the Senate February 11, 1983.
Adopted by the House February 25, 1983.

(S.J.M. No. 106)
We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Congress passed the Reclamation Reform Act of 1982 (P.L. 97-293), to update the land limitation provisions of the Reclamation Act of 1902, which was causing hardships on irrigation farmers in Idaho and the other seventeen reclamation states; and

WHEREAS, rules and regulations for implementation of the new law are not expected to be published until later this year; and

WHEREAS, a reasonable period of time is needed to determine exactly what would be required under rules and regulations prescribed in accordance with the new act; and

WHEREAS, the United States Department of the Interior has published guidelines requiring that any landowner with so-called "excess" land agree to sign contracts to sell off their "excess" land or opt to come under the new law prior to April 1, 1983, without knowing what the rules and regulations will provide; and

WHEREAS, the final rules and regulations should be finalized before landowners are forced to make such decisions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Secretary of the Interior to declare a one year moratorium until April 1, 1984, and not require strict enforcement of the provisions of the old law or require opting under P.L. 97-293, until actual rules and regulations are available before decisions need be made.

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, Ronald Reagan, to the Secretary of the Interior, James Watt, to the Commissioner of Reclamation, Robert Broadbent, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 4, 1983.
Adopted by the House March 28, 1983.
HOUSE JOINT MEMORIALS

(H.J.M. No. 2)

A JOINT MEMORIAL
TO DONALD HODEL, SECRETARY OF ENERGY, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, one of the foremost concerns of all Idahoans is the creation and retention of job opportunities and assistance in the national effort to assure a strong defense; and
WHEREAS, the Idaho National Engineering Laboratory contractors in Eastern Idaho are the largest private employers in Idaho, providing more than 8,000 jobs; and
WHEREAS, some of the projects at the site are being completed with a potential loss of several thousands of jobs within the next five years; and
WHEREAS, a New Production Reactor (NPR) will create 800 new long-term jobs and demand construction forces of 3,500 during the peak of construction; and
WHEREAS, the national defense of our country is of paramount importance; and
WHEREAS, the Idaho National Engineering Laboratory has been involved for many years in nuclear testing for this defense; and
WHEREAS, one New Production Reactor will be built to provide for advance weaponry; and
WHEREAS, invaluable contributions to nuclear safety have been accomplished at the Idaho site; and
WHEREAS, the steam generated from this project can be sold to a private utility which can generate 1,000 to 1,500 megawatts of low-cost electricity; and
WHEREAS, the solid support of the Idaho congressional delegation and entities is beneficial in advancing and supporting this project for the nation; and
WHEREAS, the Idaho voters at the polls on November 2, 1982 adopted by a 60.5% vote of 175,506 to 114,408 Initiative Petition No. 3 supporting the future generation of electricity through nuclear energy;
WHEREAS, Idaho's state government by resolutions and statements of both the legislative and executive branches is strongly supportive of seeking the NPR for and in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the siting of this project at the Idaho National Engineering Laboratory and that the Department of Energy is requested to designate Idaho as the location for the reactor.

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 Secretary of Energy, Donald Hodel, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 2, 1983.
Adopted by the Senate February 8, 1983.

(H.J.M. No. 3)

A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Constitution of the United States vests in the Congress of the United States the supreme power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures"; and

WHEREAS, Congress passed the Federal Reserve Act in 1913 and thereby abdicated its duty to fix a constant lawful value for United States money; and

WHEREAS, the national debt in 1913 was less than two billion dollars while the national debt in 1983 exceeds one trillion dollars; and

WHEREAS, the people of Idaho are suffering from the effects of high unemployment and the recession, which has been caused principally by high interest rates; and

WHEREAS, the control of interest rates by the Board of Governors of the Federal Reserve Board has led the Nation down a course toward economic calamity; and

WHEREAS, Section 19 of the Federal Reserve Act specifically pre-
cludes the State of Idaho from effectively legislating or enacting any lawful ceiling for interest rates charged by the Federal Reserve, thereby immunizing banks and bankers from any threat of civil or criminal liability for interest rates charged; and

WHEREAS, the United States Government owns no stock in the Federal Reserve System, and the Federal Reserve, as such, is not a government agency, and is, in fact, a monopoly entirely independent of U.S. Government control absent direct legislative action by the Congress.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Congress enact legislation providing for the immediate repeal of the Federal Reserve Act and place back in the Congress the power to regulate the value of United States money.

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, the President of the United States Senate, the Speaker of the House of Representatives of the United States in Congress assembled and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 4, 1983.
Adopted by the Senate March 14, 1983.

(H.J.M. No. 5)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho Legislature is considering legislation to provide for the safe importation, manufacture, distribution, sale and use of dimethyl sulfoxide and its compounds and mixtures within the State of Idaho for prescriptive use by licensed physicians; and

WHEREAS, the provisions of the Food, Drug and Cosmetic Act (15 U.S.C. 301) and the Fair Packaging and Labeling Act (15 U.S.C. 1451) prevent citizens of the State of Idaho from the full enjoyment of those rights to be granted by the government of this state;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring, that the Congress of the United States and the United States Food and Drug Administration take appropriate action to remove any federal impediments to the full implementation of Idaho law governing the importation, manufacture, distri-
A JOINT MEMORIAL
TO THE SECRETARY OF AGRICULTURE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Department of Agriculture National Small Grains Collection is presently located at Beltsville, Maryland and is antiquated in terms of size and storage conditions for preservation of irreplaceable germ plasm essential for cereal variety improvements; and

WHEREAS, the United States Department of Agriculture is considering the construction of a modern facility for the National Small Grains Collection to be a working collection of all wheat, barley, oat and rice seed known to mankind; and

WHEREAS, the University of Idaho Agricultural Research and Extension Center at Aberdeen, Idaho has long been the major station for growing replacement wheat, barley, oat and rice seed; and

WHEREAS, scientists, both public and private, who use the National Small Grains Collection in development of new small grain varieties, closely identify Aberdeen, Idaho with the Small Grains Collection and often visit the Aberdeen site to see the Small Grains Collection being grown; and

WHEREAS, the University of Idaho Research and Extension Center at Aberdeen, Idaho, as a location for the National Small Grains Collection has received support from wheat grower organizations throughout the nation including the Kansas Wheat Commission, Oklahoma Wheat Commission, Montana Wheat Research and Marketing Committee, Washington Wheat Commission, Nebraska Wheat Board, Idaho Wheat Commission and the Oregon Wheat Commission; and

WHEREAS, the State of Idaho has pledged both land and financial
assistance for the construction of this facility through funds from the Idaho Wheat Commission and land allocation from the University of Idaho College of Agriculture.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Department of Agriculture is hereby urged to locate the National Small Grains Collection Facility at the University of Idaho Agricultural Research and Extension Center at Aberdeen, 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 Secretary of Agriculture of the United States of America, to the President of the United States 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 25, 1983.
Adopted by the Senate March 10, 1983.

(H.J.M. No. 7)

A JOINT MEMORIAL
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 the Senate of the State of Idaho assembled in the First Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Supreme Court of the State of Idaho has recently pronounced that Idaho Power Company water rights at Swan Falls are not subordinated to upstream development; and

WHEREAS, Idaho's economy is significantly dependent upon agricultural production and domestic and industrial use of water resources of the State; and

WHEREAS, the Idaho Legislature and the Idaho Water Resources Board have established 3300 C.F.S. at Murphy as a minimum stream flow within the State Water Plan; and

WHEREAS, Idaho Power is currently applying for relicensing of the Swan Falls site and such application is now pending before the Federal Energy Regulatory Commission.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Senators and Representatives representing the State of Idaho in the Congress of the United States to use their influence to seek subordination of Idaho Power's water right at Swan Falls (and other Snake River hydrogenerating facilities) as a condition to relicensure by the Federal Energy Regulatory Commission.
BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa­
tives be, and she is hereby authorized and directed to forward cop­ies of this Memorial to the honorable congressional delegation repre­senting the State of Idaho in the Congress of the United States.

Adopted by the House March 8, 1983.
Adopted by the Senate March 16, 1983.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA )
) ss.
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-seventh Legislature of the State of Idaho, First Regular Session thereof, which convened January 10, 1983, and adjourned April 14, 1983, 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, 1983.

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.
INITIATIVES
INITIATIVE PROVIDING 50% OR $50,000 RESIDENTIAL PROPERTY TAX EXEMPTION

INITIATIVE PROVIDING THAT DURING TAX YEAR 1983 AND THEREAFTER, THE LESSER OF THE FIRST $50,000 DOLLARS OF MARKET VALUE OF RESIDENTIAL IMPROVEMENTS OR 50% OF THOSE IMPROVEMENTS, SHALL BE EXEMPT FROM AD VALOREM TAXATION. RESIDENTIAL IMPROVEMENTS SHALL INCLUDE COMMERCIAL, INDUSTRIAL, AND OTHER CLASSES, INCLUDING MOBILE HOMES, GARAGES AND OTHER APPURTENANT STRUCTURES USED AS ACTUAL PRIMARY DWELLING PLACES, BUT SHALL NOT INCLUDE IMPROVEMENTS CONSISTING OF COMMON STRUCTURES WITH MORE THAN FOUR RESIDENTIAL UNITS. ONE EXEMPTION SHALL BE ALLOWED FOR A DUPLEX, TRIPLEX OR FOURPLEX, UNLESS SEPARATELY OWNED, THEN.Assessed units shall be entitled to one exemption and providing certification and assessment procedures.

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

SECTION 1. That Section 63-105DD, Idaho Code, be, and the same is hereby amended to read as follows:

63-105DD. PROPERTY EXEMPT FROM TAXATION -- RESIDENTIAL IMPROVEMENTS. (1) During the tax year 1983 and each year thereafter, the first fifty thousand dollars ($50,000) of the market value of residential improvements, or fifty percent (50%) of the market value of residential improvements, whichever is the lesser, shall be exempt from ad valorem taxation. For purposes of this section, "residential" improvements shall include improvements to real property designed for use or primarily used as dwelling places for one or more persons or families, including mobile homes, and shall include garages or other appurtenant structures. Residential improvements shall not include improvements consisting of more than four residential units which are part of a common building. One exemption shall be allowed for a duplex, triplex or fourplex. Provided, however, if units within a duplex, triplex, fourplex, or larger multiple unit complex are separately owned and assessed, as for example with condominiums, each such separately owned and assessed unit shall be entitled to one exemption. Residential improvement shall also include that portion of the improvements of a commercial, industrial, or other class of property which is actually occupied and used by the owner thereof as his primary dwelling place, provided the owner thereof certifies to the county assessor by June 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.

(3) The people declare that this exemption is necessary and just.
INITIATIVE AUTHORIZING THE PRACTICE OF
DENTURITRY AND ESTABLISHING LICENSING BOARD

AN ACT
MEASURE AUTHORIZING LICENSED DENTURISTS TO MAKE, CONSTRUCT, FIT, ALTER, REPRODUCE, OR REPAIR AN UPPER OR LOWER REMOVABLE PROSTHETIC DENTURE, AND TO ENGAGE IN THOSE ACTIVITIES, INCLUDING THE TAKING OF IMPRESSIONS OF THE ORAL CAVITY NECESSARY TO THE PROPER MAKING, CONSTRUCTION AND FITTING OF SUCH REMOVABLE PROSTHETIC DENTURES. THIS ACT FURTHER PROVIDES FOR THE ESTABLISHMENT OF A GOVERNING BOARD TO LICENSE AND REGULATE THE PRACTICE OF DENTURITRY.

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

SECTION 1. This statute is enacted to promote competence and excellence in the providing of prosthetic dental appliances and services related thereto to the public at reasonable costs.

SECTION 2. This Act shall be known as the "Idaho Freedom of Choice of Dentures Act".

SECTION 3. As used in this Act, unless the context requires otherwise:

(a) "Board" means the State Board of Denturitry.
(b) "Denture" means any removable prosthetic dental appliance to be worn in the human mouth.
(c) "Denturist" means a person licensed under this Act to engage in the practice of denturitry.
(d) "Practice of Denturitry" means:
   (1) the making, fitting, constructing, altering, reproducing or repairing of an upper or lower removable prosthetic denture, the furnishing or supplying of such a denture directly to a person or advising the use of any such denture;
   (2) the taking or making, or the giving of advice, assistance or facilities respecting the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of making, constructing, fitting, furnishing, supplying, altering, repairing or reproducing any such upper or lower removable prosthetic denture;
   (3) the practice of denturitry within the context of this Act requires that all work except cast frame work be performed on the licensed premises.

SECTION 4. From and after April 1, 1983, a person must hold a license for the practice of denturitry in order to perform the following acts:

(a) Engage or offer to engage, in the practice of denturitry; or
(b) Use in connection with his/her name the word "denturist": or any other words, letters, abbreviations or insignia implying that such person is engaged in the practice of denturitry.
SECTION 5. The prohibitions of this Act do not apply to:
(a) a person interning under the supervision of a denturist;
(b) the practice of dentistry or medicine by persons authorized
to do so by this state;
(c) a student of denture technology in pursuit of clinical
studies under an approved school program.

SECTION 6. Prohibitions on activities of licensed denturists:
(a) He/she will not perform procedures which would alter any oral
tissues or natural teeth.
(b) He/she will not insert or fit immediate dentures in the mouth
of the intended wearer.
(c) He/she will not diagnose or treat any abnormalities of any
human mouth.
(d) He/she will not prescribe any drugs or treatment for any oral
or medical diseases.
(e) He/she will not construct or fit orthodontic APPLIANCES.

SECTION 7. (a) There is hereby created a State Board of
Denturitry of the State of Idaho, which shall consist of five (5) mem-
bers. Three (3) members of the Board shall be persons who have been
ominated by the Association of Idaho Denturists, Inc., who have had
at least five (5) years continuous experience immediately prior to
their nomination in the practice of denturitry. Two (2) other members
of the Board shall be lay persons nominated by the Director of the
Idaho Department of Health and Welfare. At least two (2) nominees for
each position must be nominated by the nominating body.

(b) The members of the Board shall hold office for terms of three
(3) years each; provided, of the initial Board, the three (3) members
to be appointed from nomination of the Association of Idaho Denturists
shall serve for terms of one (1) year, two (2) years, and three (3)
years, respectively, as designated in their appointment, and of the
initial Board the two lay members shall serve for terms of two (2) and
three (3) years, respectively, as designated in their appointment.
Thereafter members shall be appointed to the Board for terms of three
(3) years each, except that appointments to filled vacancies shall be
for the unexpired term of such vacancies.

(c) Appointments to the Board shall be made by the Governor from
the nominees set forth in this section, and each member of the Board
shall hold office for his term and until his successor is duly
appointed by the Governor.

SECTION 8. (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 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
for 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 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 incurred in attending meetings of the Board or for performing duties prescribed by this Act and approved by the Board; provided, the lay members shall receive in addition an honorarium of $50 per day.

(f) The Board shall appoint a fair practice committee consisting of three denturists selected from the membership of the Association of Idaho Denturists. This committee will meet as need arises and shall file a written report with the Board on the decisions made.

SECTION 9. The Board shall have the following powers and duties:

(a) To determine the qualifications of persons applying for licenses under this chapter;

(b) To prescribe, administer and determine examinations and a passing grade for licenses under this chapter;

(c) To collect and adjust fees and charges prescribed by this chapter to cover the operating expenses of the Board as may become necessary from time to time;

(d) To issue licenses for the practice of denturitry under the conditions prescribed in this Act;

(e) To revoke or suspend denturitrists' licenses in the manner prescribed by this Act;

(f) To administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this Act;

(g) To make rules and regulations to carry out the intents and purposes of this Act;

(h) To appoint committees and chairpersons and to delegate responsibilities to them as the need arises from time to time.

SECTION 10. Upon application and payment of the appropriate fee, the Board shall issue a license to practice denturitry to any applicant who meets one of the following criteria:

(a) APPLICATIONS FILED PRIOR TO APRIL 1, 1983: Applicants must furnish two (2) signed affidavits by persons other than family members (or other evidence as may be prescribed by the Board) that he/she has been employed for at least five (5) years prior to application in all phases of denture technology and is able to demonstrate competency in intra-oral procedures, and has successfully completed courses accredited by the Board in head and neck anatomy and oral pathology; and has been a resident of the State of Idaho for six (6) months prior to the filing of the application.

(b) APPLICATIONS FILED ON OR AFTER APRIL 1, 1983: Applicant must satisfactorily complete the examinations established by the Board pursuant to this Act; and has completed formal training of not less than two (2) years duration at an accredited school, the curriculum of which includes courses in oral pathology, physiology, head and oral anatomy, clinical microbiology, clinical
jurisprudence, asepsis, and first aid for minor office emergencies; and has completed at least two (2) years internship under the supervision of a licensed denturist; and has been a resident of the State of Idaho for six (6) months prior to the filing of the application.

SECTION 11. The Board shall administer the examinations for licensing, subject to the following requirements:
(a) Examinations shall be of such character as to determine the qualifications, fitness and ability of the applicant to practice denturitry, with the form of the test to be written, oral, or a practical demonstration of skills, or such combination of the three as the Board may prescribe.
(b) The examination shall include coverage of the following subjects:
   (1) Head and oral anatomy;
   (2) Oral pathology;
   (3) Physiology;
   (4) Clinical dental technology;
   (5) Dental laboratory technology;
   (6) Microbiology;
   (7) Clinical jurisprudence;
   (8) Asepsis;
   (9) First aid for minor office emergencies.

SECTION 12. The Board shall be entitled to charge and collect the following fees subject to biannual adjustment as prescribed by Section 9(c):
(a) The sum of $200.00 as an application fee for a denturist examination;
(b) The sum of $200.00 as an initial license fee;
(c) The sum of $200.00 for issuance of each bi-annual renewal license.

SECTION 13. A denturist license shall be valid for a period of two (2) years, whereupon a renewal license will be issued upon payment of the bi-annual renewal fee and the submission of proof of the completion of not less than 24 hours continuing education accredited by the Board during the two years immediately preceding the date of application for renewal. A license issued effective as of a date other than January 1 will be valid until midnight December 31 of the year following the year in which it was issued. The license shall bear on its face the address where the licensee's denturist services will be performed.

SECTION 14. (a) The Board shall have the power to refuse to issue a license, suspend or revoke a license, or place a licensed person on probation for a period specified by the Board and subject to such conditions as the Board shall impose, or reprimand or censure a licensee for any of the following causes:
   (1) Conviction of crime where such crime bears a demonstrable relationship to the practice of denturitry.
   (2) Incompetence or gross negligence in the practice of
denturitry.
(3) Fraud or misrepresentation in the practice of denturitry.
(4) Use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denturitry.
(5) The willful violation of any provision of this Act or rules adopted thereunder.

(b) The Board shall have the power to examine and inspect the place of business of any licensed denturist at a reasonable time and in a reasonable manner to assure compliance with this Act.

(c) The Board shall have the right to establish standards of conduct and practice, and the power to enforce such standards with fines and/or revocation or suspension of license.

SECTION 15. A denturist whose license has been revoked either by the Idaho Board of Denturitry or the similar body of another state, shall not be eligible to apply for a license until one year after the date of revocation.

SECTION 16. Any license which is not renewed within three (3) years after its expiration may not be renewed thereafter, and such person may obtain a new license only upon the payment of fees and meeting of the qualifications and requirements for obtaining an original license.

SECTION 17. All fees collected under the provisions of this Act shall be deposited at least monthly with the state treasurer and shall constitute a special fund known as the State Denturitry Fund. All monies received by said special fund shall be disbursed by the state treasurer unless the voucher for such disbursement contains the certificate of the treasurer of the Idaho Denturitry Board that such voucher is for an expense incurred in the administration of this Act.

SECTION 18. Notwithstanding any provisions of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a licensed denturist. This section shall apply to any policy covering dental insurance which is issued after January 1, 1983. Policies which are in existence on January 1, 1983, shall be brought into compliance on the next anniversary date, renewal date, or the expiration date of the applicable collective bargaining contract, if any, whichever date is latest.

SECTION 19. Violation of any provision of this Act shall constitute a misdemeanor, and upon conviction, shall be punishable by the penalty or penalties established in the Idaho criminal code, as amended from time to time.

SECTION 20. (a) There shall be posted in a conspicuous area on any premises where the practice of denturitry is carried on, a notice with lettering of a size easily read by the average person and in sub-
stantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF
THIS ESTABLISHMENT MAY CONTACT THE IDAHO BOARD OF DENTURITRY
address with a copy to THE BUREAU OF
OCCUPATIONAL LICENSING address

(b) No member shall directly or indirectly:
(1) make any payment or gift to a person who has referred a
patient;
(2) receive or accept any rebate, payment or gift from any person
to whom a patient is referred; or
(3) engage in any form of fee-splitting or other form of sharing
of remuneration, with respect to referrals.
(c) All services will be unconditionally guaranteed for a period
of not less than ninety (90) days.

SECTION 21. Any person who shall be aggrieved by any action of
the Board in denying, refusing to renew, suspending or revoking a
denturist license may appeal therefrom to the district court in the
county in which he/she is a resident. Such appeal shall be perfected
by filing with the clerk of the court, within thirty (30) days follow­
ing the action of the Board of which complaint is made, a notice of
appeal setting forth briefly the action complained of and wherein the
petitioner has been deprived of any legal rights. A copy of the notice
of appeal shall be served upon the president or secretary of the Board
with notice to the attorney general of the State of Idaho in the man­
er of civil appeal, and the court may sustain or reverse the action
of the Board or direct the Board to take any further or other action
with regard to the appeal.

SECTION 22. If any provision of this Act or the application
thereof to any person or circumstance is held invalid, the invalidity
shall not affect other provisions or applications of the Act which can
be given effect without the invalid provisions or application, and to
this end the provisions of this Act shall supersede and take prece­
dence over any conflicting provisions contained in Chapter 9, Title
54, of the Idaho Code concerning the practice of dentistry.

SECTION 23. This Act shall be in full force and effect on and
after December 1, 1982.

INITIATIVE SUPPORTING FUTURE GENERATION
OF ELECTRICITY THROUGH NUCLEAR ENERGY

INITIATIVE PROHIBITING ANY LAW FROM BEING ENACTED BY THE STATE OF
IDAHO WHICH PROHIBITS THE USE OF NUCLEAR ENERGY FOR THE GENERATION
OF ELECTRICITY, UNLESS THE PROPOSED MEASURE SHALL HAVE FIRST BEEN
SUBMITTED TO THE ELECTORATE AT THE NEXT EARLIEST GENERAL ELECTION.

THE RESULTS OF THIS SUBMISSION OF THE PROPOSED LAW TO THE ELECTORATE
SHALL BE ADVISORY IN NATURE, AND SHALL NOT PREVENT THE LEGISLATURE
FROM SUBSEQUENTLY ACTING IN ANY MANNER ON THAT MEASURE.
Be it enacted by the people of the State of Idaho:

SECTION 1. That no law shall be enacted by the State of Idaho to prohibit the use of nuclear energy for the generation of electricity, unless the proposed measure shall have first been submitted to the electorate at the next earliest general election. The results of such submission of the question to the electorate shall be advisory in nature, and shall not prevent the legislature from acting in any manner on the measure.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force on and after its approval by the people of the State of Idaho.
EXECUTIVE ORDERS
EXECUTIVE ORDER NO. 82-5

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR, DARRELL V. MANNING, AS THE RECIPIENT OF FEDERAL GRANTS FOR RAIL SERVICE ASSISTANCE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 80-1

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-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-6

ESTABLISHMENT OF THE GOVERNOR’S REGULATORY REFORM TASK FORCE

WHEREAS, the economic well-being of this state is of critical importance to its citizens; and

WHEREAS, economic growth and the well-being of individual firms can be hurt by unnecessary, poorly designed, and poorly administered regulations; and

WHEREAS, state regulations may become obsolete as a result of technological or social change; and

WHEREAS, state regulations often do not recognize the special problems of small business; and
WHEREAS, state regulation is nevertheless needed to protect the health and safety of our citizens; and
WHEREAS, much state regulation has its origin in state law, federal law, or federal regulations;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish the Governor's Regulatory Reform Task Force. The Task Force will be composed of nine members including:
--The Administrator of the Division of Financial Management
--The Administrator of the Division of Economic and Community Affairs
--The Director of the Department of Administration
--The Director of the Department of Labor and Industrial Services
--The Director of the Department of Finance
--The Director of the Department of Health and Welfare
--The Director of the Transportation Department
--The Director of the Department of Employment
--The Director of the Department of Agriculture
The responsibilities of the Governor's Regulatory Reform Task Force will be:
1. To inform state agency personnel on the economic impacts of state regulation, particularly on small businesses, and familiarize them with techniques that can be useful in disciplining the regulatory process;
2. To provide recommendations to the Governor by July 1, 1982, on strategies to ensure effective, ongoing discipline of the state's regulatory process, based on input from industry groups and others;
3. To conduct a regulatory survey this spring to solicit from industry those state regulations which have the most serious impact on business in this state;
4. To determine those federal regulations having the most undesirable impact on state and local government and prepare recommended changes for transmittal to the appropriate federal authorities by May 1, 1982;
5. To recommend ways in which the state's regulatory process can usefully address the special problems of small business by July 1, 1982; and
6. To perform other duties as directed by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of March, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, as the result of past activity by the Department of Water Resources, the image analysis capability to effectively utilize remote sensing data has been established in Idaho; and

WHEREAS, it is in the interest of the State of Idaho that this capability be shared and further developed in cooperation with federal resource management agencies, local government and private organizations for conducting needed resource inventory and mapping; and

WHEREAS, it is essential that a lead state agency be designated to insure the proper coordination, maintenance, and support of the image analysis capability and to provide for its effective use by various users;

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 Department of Water Resources to be the state agency responsible for the Idaho Image Analysis Facility. The Department will:

1. Provide the necessary coordination and technical support;
2. Generally promote the operational applications of digital image analysis;
3. Provide system management support to insure the proper operation and availability of digital image analysis for applications by various users;
4. Provide technical assistance, in the form of consultation and training to allow and encourage application of digital image analysis techniques and equipment by employees of other agencies and organizations;
5. Cooperate with, receive and expend funds from other sources for the continued development and utilization of image analysis techniques; and
6. Maintain an assessment of the Image Analysis Facility capabilities needed within Idaho by existing and potential users, to cooperate with the Idaho universities and other research institutions for the development and implementation of improved capabilities resulting from research activities.

This order repeals and replaces Executive Order No. 80-4 and is effective 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 eleventh day of April, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.
WHEREAS, uneconomic uses of the state's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, state and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Idaho has continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas—all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, state, and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management activities in the state; and

WHEREAS, the Department of Water Resources is the state agency responsible for assisting with local regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 under the Idaho Code, Title 67, Sec. 1911 through 1917; and

WHEREAS, the Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of state and local communities to participate in the National Flood Insurance Program, which participation depends on state coordination and the designation of an agency in the State of Idaho to be responsible for coordinating federal, state and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management activities in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby order as follows:

Section 1. The Department of Water Resources is hereby designated as the agency to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration and will encourage a broad and unified effort to prevent uneconomic uses and development of the state's flood plains and in particular, to lessen the risk of
flood losses in connection with state lands and installations and state financed or supported improvements; specifically,

(1) Under the leadership and direction of the Department of Administration, all state agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply as applicable. Flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All state agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future state expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All state agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future state expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist.

(4) All state agencies responsible for programs which affect land use planning, including state permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

(5) In evaluating flood hazard potential, all state agencies shall coordinate their work with the Department of Water Resources to assure that the most up-to-date data and/or methods of analysis are utilized.

Section 2. As may be permitted by law, the head of each state agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency to be coordinated with the Department of Administration.

Section 3. This order shall take effect on the twelfth day of April 1982 and repeals and replaces Executive Order No. 80-3.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twelfth day of April, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America
IDAH0 SESSION LAWS

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-9

SUPPORTING THE IDAHO TASK FORCE ON HIGHER EDUCATION

WHEREAS, it is essential to the future well-being of the State of Idaho and all its citizens that the State's postsecondary education system reflect the highest standards of excellence; and

WHEREAS, the Forty-sixth Idaho Legislature, the State Superintendent of Public Instruction and the State Board of Education have given their support and cooperation to the formation of a privately funded Task Force on Higher Education;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby:

1. Pledge my strong support for the Idaho Task Force on Higher Education established by the Idaho Association of Commerce and Industry and the comprehensive study of postsecondary education in Idaho which the Task Force will undertake;

2. Direct every officer and employee under the jurisdiction of the Governor to cooperate with the Task Force and furnish it such information and assistance as may be needed to permit the Task Force to carry out a comprehensive study of postsecondary education in Idaho, to prepare findings, to formulate recommendations and to submit a plan for systematic implementation—all with the purpose of assuring that the State of Idaho maintains a postsecondary education system known for its outstanding quality and its highest standards of excellence;

3. Urge all educators, government representatives and officials, students, business people and other citizens of Idaho to cooperate fully with the work of the Task Force and support its endeavors; and

4. Commend the establishment of the Task Force—which will be funded entirely from private, nongovernment sources—as an excellent example of a joint cooperative effort of state government, those involved in higher education and the business community in order to achieve a goal which can benefit the State of Idaho and all its citizens for years to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the fifth day of May, in the year of our Lord
nineteen hundred eighty-two, and of the Inde­pendence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO
/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-10
CONTINUATION OF THE PRIVATE INDUSTRY COUNCIL OF IDAHO,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 81-5

WHEREAS, the development of private sector employment for the economically disadvantaged will assist Idaho in reducing unemployment and assist localities in industrial development; and
WHEREAS, the training for those jobs in the private sector can best be done by the private sector itself; and
WHEREAS, it will benefit the State of Idaho if new jobs are created throughout the state; and
WHEREAS, the development of new private sector jobs and economic and industrial development go hand in hand;

The Council's responsibilities will be:
1. To increase the involvement of the business community including small business, minority business, enterprises, labor organizations and employment and training activities under the Comprehensive Employment and Training Act and to increase private sector employment opportunities for the economically disadvantaged persons.
2. To formulate a local partnership between business and government that will most effectively satisfy the labor demand needs of the business community and enhance the economic well-being of the community.
3. To serve as a resource for the Idaho Manpower Consortium to effectively market its employment and training programs in the private sector throughout the state.
4. To coordinate employment and training programs in the private sector with economic development projects throughout the state.
5. To advise the Division of Economic and Community Affairs on a comprehensive economic strategy for the state.
6. To provide technical and financial assistance to Idaho's local governments.
7. To assist the Division of Economic and Community Affairs in developing, compiling, and providing data and information related to the state's economic conditions.
8. To advise in the coordination of activities with all levels of government, private sector, and general citizenry of Idaho when considering the state's economic resources.

A majority of the Council will be composed of private sector individuals and will have representatives from labor organizations, minority businesses, and community-based organizations and others as required by federal law.

Council members will serve one, two, or three year terms as approved by the Idaho Manpower Consortium.

The Executive Office of the Private Industry Council will be headed by an Administrator appointed by the Governor with the advice of the Private Industry Council. Support staff to the Administrator shall be appointed by the Governor with the advice of the Private Industry Council.

The Office of the Administrator of the Private Industry Council shall assist the Private Industry Council in carrying out its responsibilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of May, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-11
CURTAILMENT OF STATE GOVERNMENT OPERATIONS DUE TO FINANCIAL EXIGENCY

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenues; and

WHEREAS, I have determined that the expenditures from the general fund authorized by the Legislature for the current fiscal year will exceed anticipated moneys available to meet those expenditures; and

WHEREAS, it will not be possible to sufficiently reduce general fund expenditures without substantially reducing personnel costs; and

WHEREAS, it would not be in the public interest to resort to massive state employee layoffs to solve this problem when a smaller sacrifice by a larger number of state employees will accomplish the necessary result;

NOW, THEREFORE, I, JOHN V. EVANS, by the authority vested in me as Governor of Idaho under the Constitution and laws of this state do
hereby order:

1. In order to reduce expenditures from the general fund, all department heads and other appointing authorities shall reduce the workweek of their employees in the following manner:

a. Employees subject to reduced workweek requirements shall immediately be placed on work schedules limited to a maximum of thirty-two (32) hours per week. Employees who are currently regularly scheduled for fewer than forty (40) hours per week shall be limited to eighty (80) percent of the number of hours regularly scheduled, except that the reduction shall not result in the loss of state employee benefits by any employee currently eligible for such benefits. The Office of Group Insurance will advise each department head and other appointing authorities on avoidance of such deprivation of employee benefits so that existing agreements with benefit providers may be complied with.

b. In general, the reduced workweek requirement is intended to be applied in a manner which will maximize the cost savings to the general fund while minimizing adverse impacts on state employees and on the delivery of services to the public. Therefore, to the extent legally possible, positions funded from sources other than the general fund should not be subject to the reduced workweek requirement. Conversely, exceptions to the requirement for general fund positions should be minimized.

The following approach should be utilized in determining which employees shall be subject to the reduced workweek requirement:

(1) All personnel employed in organizational units in which no positions are funded from the general fund shall not be subject to the requirement.

(2) Initially, all employees in all other units shall be subject to the requirement. However, in the event the Idaho Personnel Commission grants the attached petition for waiver of IPC Rule 14.A.1 (the layoff rule) additional employees may be exempted from the requirement:

aa. Remaining nongeneral fund positions.

bb. Positions which must be maintained at existing levels to avoid endangering the health and safety of the public or of persons in the custody or care of the state.

cc. Positions where the imposition of the requirement would result in an unnecessary loss of revenue to the state which exceeds the savings to be realized.

dd. Other positions, provided that further restrictions are imposed on other employees in the unit which will result in equivalent personnel cost savings to the general fund.
The Division of Financial Management should be consulted about exemptions in Categories cc and dd.

(3) Some personnel subject to the requirement may be permitted to exceed the maximum hours allowed in a given week provided other workweeks are further reduced in a commensurate amount, and provided further that services are to be maintained at or near normal levels for at least four days out of each week for every state agency.

c. State officials and employees who receive an annual salary fixed by statute from the general fund, which salary would not be affected by a reduction in hours worked per week, are encouraged to donate an amount equivalent to twenty (20) percent of their income to the general fund for the period this Order remains in effect.

d. State offices should continue to be kept open to serve the public during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, as provided in Section 59-1007, Idaho Code. However, to the extent it becomes necessary to limit operations or services as a result of this curtailment in available personnel, in the interests of uniformity and to avoid public confusion, Friday of each week is hereby designated as the day on which limited state business will be transacted. While individual agency circumstances may dictate a different schedule be adopted, each Friday shall be the day when most offices will be functioning with a minimum of personnel.

2. All out-of-state travel on state business will require prior written approval of the appropriate department head, which shall only be granted if such travel is essential to the performance of specific statutory or constitutionally-imposed duties. To the extent practical, the department head should consult with the Office of the Governor and the Division of Financial Management prior to granting such approval.

3. No positions in any executive agency, office or institution which are currently vacant and which would be funded in whole or in part by the general fund shall be filled prior to the end of the current fiscal year without the approval of the Division of Financial Management.

4. The Governor will order appropriate reductions in agency allotments as provided in Section 67-3512A, Idaho Code, to reflect cost reductions to be achieved by this Order, and any further cost reductions necessary to balance the budget.

5. The Legislative and Judicial Departments and the Offices of the Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and Superintendent of Public Instruction shall be exempt from this Order. However, each of these departments and offices is encouraged to adopt similar curtailments to the extent possible without impairing the discharge of constitutional duties.

6. This Order shall take effect immediately upon its execution and shall continue in effect until the end of the current
fiscal year (June 30, 1982) unless improving economic conditions allow it to be revoked early.

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 eleventh day of May, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-12

REDUCTION OF GENERAL ACCOUNT ALLOTMENTS

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenues; and

WHEREAS, I have determined that expenditures from the General Account authorized by the legislature for the current fiscal year will exceed anticipated monies available to meet those expenditures; and

WHEREAS, 67-3512A, Idaho Code, provides authority for the Governor to reduce the allotments of any department, office, or institution of the state; and

WHEREAS, the elected officers in the executive department and the legislative and judicial departments have indicated their willingness to assist in easing the state's current fiscal dilemmas;

NOW, THEREFORE, I, JOHN V. EVANS, by the authority vested in me as Governor of the State of Idaho under the Constitution and laws of this state do hereby order:

That General Account allotments on file in the Office of the State Auditor be reduced in the amounts indicated for each of the following agencies.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's Office</td>
<td>$54,300</td>
</tr>
<tr>
<td>Division of Financial Management</td>
<td>$27,400</td>
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<tr>
<td>Division of Economic and Community Affairs</td>
<td>$7,700</td>
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<tr>
<td>Endowment Fund Investment Board</td>
<td>$7,500</td>
</tr>
<tr>
<td>Office on Aging</td>
<td>$16,800</td>
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<tr>
<td>Human Rights Commission</td>
<td>$4,800</td>
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<td>Commission for the Blind</td>
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<td>Military Division</td>
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<td>Department of Administration</td>
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<tr>
<td>Department of Revenue and Taxation</td>
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<tr>
<td>Department of Finance</td>
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<td>Department of Insurance</td>
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<td>Department</td>
<td>Amount</td>
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</tr>
<tr>
<td>Department of Labor and Industrial Services</td>
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<tr>
<td>Department of Agriculture</td>
<td>112,100</td>
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<td>Department of Self-Governing Agencies</td>
<td>3,400</td>
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<td>Department of Correction</td>
<td>133,000</td>
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<td>Department of Law Enforcement</td>
<td>88,300</td>
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<td>State Board of Education</td>
<td>3,586,000</td>
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<tr>
<td>Department of Health and Welfare</td>
<td>2,076,600</td>
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<td>Public Health Districts</td>
<td>74,700</td>
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<td>Department of Employment</td>
<td>500</td>
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<td>Industrial Commission</td>
<td>0</td>
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<td>Department of Fish and Game</td>
<td>0</td>
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<td>Department of Parks and Recreation</td>
<td>61,200</td>
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<td>Department of Lands</td>
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<td>Department of Water Resources</td>
<td>102,900</td>
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<tr>
<td>Idaho Transportation Department</td>
<td>800</td>
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<tr>
<td>Public Utilities Commission</td>
<td>300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,190,400</strong></td>
</tr>
</tbody>
</table>

The State Board of Education shall determine the allocation of allotment reductions among the various offices and institutions under its control.

The legislative and judicial departments and the offices of the Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and the immediate office of the Superintendent of Public Instruction shall be exempt from this order. However, each of these departments and offices are encouraged to adopt similar curtailments to the extent possible without impairing the discharge of constitutional duties.

This Order shall take effect immediately upon its execution and shall continue in effect until the end of the current fiscal year (June 30, 1982) unless improving economic conditions allow it to be revoked before then.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the eighteenth day of May, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
EXECUTIVE ORDER NO. 82-13

PLANS FOR REDUCTION OF FY 1983 GENERAL ACCOUNT ALLOTMENTS

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenues; and

WHEREAS, I have determined that expenditures from the General Account authorized by the Legislature for Fiscal Year 1983 will exceed anticipated monies available to meet those expenditures;

NOW, THEREFORE, I, JOHN V. EVANS, by the authority vested in me as Governor of Idaho under the Constitution and laws of this state do hereby order:

That the director of each agency, department, board or commission which derives its funding in whole or in part from the General Account submit to the Division of Financial Management no later than July 26, 1982, a plan reducing the expenditures of appropriated General Account revenues for Fiscal Year 1983 by 9.0 percent. The State Board of Education shall determine the allocation of the reduction among the various offices and institutions under its control.

Agency directors will have flexibility to choose savings approaches that minimize public impact but are asked to consider the following guidelines:

a. Where possible, "reductions in force" should be avoided by the use of voluntary personnel reductions, attrition, or vacancy savings.

b. Public safety and the safety of persons in the care of the state should be protected to the best of our ability.

c. Special attention should be given to limiting out-of-state travel or other discretionary expenditures, reorganizing to improve efficiency, and protecting the agency's most critical programs.

d. Short-term savings which produce greatly increased costs in the future should be avoided.

e. Agencies should coordinate their reduction plans to minimize adverse impacts on the public and state employees.

Further, directors of agencies, departments, boards or commissions which derive their funding in whole or in part from sources other than the General Account shall review the potential for producing savings in the state's General Account by altering their own operating procedures such as reducing billings to General Account agencies or in other ways reducing expenditures for General Account agencies. Where those savings are possible, directors are hereby ordered to submit plans describing these actions to the Division of Financial Management by July 26, 1982.

This order shall take effect immediately upon its execution.

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 fourteenth day of June, in the year of our Lord nineteen hundred eighty-two, and of the
EXECUTIVE ORDER NO. 82-14

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR, DARRELL V. MANNING, AS THE RECIPIENT OF FEDERAL FUNDS FOR PUBLIC TRANSPORTATION

WHEREAS, the federal government, under authority granted by the Urban Mass Transportation Act, as amended, is authorized to provide financial assistance to states to improve public transportation; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby designate the Idaho Transportation Department and Darrell V. Manning, its Director, to receive and expend monies from the federal government for public transportation assistance as provided under the applicable federal statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the eleventh day of June, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred sixth, and of the Statehood of Idaho the ninety-second.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-15

ESTABLISHMENT OF THE IDAHO STATEHOOD CENTENNIAL COMMISSION

WHEREAS, on July 3, 1890, Idaho became the nation's forty-third
state when President Benjamin Harrison signed the Idaho Admission Act; and

WHEREAS, Idaho convened a Constitutional Convention on July 4, 1889, to adopt a State Constitution later ratified by the people of our Great Gem State; and

WHEREAS, on July 3, 1990, Idaho will celebrate the one hundredth anniversary of Statehood; and

WHEREAS, the people of Idaho share an abiding pride in the state's pioneer heritage, and the Idaho Statehood Centennial offers all Idahoans an opportunity to renew that spirit of independence and self-reliance as we look to the future;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me, do hereby order the establishment of the Idaho Statehood Centennial Commission in the Office of the Governor.

The Commission shall consist of not less than seven members appointed by the Governor. The term of office shall be two years. The Governor shall further designate one of the members as the Commission Chairperson.

The Idaho Statehood Centennial Commission shall be responsible for:

1. Planning of Idaho's Statehood Centennial celebration to include projects of permanent value to the people of Idaho as well as statewide commemorative events,
2. Cooperating with local government and community organizations to stimulate local Centennial initiatives,
3. Identifying sources of funding, particularly in the private sector, to support Centennial programs and the work of the State Commission,
4. Promoting national recognition of the Idaho Centennial by coordinating with neighboring states that share the state admission history of 1889-1890 (Montana, Washington, Wyoming, North Dakota, South Dakota), and
5. Acting as the Commission for national bicentennial observances occurring prior to 1990, such as the Constitutional Bicentennial.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the fifth day of July, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, it is in the public interest to promote the well-being of the people of Idaho by optimal use of resources related to human and animal health; and

WHEREAS, the most efficient and effective use of scarce resources requires cooperative planning as well as sharing information, technical capability and equipment; and

WHEREAS, the public agencies that are responsible for various aspects of human and animal health at the state, local and federal levels need to maintain and enhance open lines of communication; and

WHEREAS, the State of Idaho has experienced complicated and perplexing crises such as the PCB contaminated livestock episode in 1979 and the ash fallout from Mount St. Helens volcano in 1980, both having serious implications for human and animal health;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby continue the Idaho Consortium for Human and Animal Health, which shall be composed of the State Health Officer, the Chief of the State Bureau of Laboratories in the Department of Health and Welfare, the Administrator of the Division of Animal Industries, the Chief of the Bureau of Plant Chemicals, the Dean of the Faculty of the University of Idaho School of Veterinary Medicine, the Director of the University of Idaho Veterinarian Teaching Center in Caldwell and the Director of Fish and Game.

The appointment of this Consortium is made with the understanding that policy-making responsibilities and the administration of affected state programs as provided by the Idaho Code will be maintained as legally required, and the Consortium will report to the Governor's Office, Department Directors and Agency Boards that have different degrees of responsibility for programs related to human and animal health.

The appointment of this Consortium is made with the understanding that its main responsibility will be to maximize the use of all government resources that can be applied to an optimum understanding of human and animal health concerns, particularly those functions involving laboratory study, research initiatives and the coordination of acute information needs necessary for accurate technical analysis. This will require the coordination of ongoing programs and the investigation of high priority health problems that require the prompt organization of diverse data necessary for the prevention of widespread, costly illness in humans and animals.

The appointment of this Consortium is made with the understanding that the people serving in these positions have extensive technical knowledge and experience available in state government for the protection and maintenance of human and animal health in the State of Idaho and, therefore, have access to other state, local and federal government resources. Since these resources extend far beyond the members of the Consortium yet remain essential to laboratory coordination and research direction for health-related concerns, the Consortium must make every effort to maximize their effectiveness and consider
the resources of other state and federal agencies.  
The appointment of the Chairperson of the Consortium shall be made by the Governor from a list of recommendations submitted by the Consortium. The Chairperson will serve at the pleasure of the Governor. Regular meetings of the Consortium will be held twice annually and emergency meetings may be called at any time.

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 July, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR: /s/ John V. Evans GOVERNOR OF THE STATE OF IDAHO
/s/ Pete T. Cenarrusa SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-17
REDUCTION OF GENERAL ACCOUNT ALLOTMENTS

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Account authorized by the legislature for the current fiscal year will exceed anticipated monies available to meet those expenditures; and

WHEREAS, the elected officers in the executive department and the legislative and judicial departments have indicated their willingness to assist in easing the state's current fiscal dilemmas;

NOW, THEREFORE, I, JOHN V. EVANS, by the authority vested in me as Governor of the State of Idaho pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Account allotments on file in the Office of the State Auditor be reduced in the amounts indicated for each of the following agencies:

<table>
<thead>
<tr>
<th>Office of the Governor:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's Office</td>
<td>$69,600</td>
</tr>
<tr>
<td>Div. of Financial Management</td>
<td>79,900</td>
</tr>
<tr>
<td>Div. of Economic and Community Affairs</td>
<td>31,000</td>
</tr>
<tr>
<td>Endowment Fund Investment Board</td>
<td>4,200</td>
</tr>
<tr>
<td>Office on Aging</td>
<td>48,300</td>
</tr>
<tr>
<td>Commission on Human Rights</td>
<td>14,400</td>
</tr>
<tr>
<td>Commission for the Blind</td>
<td>54,100</td>
</tr>
<tr>
<td>Military Division</td>
<td>133,500</td>
</tr>
<tr>
<td>Department of Administration</td>
<td>182,600</td>
</tr>
<tr>
<td>Department of Revenue and Taxation</td>
<td>294,100</td>
</tr>
</tbody>
</table>
2. Elected officers of the executive department, and the legislative and judicial branches of government are requested to reduce expenditures for FY 1983 to the extent possible without impairing the discharge of their constitutional duties. The following officers have indicated they will be able to achieve expenditure reductions of:

- Lieutenant Governor: $5,100
- Attorney General: $70,900
- Auditor: $144,000
- Secretary of State: $10,200
- Superintendent of Public Instruction: $209,000

The judicial branch plans to reduce expenditures by $234,000.

3. All out-of-state travel on state business by executive branch employees will require prior written approval of the appropriate department head, which shall only be granted if the travel is deemed essential.

This Order shall take effect immediately upon its execution and shall continue in effect until the end of the current fiscal year (June 30, 1983) unless improving fiscal conditions allow it to be revoked or
EXECUTIVE ORDER NO. 82-18

ESTABLISHMENT OF THE IDAHO INVESTMENT OFFICE

WHEREAS, there is a need to increase the availability of capital for economic development in Idaho; and
WHEREAS, information must be provided about investment alternatives which promote economic development; and
WHEREAS, investment in Idaho will create jobs for Idahoans; and
WHEREAS, the trustees of Idaho's private, union and public pension funds should invest in Idaho whenever comparable safety and returns are available; and
WHEREAS, the Idaho Investment Panel has recommended establishment of this office;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish the Idaho Investment Office within the Executive Office of the Governor, Division of Economic and Community Affairs.

The office will provide the following services:
1. Determine the total assets of all pension plans funded from Idaho;
2. Encourage cooperation among trustees of the various funds;
3. Discover mechanisms where returns to the state and investors are commensurate with risk and return;
4. Promote in-state investment by public funds and by private, union and public pension funds; and
5. Formulate mechanisms to increase capital availability.

The Governor will appoint a volunteer executive to provide executive assistance to the Idaho Investment Office. Support staff will be supplied by the Division of Economic and Community Affairs.

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 August, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
Independence of the United States of America
the two hundred seventh, and of the Statehood
of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-19

CONTINUATION OF THE ARCHITECTURALLY BARRIER-FREE
PUBLIC FACILITIES COORDINATION COMMITTEE

WHEREAS, the Legislature of the State of Idaho has recognized the need to insure that all public buildings, structures, accommodations, sidewalks, curbs, parking areas, and related facilities shall be accessible to and usable by the handicapped; and
WHEREAS, the federal government has mandated that programs receiving federal funds must be accessible to handicapped persons; and
WHEREAS, at present, no central committee or group exists which can adequately address the broad policy issues concerning architecturally barrier-free state facilities; and
WHEREAS, it is the policy and intent of the Executive Branch of the government of the State of Idaho to make its programs available to all of the citizens of this state;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the Architecturally Barrier-Free Public Facilities Coordination Committee.

This Committee shall have the following responsibilities within the Executive Department of the State of Idaho:
1. To develop a set of proposed rules and regulations which will carry out the requirements of Title 39, Chapter 32, Idaho Code, Building Facilities for the Physically Handicapped;
2. To adopt standards which will clarify architectural barrier issues and requirements;
3. To develop a comprehensive plan to bring all state facilities into compliance with Section 504 of the Rehabilitation Act of 1973 and Title 39, Chapter 32, Idaho Code. This comprehensive plan should prioritize the areas of need in relation to the funds available to correct such violations;
4. To develop a systematic plan in which future public facilities will comply with the applicable handicapped standards;
5. To forward the recommendations and proposals outlined above to this office and, if this office is of the opinion that the recommendations and proposals are in the best interest of the State of Idaho, this office will forward them to the Permanent Building Fund Advisory Council for final review and action;
6. To provide liaison between the Administrator of the Division of Public Works and the various federal agencies involved in
Handicap Accessibility Standards; and

7. The Architecturally Barrier-Free Public Facilities Coordination Committee shall be composed of the directors or their designees of the following agencies: Administration, Employment, Transportation, Parks and Recreation, Labor and Industrial Services, Education, and Health and Welfare. Additionally, the Governor may appoint five (5) citizens to this Committee and preference shall be given to citizens who are members of organizations committed to helping the handicapped; and

8. To perform other duties as directed by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the sixth day of August, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR: /s/ John V. Evans
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-20
CREATING THE IDAHO PUBLIC FACILITIES DESIGN COMMITTEE

WHEREAS, revitalization of Idaho's economy is of primary concern to the industries, businesses, public agencies and citizens of Idaho; and

WHEREAS, the public facilities of the state play an important role in an economic revitalization strategy; and

WHEREAS, both public and private sectors share responsibility in providing various elements of the required public facilities;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish the Idaho Public Facilities Design Committee.

The Chairman of this Committee will be the Director of the Idaho Transportation Department and the members will be representatives from Industry and Government.

The Committee will be responsible for planning, coordinating and conducting a "Public Facilities Conference" to be held in December 1982 which will provide a forum for the exchange of information and identification of current problems and future needs related to Idaho's public facilities.

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,
EXECUTIVE ORDER NO. 82-21

ESTABLISHMENT OF HOUSING FINANCE WORKING GROUP

WHEREAS, the Idaho Investment Panel has recommended the establishment of working groups to identify specific single issues in detail; and

WHEREAS, the Idaho Investment Office has been established within the Division of Economic and Community Affairs and charged with the responsibility of implementing the recommendations of the Investment Panel's Final Report; and

WHEREAS, home mortgage financing is a critical concern in Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish a Housing Finance Working Group.

The Governor will appoint the members of the Housing Finance Working Group.

The Working Group's responsibilities will be:
1. To determine the scope of the need for home mortgage funds;
2. To identify specific mechanisms to increase the availability of home mortgage funds within Idaho; and
3. To establish cooperation among public, corporate and labor pension funds to increase funds available for home mortgage financing with the State of Idaho.

The Working Group will report their findings to the Governor by October 15, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the second day of September, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
EXECUTIVE ORDER NO. 82-22

CALLING FOR AN IDAHO TAX EQUITY AND CAPACITY STUDY

WHEREAS, public investment as well as private investment is critical to job creation and Idaho's economic welfare; and
WHEREAS, public investment in schools, roads, water and sewage systems, etc., is being eroded,
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby call for a study of Idaho's tax structure as recommended by the Idaho Investment Panel. Such study shall be the responsibility of the Idaho Division of Financial Management and shall be performed and delivered to the Governor and the Idaho Investment Office by December 1, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the second day of September, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

[s] John V. Evans
GOVERNOR OF THE STATE OF IDAHO

[s] Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-23

PROCEDURES FOR MAINTAINING A PROPERTY INVENTORY SYSTEM

WHEREAS, proper control of chattel property is necessary for effective management of state resources; and
WHEREAS, agency directors are responsible for the best possible management of property under their control; and
WHEREAS, proper budgeting, accounting, and planning decisions depend upon accurate information concerning chattel property at the agency level; and
WHEREAS, timely and accurate information concerning the availability of state property is necessary for civil defense and other statewide emergencies; and
WHEREAS, accurate records of chattel property are necessary for purposes of providing adequate property insurance and assisting in determining the extent of physical destruction of property;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order as follows:
1. All agency directors shall develop and maintain an inventory system, meeting minimum requirements as set forth by the Department of Administration, for all chattel property which the agency owns or is responsible for whether under terms of any contract, grant, or otherwise.

2. Each state agency director shall be accountable for the maintenance, security, and efficient economic use—as well as the verification of physical location and condition of all chattel property belonging to that agency.

3. The agency director shall be responsible for conducting an annual inventory of all chattel property by no later than the first day of March of each fiscal year. Further, each agency director shall make a written report to the Director of the Department of Administration that the inventory has been completed by the end of the first week of March of each year on a form developed by and under such guidelines as are issued by the Department of Administration.

4. The Department of Administration shall provide all agencies with an inflation factor for chattel property in early January of each year to assist agency directors in discharging the responsibility set forth herein.

5. Each agency director may appoint a property control officer who shall be responsible for conducting the annual inventory of agency property. The property control officer shall also be responsible for ensuring the prompt recording of newly acquired property and the economical disposition of surplus property in a timely manner. The property control officer shall periodically review the values of property for reasonableness.

6. The agency director or his appointed property control officer shall have the authority to dispose of surplus property through the State Surplus Sales Office.

7. To maintain uniformity among the various agency property inventory systems, the Department of Administration shall develop and distribute to each agency minimum requirements for each inventory system. Each agency should feel free to add additional functions beyond those minimums to meet their requirements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR: /s/ John V. Evans

GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, it is in the public interest to promote employment opportunities for all citizens; and
WHEREAS, the skills and abilities of handicapped individuals are a valuable human resource; and
WHEREAS, handicapped individuals have a strong desire to secure employment; and
WHEREAS, it has been shown that handicapped individuals--given an opportunity--are valuable, productive, dedicated and skilled employees; and
WHEREAS, handicapped individuals experience significant difficulties in securing employment;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuation of the Governor's Committee on Employment of the Handicapped.

The Committee's responsibilities will be:
1. To promote increased employment opportunities for handicapped individuals,
2. To publicize the economic and social benefits of hiring and retaining the handicapped,
3. To organize and support local community "Employment of the Handicapped" committees in their efforts to encourage employment of the handicapped,
4. To provide recognition to employers who follow a policy of hiring the handicapped, and
5. To provide recognition to employees who exemplify handicapped employee successes.

The Governor shall appoint the Committee Chairperson and members of the Committee to serve for rotating terms of two years. Committee members shall be selected from representatives of labor, business, handicapped individuals or groups that represent the handicapped, veterans organizations, and state and local agencies providing services for the handicapped.

The Handicapped and Older Worker Specialist from the Idaho Department of Employment shall serve as Executive Secretary of the 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 first day of October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO
WHEREAS, the arts significantly contribute to the social, educational, and economic development of Idaho; and

WHEREAS, the arts serve in the creation and retention of business activity, the development of a city and state image, and the encouragement of our private investment; and

WHEREAS, the arts in Idaho and nationwide face a funding crisis of unprecedented proportions; and

WHEREAS, traditional funding sources can only partially address the crisis; and

WHEREAS, the arts in Idaho will thrive through implementation of a comprehensive marketing plan; and

WHEREAS, any solution can succeed only to the extent that it draws upon the best efforts of every sector of our society and utilizes our most creative ideas;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish the Governor's Arts Marketing Task Force, composed of marketing leaders of business to determine the implications of current economic conditions and budget reductions in the state and to make recommendations for developing marketing strategies for the arts.

The Task Force will include members from business, the Chairman of the Idaho Commission on the Arts, and the Executive Director of the Idaho Commission on the Arts.

The responsibilities of the Governor's Arts Marketing Task Force will be:

1. To provide recommendations to the Governor on January 1, 1983, on the feasibility and possible sources for dedicated funds for the arts;

2. To encourage business and public participation in a comprehensive program to achieve a mixed economy of support for the arts; and

3. To provide recommendations to the Governor on September 30, 1983, on strategies for marketing the arts in Idaho.

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 October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.
WHEREAS, the Idaho Investment Panel recommends that the Economic Affairs Subcabinet foster close cooperation among all departments that affect Idaho's economic development; and
WHEREAS, the Idaho Investment Panel has recommended the establishment of an office which would be the initial contact for a business seeking to locate in the State; and
WHEREAS, the Idaho Department of Employment Job Service offices are located throughout the State to serve the needs of the local business community;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby assign the Idaho Department of Employment the role of A New Business Clearinghouse.

The Department of Employment's responsibilities will be:
1. To cooperate with the Division of Economic and Community Affairs in the collection and assembly of information packets of appropriate state rules, procedures and forms necessary to start a business in Idaho;
2. To provide new business information packets to each of the Job Service offices for distribution to new business moving into their respective labor market areas; and
3. To provide to new business and existing business, in addition to the state information packets, local and county information pertaining to establishing a business including specific labor force estimate, unemployment patterns and average wage information.

The Department of Employment will, upon the Governor's direction, put into place and implement the New Business Clearinghouse Program on November 1, 1982.

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 seventh day of October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Account authorized by the Legislature for the current fiscal year will exceed anticipated monies available to meet those expenditures; and

WHEREAS, by Executive Order Number 82-17, I have ordered reductions in allotments totalling 19.4 million dollars for Fiscal Year 1983; and

WHEREAS, the decision of the U.S. Supreme Court in the case of ASARCO, Inc. v. Idaho State Tax Commission has now become final due to the court's denial of Idaho's petition for rehearing; and

WHEREAS, as a result of that decision, I have determined that an additional six million dollars in anticipated Fiscal Year 1983 General Account receipts will not in fact be received;

NOW, THEREFORE, I, JOHN V. EVANS, by the authority vested in me as Governor of the State of Idaho pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Account allotments on file in the Office of the State Auditor be reduced by an amount equivalent to 1.5 percent of the original Fiscal Year 1983 General Account appropriation for each agency.

2. Allotments for elected officers of the Executive Department other than the Office of the Governor, and the Legislative and Judicial branches of government are exempt from this order. Requests by other agencies for exemption from this order will be considered on a case-by-case basis, provided such requests are received in the Office of the Governor on or before October 29, 1982. Exempted officers, branches and agencies are requested to make such further reductions in Fiscal Year 1983 expenditures as may be achieved without impairing the discharge of their Constitutional or statutory duties.

This Order shall take effect immediately upon its execution and shall continue in effect until the end of the current fiscal year (June 30, 1983) unless improving fiscal conditions allow it to be revoked or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 19th day of October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO
WHEREAS, the "Job Training Partnership Act of 1982" requires the Governor, in order to be eligible for federal financial assistance for state labor market information programs under this Act, to designate an organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system; and

WHEREAS, the state must design a comprehensive cost-efficient labor market and occupational supply and demand information system which

1. Is responsive to the economic demand and education and training supply support needs of the state and areas within the state, and
2. Meets the federal standards under Chapter 35 of Title 44, United States Code, and other appropriate federal standards established by the Bureau of Labor Statistics; and

WHEREAS, the state's system must standardize available federal and state multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the state and designated areas within the state which shall be used to contribute in carrying out the provisions of the "Job Training Partnership Act of 1982," the "Vocational Education Act of 1963," and the "Act of June 6, 1933," known as the "Wagner-Peyser Act"; and

WHEREAS, the Governor must assure to the extent feasible, that
1. Automated technology will be used by the state,
2. Administrative records have been designed to reduce paperwork, and
3. Multiple survey burdens on the employers of the state have been reduced; and

WHEREAS, the Idaho Department of Employment operates a highly automated labor market information system supported by seven area labor market analysts located in each of the largest cities in Idaho; and

WHEREAS, since the Idaho Department of Employment in operating the state's Unemployment Insurance Program must collect from the employers of the state core information basic to any comprehensive statewide labor market and occupational supply and demand information system;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby assign the Idaho Department of Employment the role of organizational unit to be responsible for oversight and management of Idaho's statewide comprehensive labor market and occupational supply and demand information system; and
I FURTHER DIRECT that the Idaho Department of Employment continue to rely upon the Idaho State Occupational Information Coordinating Committee as the disseminating and coordinating mechanism for occupational supply/demand and career information system. Such a system will use existing sources of information where possible, including data from and generated by the Idaho Department of Employment through its Labor Market Information and Occupational Employment Statistics programs.

AND I FURTHER DIRECT the following in an effort to reduce paperwork and multiple survey burdens of the employers of Idaho:

1. The Idaho Personnel Commission will discontinue the Idaho portion of its annual wage survey and utilize the Department of Employment's annual wage and salary survey to meet its obligation to recommend payline adjustment to the Governor and Legislature. All attributable costs to the Idaho Department of Employment for the Personnel Commission's portion of the annual wage and salary survey will be deducted from the Department's interaccount billing for services performed for the Idaho Personnel Commission.

2. The Idaho Department of Labor and Industrial Services will discontinue using federally supplied data for calculating prevailing wages for the Federal Davis Bacon Act and for Idaho's Little Davis Bacon Act and will begin using data supplied by the Idaho Department of Employment's wage and salary information as soon as practical. All costs to the Idaho Department of Employment in expanding its wage and salary survey to make it more suitable for calculating prevailing wages will be borne by the Idaho Department of Labor and Industrial Services; and

3. The Regulatory Reform Task Force will act as a screening mechanism for all proposed surveys of the state's private employers by the Executive Branch that request information beyond that required by law for each agency to perform its statutory duties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of October, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
ESTABLISHMENT OF THE GOVERNOR'S IDAHO STATE POET LAUREATE PROGRAM

WHEREAS, it is an honored tradition of peoples' governments to recognize, encourage, and foster their own artists and poets; and

WHEREAS, it is advantageous, from both cultural and educational points of view for the state to encourage programs which bring native poetry and discussions of literature to a broad spectrum of the Idaho public; and

WHEREAS, the growth and retention of the native-born literature is to be desired in the State of Idaho; and

WHEREAS, poetry has been called the highest expression of creativity in disciplines associated with writing; and

WHEREAS, an Idaho State Poet Laureate and/or an Idaho State Library Poet-in-Residence can enhance the image and being of the state by wearing Idaho laurels and representing the state as a native poet; and

WHEREAS, the Sun Valley Center for the Arts and Humanities and the Institute of the American West have a record for advancing poetry, arts and humanities in an objective and professional way complimentary to the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish the Governor's Idaho State Poet Laureate Panel, composed of three poets from outside the State of Idaho, but within the Intermountain West, four representatives from Idaho's public-at-large conversant with Idaho poetry and arts, and a representative of the Governor's office.

The panel is established to provide guidelines and recommendations in creating an Idaho State Poet Laureate Program.

The Institute of the American West and the Sun Valley Center for the Arts and Humanities are appointed to oversee and facilitate the overall process.

The responsibilities of the Institute of the American West and the Sun Valley Center will be:

1. To explore and secure funding sources for the Panel's operation;

2. To convene the first meeting of the Panel; and

3. To oversee the Panel during its operation and to provide—where necessary and possible—support systems, technical assistance, and administrative services to the Panel.

The responsibilities of the Idaho State Poet Laureate Panel will be:

1. To outline a program for a two-year rotating Idaho State Library Poet-in-Residence;

2. To recommend qualifications for an Idaho State Poet Laureate and Idaho State Library Poet-in-Residence;

3. To solicit nominations for an Idaho State Library Poet-in-Residence and/or Idaho State Poet Laureate;

4. To explore private and public funding sources (other than from state revenue) for the Idaho State Poet Laureate Program; and

5. To submit recommendations, findings, and guidelines to the
EXECUTIVE ORDER NO. 82-30

UNIFORM STATE PLANNING REGIONS

WHEREAS, Executive Order No. 72-3 created six official and uniform state planning regions to be utilized by all state departments and agencies and this has continued through such orders, the last issued being Executive Order No. 80-18; and

WHEREAS, state departments and agencies continue to rely on divergent regional patterns for planning, administrative, technical assistance and data gathering activities; and

WHEREAS, the need to coordinate the activities of state departments and agencies on a regional basis continues to exist; and

WHEREAS, the establishment of the aforementioned official and uniform state planning regions continues to result in a reduction of confusion among local public officials and in the more efficient delivery of services to the citizens of the State of Idaho by local governmental units; and

WHEREAS, the increase in the activities and involvement of the departments and agencies of the United States has intensified the need for the unimpeded cooperation among federal, state and local programs; and

WHEREAS, Public Law 90-577, the Intergovernmental Cooperation Act of 1968 and Part IV of U.S. Office of Management and Budget Circular No. A-95, Revised, encourages the states "to exercise leadership in delineating and establishing a system of planning and development districts or regions in each state, which can provide a consistent geographic base for the coordination of federal, state and local development programs";

NOW, THEREFORE, by virtue of the powers vested in me as Governor of the State of Idaho, I, JOHN V. EVANS, do issue this Executive Order continuing the official and uniform state planning regions to be utilized by all state departments and agencies. Six major regions shall continue to be as follows:

Region I: Boundary, Bonner, Kootenai, Benewah and Shoshone Coun-
ties (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)

It is hereby ordered and directed that all state agencies continue to conduct planning activities, collect data, compile reports, and report program progress on the basis of the State Planning Regions.

It is further ordered and directed that all agencies within the Executive Branch of Government continue to take the above Regional Districts into consideration in the future establishment and revision of all applicable state plans and programs.

It is further ordered and directed that state agencies may continue, with the written authorization of the Governor, to group or combine whole State Planning Regions into agency-designated larger geographic areas, but shall continue to utilize the six regions with the nomenclature and numerical designations established by this order for purposes of data gathering and reporting.

However, where warranted, special exceptions may be granted to those state agencies whose immediate compliance to these exact regional boundaries would bring undue expense, hardship, or significantly decreased efficiency to the operation of that agency, or because of other special circumstances. Exemptions will be considered and may be granted by the Governor to those state agencies showing just cause for exemption. Agencies seeking exemption must submit:

(a) A map depicting those regions which can be utilized and those where a modification from existing boundaries is deemed necessary.

(b) A written statement or justification citing statutes, federal regulations or guidelines, personnel difficulties, unreasonable workload assignments, existing investments in field facilities, or other major factors indicating sufficient cause for delay in adoption of the State Multi-County Regions specified herein.

(c) A timetable for eventual agency compliance with this order.

All state agencies utilizing administrative districts are encouraged to continue to bring their administrative district boundaries into conformity with the boundaries of the six state planning regions.

FURTHERMORE, local governmental units are encouraged to continue joint participation in regional councils of governments within this system of districts to enhance intergovernmental cooperation for the purposes of comprehensive planning and development and the administration of state and federally supported programs within the State of Idaho as authorized by the provisions of law.

This order contemplates that, if subsequent circumstances and developments warrant changes in the six regional boundaries due to the
continuing process of local regional organization, appropriate revision of this order will be undertaken.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirtieth day of December, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 82-31

DESIGNATING THE IDAHO DEPARTMENT OF EMPLOYMENT AS THE ORGANIZATIONAL UNIT TO BE RESPONSIBLE FOR THE STATE OF IDAHO'S LABOR MARKET INFORMATION PROGRAMS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 82-28

WHEREAS, the "Job Training Partnership Act of 1982" requires the Governor, in order to be eligible for federal financial assistance for state labor market information programs under this Act, to designate an organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system; and

WHEREAS, the state must design a comprehensive cost-efficient labor market and occupational supply and demand information system which

1. Is responsive to the economic demand and education and training supply support needs of the state and areas within the state, and
2. Meets the federal standards under Chapter 35 of Title 44, United States Code, and other appropriate federal standards established by the Bureau of Labor Statistics; and

WHEREAS, the state's system must standardize available federal and state multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the state and designated areas within the state which shall be used to contribute in carrying out the provisions of the "Job Training Partnership Act of 1982," the "Vocational Education Act of 1963," and the "Act of June 6, 1933," known as the "Wagner-Peyser Act"; and

WHEREAS, the Governor must assure to the extent feasible that

1. Automated technology will be used by the state,
2. Administrative records have been designed to reduce paperwork, and
3. Multiple survey burdens on the employers of the state have been reduced; and

WHEREAS, the Idaho Department of Employment operates a highly automated labor market information system supported by seven area labor market analysts located in each of the largest cities in Idaho; and

WHEREAS, since the Idaho Department of Employment, in operating the state's Unemployment Insurance Program, must collect from the employers of the state core information basic to any comprehensive statewide labor market and occupational supply and demand information system;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby assign the Idaho Department of Employment the role of organizational unit to be responsible for oversight and management of Idaho's statewide comprehensive labor market and occupational supply and demand information system; and

I FURTHER DIRECT that the Idaho Department of Employment continue to rely upon the Idaho State Occupational Information Coordinating Committee as the disseminating and coordinating mechanism for occupational supply/demand and career information system. Such a system will use existing sources of information where possible, including data from and generated by the Idaho Department of Employment through its Labor Market Information and Occupational Employment Statistics programs.

AND I FURTHER DIRECT the following in an effort to reduce paperwork and multiple survey burdens of the employers of Idaho:

1. The Idaho Personnel Commission will discontinue the Idaho portion of its annual wage survey and utilize the Department of Employment's annual wage and salary survey to meet its obligation to recommend payline adjustment to the Governor and Legislature. All attributable costs to the Idaho Department of Employment for the Personnel Commission's portion of the annual wage and salary survey will be deducted from the Department's interaccount billing for services performed for the Idaho Personnel Commission.

2. The Regulatory Reform Task Force will act as a screening mechanism for all proposed surveys of the state's private employers by the Executive Branch that request information beyond that required by law for each agency to perform its statutory duties.

3. Executive Order No. 82-28 is hereby repealed and replaced.

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 December, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO
EXECUTIVE ORDER NO. 82-32

CONTINUING THE POLICY OF THE STATE ON LIFE-CYCLE COSTING PRACTICES AND DIRECTING THE ADMINISTRATOR OF THE DIVISION OF PURCHASING TO ASSIST STATE AGENCIES IN DEVELOPING PLANS TO UTILIZE LIFE-CYCLE COSTING PRACTICES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 80-16

WHEREAS, energy, its production, distribution, and utilization is a primary concern of all Idaho citizens; and
WHEREAS, the use of energy is an integral part of people's lives— in agriculture, in business and industry, at home and in state and local government; and
WHEREAS, to be effective, energy planning should be incorporated into decision-making; and, with regard to procurement practices and construction of new buildings by the state, life-cycle costing is one technique already in use in several states of the Union; and
WHEREAS, life-cycle costing is a technique whereby the long-term maintenance and operating costs of a building or product are considered in addition to its original purchase price or construction cost. These additional costs are often as important as the original cost and affect the true economy of buildings and products. Life-cycle costing techniques supplement the present minimum bid standards for controlling state contracting, purchasing and building practices. When applied logically, this method of cost evaluation has been proven effective in establishing the greatest gain between quality and thrift; and
WHEREAS, Idahoans are rightly concerned about the cost of government today. By encouraging wise management of energy and fiscal resources in government, through life-cycle costing, every Idaho citizen's tax dollar will be expended in a manner to guarantee maximum efficiency;
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby declare that it is the policy of the state to continue to promote the conservation of energy and the life-cycle cost or greatest value of commodities, and to effect coordination in the purchase of commodities by the State of Idaho.
To that end, all state agencies, prior to construction or renovation of any major facility, are directed to include in the design phase a provision for life-cycle costing. To accomplish the desired energy savings, agencies must calculate and define the additional costs of the life-cycle cost factors in their budget request of buildings. The Permanent Building Fund Advisory Council shall determine that all designs for buildings have been given a thorough analysis of life-cycle costing and energy-conscious design.
All state agencies are further directed to develop plans and specifications for energy efficiency in the acquisition of commodities purchased and/or acquired by the state, including life-cycle costing
for the purchase of all major energy-consuming products.

I further direct the Department of Administration to assist all state agencies in developing plans and specifications to utilize energy efficiency and life-cycle costing in their acquisition and building practices.

This Executive Order repeals and replaces Executive Order No. 80-16.

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-second day of December, in the year of our Lord nineteen hundred eighty-two, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR:

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE
industry councils in the state and from agriculture.

b. Not less than 20 percent of the membership of the Council shall be representatives of the State Legislature and of public agencies and organizations that the Governor determines to have a direct interest in employment and training and human resource utilization within the state.

c. Not less than 20 percent of the membership of the Council shall be representatives of units or consortia of units of general local government which are administrative entities or grantees under the Act.

d. Not less than 20 percent of the membership of the Council shall be representatives of the eligible population and of the general public and representatives of organized labor, community-based organizations and local educational agencies.

e. One nongovernmental member shall be designated to serve as chair of the Council.

f. The Council membership shall reasonably represent the population of the state.

4. The Director of the Department of Employment shall have the responsibility to provide professional, technical, administrative, and other staff to support the activities of the Council.

5. The Department of Employment shall continue to administer employment and training programs under the Comprehensive Employment and Training Act (CETA), as amended, relative to the Idaho Manpower Consortium during the phase-out of CETA.

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 January, in the year of our Lord nineteen hundred eighty-three, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

BY THE GOVERNOR: /s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 83-2

ASSIGNMENT OF DUTIES TO THE LIEUTENANT GOVERNOR

Pursuant to Section 67-809, Idaho Code, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby direct the Lieutenant Governor to perform the following duties, or so much of them as may be possible within the current appropriation for the Office of the Lieutenant
Governor.

I. State and Federal Relations
   A. Assist with communication between the State and the Idaho Congressional Delegation.
   B. Upon request of the Governor, act as the official alternate delegate to serve in or meet with international and domestic political, cultural, trade and civic missions on behalf of Idaho, along with other appointed or elected officials, as appropriate.

II. Economic Development
   A. Serve as principal liaison for Idaho to the U.S. Department of Commerce District Export Council for Idaho. The Division of Economic and Community Affairs will provide support and assistance to the Lieutenant Governor in carrying out this responsibility.

III. Commission Appointments
   A. Serve as Vice-Chairman of the Idaho Centennial Commission.
   B. Serve as a member of the Executive Reorganization Committee.

IV. Special Assignments
   A. Corrections: To assist the Idaho Board of Corrections in finding solutions to the current problem of prison overcrowding by exploring the potential use of the Gooding Hospital as a correctional institution and by facilitating the establishment of new work release centers.
   B. Parks and Recreation: To assist the Department in resolving the legal issues surrounding the cottage site leases at Heyburn State Park.

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 January, in the year of our Lord nineteen hundred eighty-three, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 83-3

IDAHO CODE OF FAIR EMPLOYMENT PRACTICES
REPEALING AND REPLACING EXECUTIVE ORDER NO. 81-1

WHEREAS, the Legislature of the State of Idaho by Title 67, Chapter 59, of the Idaho Code has declared a policy to secure to all
individuals within the state freedom from discrimination because of race, color, religion, national origin, or sex, and by Title 44, Chapter 16 of the Idaho Code, freedom from discrimination in employment in the state service on the basis of handicap, and by Title 65, Chapter 5, of the Idaho Code, veterans are to be given preference in employment by public employers; and

WHEREAS, every Idahoan should be provided the opportunity to fully develop and use his/her talents. When we allow race, color, religion, national origin, sex, age and/or handicap to prevent anyone from reaching his potential, we fail that person, our state and our country. In accordance with the principles of fair practice, we must strive to recognize and advance the abilities and talents of every individual, while denying no person his/her rightful opportunities; and

WHEREAS, we must assume our citizen-granted role of leadership in the protection of freedom for all citizens and serve in that leadership role as a model for government, business, industry, labor and education in this regard;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, in that spirit and to that purpose, proclaim the following Idaho Code of Fair Employment Practices to be the governing policy throughout every department of the Executive Branch of Government of the State of Idaho.

ARTICLE I--Employment Policies of State Agencies

State employees shall be recruited, appointed, assigned and promoted upon the sole basis of individual merit, without regard to race, color, religion, national origin, sex, age or handicap. Appropriate consideration shall be given to veterans in accordance with applicable state and federal laws and regulations.

All state departments, commissions and boards are directed to review present personnel recruitment, appointment, promotion, demotion, transfer, retention, discipline, separation, training and compensation policies and other employment practices to assure compliance with this Executive Order. They shall regularly review present state and federal laws and regulations.

The State Personnel Commission shall take positive steps to insure that the entire examination process, oral and written, shall be free from either conscious or inadvertent bias. State agencies shall give wide distribution of notice of employment opportunities so that all citizens may be fully advised of career opportunities in state government. Employment announcements issued by state agencies shall include a statement indicating "Hiring is done without regard to race, color, religion, national origin, sex, age or handicap. Appropriate consideration shall be given to veterans in accordance with applicable state and federal laws and regulations."

ARTICLE II--State Action

All services of every state agency shall be performed without discrimination based on race, color, religion, national origin, sex or handicap. No state facility shall be used in furtherance of any dis-
criminatory practice, nor shall any state agency become a party to any agreement, arrangement, plan, contract or subcontract which has the effect of sanctioning such practices.

**ARTICLE III--State Financial Assistance**

Race, color, religion, national origin, sex or handicap shall not be considered in state-administered programs involving the distribution of funds to qualified recipients for benefits authorized by law; nor shall state agencies provide grants, loans or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices.

**ARTICLE IV--State Employment Services**

All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers, shall accept job orders and/or applications on a non-discriminatory basis. They shall refuse to fill any job order designed, either consciously or inadvertently, to exclude any person from employment because of race, color, religion, national origin, sex, age or handicap.

**ARTICLE V--State Education, Counseling and Training Programs**

All educational counseling and vocational guidance programs, employment and training programs, policy declarations and staff services of state agencies, or those in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, sex, age or handicap.

**ARTICLE VI--Cooperation with Human Rights Commission**

All state departments shall cooperate fully with the Idaho Human Rights Commission if state employees or applicants for state employment file complaints with the Commission. They shall also utilize the services of the Commission when needing technical advice regarding compliance with equal employment opportunity as described by Title 67, Chapter 59, Idaho Code. The Commission shall act as a referral agency for information or complaints concerning discrimination in certain protected classes not covered by Title 67, Chapter 59, Idaho Code.

**ARTICLE VII--Enforcement by Appointing Authorities**

The executive head of each state executive department shall be responsible for carrying out the policies of this Idaho Code of Fair Employment Practices and shall inform and educate all supervisory personnel regarding its intent and spirit. They shall promulgate clearly written directions to carry out this policy. Upon a showing of substantial evidence to the appropriate appointing authority that any officer or employee of the state has knowingly violated any of the provisions of this Executive Order or any applicable state or federal law or regulation, the appointing authority shall take appropriate
Because of its sensitive nature, sexual harassment often cannot be effectively addressed through normal grievance procedures. Therefore, every appointing authority shall be responsible for the development of a grievance procedure to be used by employees and/or recipients of state services who believe they have been subjected to sexual harassment. This policy shall include at least the following: (1) a statement defining and forbidding sexual harassment; (2) an investigative procedure designed to protect the confidentiality of participants and to effect an immediate and fair resolution of the allegation; and (3) a statement advising employees and service recipients of their rights to raise this issue with appropriate governmental agencies and/or the courts. Pursuant to Article VI of this Executive Order, the Human Rights Commission and the Personnel Commission shall assist in the development of these policies.

This Executive Order shall be posted in prominent places in all state facilities in public view so that its contents may be easily read by all employees and by the general public.

ARTICLE VIII--Annual Reports

Each executive agency shall, on September 1 of each year, submit a written report to the Governor setting forth all activities undertaken in the past year to effect this Idaho Code of Fair Employment Practices.

This Executive Order repeals and replaces Executive Order No. 81-1.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the eighteenth day of February, in the year of our Lord nineteen hundred eighty-three, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 83-4

ESTABLISHMENT OF THE GOVERNOR'S ECONOMIC RESEARCH COUNCIL

WHEREAS, governmental regulatory and service activities directly and indirectly affect the economy of the State of Idaho; and

WHEREAS, the ability of government to respond to public need has been greatly affected by a number of state and federal decisions of the last several years; and
WHEREAS, the ways in which particular policies of state government affect the economy and the citizens of Idaho are not fully understood; and

WHEREAS, it is desirable that Idaho government undertake policies which will enhance the economy of Idaho and the welfare of its citizens; and

WHEREAS, it is desirable to consider economic policy issues from a longer, broader perspective than is possible during the day-to-day conduct of its government;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me pursuant to Section 67-802, Idaho Code, do hereby order the establishment of the Governor's Economic Research Council in the Office of the Governor. The Council shall consist of a chairman and such members as may be appointed by the Governor and who will serve at his pleasure for the terms of one year.

The Council shall:
1. Develop innovative policy approaches to increasing the competitive position of Idaho firms in national and worldwide markets;
2. Make public policy recommendations to the Governor and the Legislature; and
3. Sponsor research on economic policy issues to support Council recommendations.

Members shall serve without compensation but may be reimbursed for travel and other expenses. The Council may hire a director. Additional support will be provided by the Division of Financial Management.

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

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 April, in the year of our Lord nineteen hundred eighty-three, and of the Independence of the United States of America the two hundred seventh, and of the Statehood of Idaho the ninety-third.
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See ENVIRONMENT

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See LIQUOR

### ANIMALS

See also LIVESTOCK

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| 33-1009, HB130 | Amended | Ch.147 - 399 |
| 63-2220, HB306 | Amended | Ch.235 - 640 |
| 63-2405, SB1049 | Amended | Ch.242 - 652 |
| 63-3623, HB130 | Amended | Ch.204 - 556 |
| S1182, Sec.2 | Referred to | Ch.228 - 630 |
| S1196, Secs.4,7, 13,15,17,19 | Referred to | Ch.227 - 711,712 |
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| No.1, Adopted 11-2-82 | Amended | Ch.274 - 708 |
| No.2, Adopted 11-2-82 | Amended | Ch.194 - 528 |
| No.3, Adopted 11-2-82 | Referred to | HJM2 - 752 |

**IDAHO CONSTITUTION**

| ART. I, Sec. 17 | Referred to | Ch.154 - 424 |
| ART. III, Sec. 23 | Referred to | HCR10 - 731 |

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| Joint Rule 6 | Amended | HCR21 - 739 |

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| Health and Welfare Medical Assistance Sec. 3-9160.04 | Amended | SCR106 - 723 |
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## Senate and House Concurrent Resolutions

That were adopted by both Legislative Bodies and appear in the 1983 Session Laws.

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## Senate and House Joint Memorials

That were adopted by both Legislative Bodies and appear in the 1983 Session Laws.

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WHEREAS, by Proclamation issued April 22, 1983, an Extraordinary Session of the 47th Legislature has been called to consider certain measures; and

WHEREAS, new information regarding revenue receipts has rendered the consideration of general revenue and taxation measures unnecessary; and

WHEREAS, the necessity has arisen to amend said Proclamation to include authorization to consider additional items;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and Laws of the State of Idaho, do by this Proclamation, amend my Proclamation of April 22 to delete Item 2 authorizing the consideration of revenue and taxation legislation during this Extraordinary Session of the 47th Idaho Legislature, and to include authority for such Session to:

1. reconsider revenue projections for Fiscal Years 1983 and 1984;
2. consider and enact legislation relating to the crime of driving under the influence;
3. consider and enact legislation relating to the adoption of emergency administrative rules to comply with changes in law;
4. consider and enact legislation relating to the collection of social security overpayments;
5. consider and enact legislation to resolve the issues raised in Attorney General Opinion No. 83-5 relating to the motor fuels tax rate.

AND I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be caused to be delivered to the Lieutenant Governor, and to each of the members of the 47th Idaho Legislature and to the Constitutional Officers of the State Government at the earliest practicable time.

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, at the hour of 10:15 a.m., the 9th day of May, in the year of our Lord nineteen hundred and eighty-three and of the Independence of the United States of America the two hundred and seventh.

BY THE GOVERNOR:

/s/ John V. Evans
Governor of the State of Idaho

/s/ Pete T. Cenarrusa
Secretary of State
WHEREAS, an extraordinary occasion requiring emergency attention has arisen in the State of Idaho which makes it appropriate and desirable to convene the 47th Idaho Legislature in Extraordinary Session.

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do by this Proclamation, call the 47th Idaho Legislature together in Extraordinary Session in the Legislative Chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 2:30 p.m. on May 9, 1983, for the following purposes, to wit, and for none other:

1. To consider and enact appropriations bills for the following entities:
   - PUBLIC SCHOOL SUPPORT
   - VOCATIONAL EDUCATION
   - COLLEGE AND UNIVERSITIES
   - AGRICULTURAL RESEARCH/EXTENSION SERVICES

2. To consider and enact revenue and taxation legislation.

AND I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be caused to be delivered to the Lieutenant Governor, and to each of the members of the 47th Idaho Legislature and to the Constitutional Officers of the State Government at the earliest practicable time.

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, at the hour of 10:35 a.m., the 22nd day of April, in the year of our Lord nineteen hundred and eighty-three and of the Independence of the United States of America the two hundred and seventh.

BY THE GOVERNOR:

/s/ John V. Evans
Governor of the State of Idaho

/s/ Pete T. Cenarrusa
Secretary of State
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CHAPTER 1
(H.B. No. 4)

AN ACT
RELATING TO MOTOR FUELS TAXES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT TO MAKE CERTAIN TECHNICAL CORRECTIONS; REPEALING CHAPTER 91, LAWS OF 1983; REPEALING CHAPTER 242, LAWS OF 1983; AMENDING SECTION 40-405, IDAHO CODE, TO CONTINUE THE FORMULA FOR DISTRIBUTION OF A ONE CENT INCREASE IN THE MOTOR FUEL EXCISE TAX RATE; AMENDING SECTION 63-2405, IDAHO CODE, AS ENACTED BY CHAPTER 158, LAWS OF 1983, TO INCREASE THE RATE OF EXCISE TAX ON MOTOR FUELS TO FOURTEEN AND ONE-HALF CENTS PER GALLON AND TO PROVIDE THAT ONE CENT OF THE MOTOR FUELS EXCISE TAX SHALL BE PUT INTO AN ACCOUNT FOR LOCAL UNITS OF GOVERNMENT TO BE USED FOR MAINTENANCE AND CONSTRUCTION OF LOCAL ROADS AND STREETS; AMENDING SECTION 63-2406, IDAHO CODE, TO INCREASE THE RATE OF EXCISE TAX ON MOTOR FUELS TO FOURTEEN AND ONE-HALF CENTS PER GALLON; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR SECTIONS 2, 4 AND 5, AND PROVIDING FOR RETROACTIVE APPLICATION OF SECTIONS 1, 3 AND 6.

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

SECTION 1. It is legislative intent by the enactment of this bill to make certain technical corrections to the bills which recodified the motor fuels tax laws and which increased the tax on motor fuels. The enactment of this bill confirms legislative intent that the increased tax on motor fuels provided by H.B. No. 246, First Regular Session, Forty-seventh Idaho Legislature, be effective on the date of signature by the Governor, i.e., April 14, 1983.

SECTION 2. That Chapter 91, Laws of 1983, be, and the same is hereby repealed, effective July 1, 1983.

SECTION 3. That Chapter 242, Laws of 1983, be, and the same is hereby repealed, effective April 14, 1983.

SECTION 4. 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 ACCOUNT. There is hereby appropriated and allocated out of the state highway account of the state of Idaho, to the local units of government of the state, thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to such state highway account between January 1 and December 31 of each year, and until -- the -- beginning--of--fiscal--year--1984, plus an additional amount equal to one cent (1¢) per gallon of motor fuels and aircraft fuels excise tax as set forth in section 63-2406, Idaho Code, 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: thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of January, February, and March of each year not later than April 25 of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of April, May and June of each year not later than July 25 of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of July, August, and September of each year not later than the 25th of October of each year; thirty-three and one-third per cent (33 1/3%) of all highway user revenues accruing to said account in the months of October, November, and December of each year not later than January 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 (b) 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 5. That Section 63-2405, Idaho Code, as enacted by Chapter 158, Laws of 1983, be, and the same is hereby amended to read as follows:

63-2405. IMPOSITION OF TAX. An excise tax is hereby imposed on all gasoline and/or aircraft engine fuel received. The tax is to be
paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of twelve fourteen and one-half cents (12½ 1/2¢) per gallon, one cent (1¢) of which shall be put into the account for local units of government to be used in the maintenance and construction of local roads and streets. From May 1, 1981, to April 30, 1986, the rate of the excise tax to be imposed on gasohol, shall be four cents (4¢) per gallon less than the amount of the excise tax that is imposed on gasoline and/or aircraft engine fuel by this section. On and after May 1, 1986, the same amount of excise tax shall be imposed on gasohol as is imposed on gasoline and/or aircraft engine fuels. That tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required in section 63-2406, Idaho Code.

SECTION 6. That Section 63-2406, Idaho Code, be, and the same is hereby amended to read as follows:

63-2406. IMPOSITION OF TAX. An excise tax is hereby imposed on all motor fuels and/or aircraft engine fuel received. Such tax is to be paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of twelve fourteen and one-half cents (12½ 1/2¢) per gallon, until the beginning of fiscal year 1984; one cent (1¢) of which shall be put into the account for local units of government to be used in the maintenance and construction of local roads and streets. From May 1, 1981, to April 30, 1986, the rate of the excise tax to be imposed on gasohol, as defined by section 63-2402(c), Idaho Code, shall be four cents (4¢) per gallon less than the amount of the excise tax that is imposed on motor fuels and/or aircraft engine fuel by this section. On and after May 1, 1986, the same amount of excise tax shall be imposed on gasohol, as defined by section 63-2402(c), Idaho Code, as is imposed on motor fuels and/or aircraft engine fuels by this section. Such tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required by section 63-2407, Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2, 4 and 5 of this act shall be in full force and effect on and after July 1, 1983, and Sections 1, 3 and 6 of this act shall be in full force and effect on and after passage and approval, and retroactively to April 14, 1983.

Approved May 11, 1983.

CHAPTER 2

(H.B. No. 8)

AN ACT

RELATING TO RECOVERY OF SOCIAL SECURITY OVERPAYMENTS; AMENDING CHAPTER 11, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1107A. IDAHO CODE, TO PROVIDE FOR RECOVERY OF SOCIAL SECURITY
OVERPAYMENTS BY THE STATE AUDITOR ON BEHALF OF THE STATE, OTHER GOVERNMENTAL ENTITIES AND EMPLOYEES, TO PROVIDE FOR PAYMENT OF EXPENSES, AND TO PROVIDE FOR DISTRIBUTION OF RECOVERIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 11, 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 59-1107A, Idaho Code, and to read as follows:

59-1107A. RECOVERY OF OVERPAYMENTS -- PAYMENT OF EXPENSES AND DISTRIBUTION OF RECOVERIES. The state auditor is authorized to recover on behalf of the state and all governmental entities enumerated in section 59-1101, Idaho Code, and on behalf of all officers and employees thereof, social security overpayments made to the United States treasury.

The expenses incurred by the state auditor in recovering such overpayments for a state agency and its employees or any governmental entity other than a school district and its employees shall be charged to the state agency or such governmental entity. In the event the state auditor incurs expenses in connection with a program to seek such a recovery on behalf of more than one (1) state agency or governmental entity, he shall allocate such expenses to such state agencies and governmental entities in such manner as he deems reasonable. The state auditor may bill state agencies and governmental entities other than school districts directly for such expenses or may reduce the amount of their recovery of social security funds or credits by the amount of such expenses.

Expenses incurred for recovery of funds on behalf of school districts and their employees may be paid out of any recoveries of overpayments on behalf of school districts. Any amounts not so paid shall be included in the estimate of requirements certified by the state auditor to the state tax commission pursuant to section 59-115, Idaho Code, to be paid from the appropriation to the social security trust account pursuant to section 63-3638(d), Idaho Code.

The state auditor may take such actions as he deems reasonable in the recovery of such overpayments including contracting with third parties for the recovery of such funds.

The full amount of any recoveries of overpayments for employees of the state and all governmental entities shall be refunded to such employees. The amount of any recoveries on behalf of the state and its agencies and school districts after deducting the expenses of collection shall be transferred to the state general account. Any expenses previously paid by a state agency shall be refunded to such state agency from such recoveries. Any unpaid expenses shall be paid from such recoveries. The amount of any recoveries on behalf of other governmental entities after deducting any unpaid expenses of collection shall be refunded to such governmental entities or allowed as a credit against future social security liability.

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

Approved May 12, 1983.

CHAPTER 3
(H.B. No. 1)

AN ACT
RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR INTOXICATING SUBSTANCES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 49-301, IDAHO CODE, TO CONFORM THE DEFINITION OF MOTOR VEHICLE WITH OTHER REQUIREMENTS OF LAW; AMENDING SECTION 49-329, IDAHO CODE, TO PROVIDE CONDITIONS FOR THE MANDATORY REVOCATION OF DRIVING PRIVILEGES, TO PROVIDE NOMENCLATURE CHANGES, AND TO STRIKE REFERENCE TO THE CRIME OF OPERATING A MOTOR VEHICLE IN VIOLATION OF DEPARTMENT-IMPOSED RESTRICTIONS; AMENDING SECTION 49-330, IDAHO CODE, TO PROVIDE NOMENCLATURE CHANGES, AND TO PROVIDE CONDITIONS FOR THE SUSPENSION OF DRIVING PRIVILEGES BY THE DEPARTMENT; AMENDING SECTION 49-334, IDAHO CODE, TO PROVIDE CONDITIONS FOR THE RIGHT OF AN APPEAL TO A COURT FOLLOWING DEPARTMENT CANCELLATION, SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES; REPEALING SECTION 49-337, IDAHO CODE; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-337, IDAHO CODE, TO PROVIDE PENALTIES FOR DRIVING WITHOUT DRIVING PRIVILEGES; REPEALING SECTION 49-352, IDAHO CODE; AMENDING CHAPTER 3, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-352, IDAHO CODE, TO PROVIDE FOR TESTS OF BLOOD ALCOHOL CONCENTRATION TO BE ADMINISTERED AT THE REQUEST OF A POLICE OFFICER; AMENDING SECTION 49-354, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PERSONS AUTHORIZED TO WITHDRAW BLOOD TO DETERMINE ALCOHOL CONCENTRATION, AND TO PROVIDE THAT A PERSON MAY REQUEST AN ADDITIONAL TEST AT HIS OWN EXPENSE; REPEALING SECTION 49-355, IDAHO CODE; REPEALING SECTION 49-1102, IDAHO CODE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1102, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL TO DRIVE OR BE IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1102A, IDAHO CODE, TO PROVIDE PENALTIES FOR DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1102B, IDAHO CODE, TO PROVIDE PENALTIES FOR AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCE; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1121, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF BOND FOR TRAFFIC OFFENSES UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 18-4006, IDAHO CODE, TO DEFINE THE CRIME OF VEHICULAR MANSLAUGHTER, AND TO PROVIDE FOR
ADMISSIBILITY OF EVIDENCE IN CIVIL ACTIONS; REPEALING SECTION 18-4007, IDAHO CODE; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4007, IDAHO CODE, TO PROVIDE PUNISHMENT FOR MANSLAUGHTER; AND PROVIDING FOR THE DISPOSITION OF MONEYS RECEIVED UNDER THE PROVISIONS OF PUBLIC LAW 97-364; REPEALING CHAPTER 145, LAWS OF 1983; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The use of the public highways of this state is a privilege granted by the state for the enjoyment and well being of all citizens. It is a privilege, and not a right. In order to make sure that this privilege is not abused, it is necessary that such privilege be controlled or restricted, and appropriate fines, jail terms and evaluation of offenders be provided for. It is the purpose of the several sections of law contained within this act to provide the necessary administrative and judicial procedures to insure that the highways are safe for travel by law-abiding citizens, to restrict or control the use of the highways by those persons who cannot or will not conform their actions to the accepted standards of civilized behavior, and to punish those malfeasors who, after due process of law, are convicted of criminal acts. In addition to the substantial amendments provided for in this act, it is the intent of the Idaho state legislature to provide:

First, that those who abuse the privilege of driving upon the highways while under the influence of alcohol, drugs or other intoxicating substances shall be viewed by the judiciary as a serious threat to the health and safety of law abiding users of the highways.

Second, that the mandatory evaluations provided for in this act be used by the sentencing judge to require those who have been identified as abusers to receive counseling and treatment at their own expense.

Third, as an integral part of any sentence, the legislature intends that the court consider public service as a part of the overall sentence. Public service is an important consideration in the overall intent of this legislature. It is also intent that this alternative be used totally at the expense of the defendant.

Fourth, where there has been damage to other individuals, a loss of property, or other financial consequence to victims of those who abuse the use of alcohol, drugs, or other intoxicating substances, it is the intent of this legislature that any sentence provide for restitution, as appropriate, to make the victims whole.

Fifth, a period of incarceration is appropriate to deter the abuse of alcohol, drugs or other intoxicating substances. This is true, even with those that are first-time offenders; however, it is recognized that in certain special cases incarceration would not be appropriate, so it is legislative intent to leave incarceration of the first-time offender to the discretion of the court, but to mandate incarceration for repeat offenders.

Sixth, the fines in all areas of this act have been substantially
increased to bring the level of fines imposed to a more realistic level. It is legislative intent that fines be imposed as part of the sentence in an amount that reflects the seriousness of the crimes provided for in this act. And last, that loss of driving privileges be vigorously enforced whenever indicated by the provisions of this act, and additionally, when the court deems appropriate. In all of this, the legislature has tried to carefully balance the rights of the individual who is accused or convicted of wrongdoing against the rights of all other citizens, who desire nothing more than to be safe and secure in their use of the public highways.

SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DEFINITIONS. For the purposes of this chapter:
(1) "Board" means the Idaho transportation board of this state.
(2) "Chauffeur" means a person who is employed by another for the principal purpose of driving a motor vehicle and a person who drives a motor vehicle while in use as a public contract or common carrier of persons or property.
(3) "Department" means the Idaho transportation department of this state acting directly or through its duly authorized officers and agents.
(4) "Director" means the director of the Idaho transportation department of this state.
(5) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
(6) "Motor vehicle" means a vehicle which is self-propelled or which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails motor vehicle as defined by section 49-101, Idaho Code.
(7) "Nonresident" means a person who is not a resident of this state.
(8) "Operator" means a person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.
(9) "Owner" means a person who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee of lessee or mortgagor shall be deemed the owner for the purpose of this chapter.
(10) "Person" means a natural person, firm, copartnership, association or corporation.
(11) "Resident" means a person who has resided continuously in the state of Idaho for a period of ninety (90) days.
(12) "School bus" means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
(13) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(14) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or horse-drawn or used exclusively upon stationary rails or tracks.

SECTION 3. That Section 49-329, Idaho Code, be, and the same is hereby amended to read as follows:

49-329. MANDATORY REVOCATION BY DEPARTMENT -- TEMPORARY RESTRICTED PERMIT. The department shall forthwith revoke the license, permit, or driving privilege of any person or operator upon receiving a record of such person's conviction of the following offenses, when such conviction has become final, if the court has not ordered the revocation of such privilege:

1. Vehicular manslaughter (or negligent-homicide) resulting from the operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used;
3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
4. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating to the ownership or operation of motor vehicles;
5. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

Whenever any license, permit, or driving privilege has been revoked by the department as provided in this section, the department may, however, issue a temporary restricted permit upon recommendation of the judge entering the conviction and upon showing that the regular livelihood of the person whose license, permit, or driving privilege has been revoked requires such person to operate a motor vehicle, except when restricted driving privileges are specifically prohibited by other provisions of law, except that no temporary restricted permit may be issued upon conviction of vehicular manslaughter (or negligent homicide) resulting from the operation of a motor vehicle.

Such temporary restricted permit shall specify the restrictions as to time and area of use and such further restrictions as the department, in its discretion, may impose. Any person who knowingly operates a motor vehicle in violation of such restrictions or any of them shall be guilty of a misdemeanor and, upon conviction of such violation, shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and, in addition, there shall be imposed a fine of not more than three hundred dollars ($300) and, in addition, such temporary restricted permit shall be revoked.

SECTION 4. That Section 49-330, Idaho Code, be, and the same is hereby amended to read as follows:
49-330. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE.  
(Effective March 31, 1983) (a) If the court has not ordered the suspension of a license, permit or privilege, or made a determination with respect thereto, the department is hereby authorized to suspend the license of an operator, driver or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension or revocation of license had the charge been prosecuted under a state law;
3. Is incompetent to drive a motor vehicle;
   (1) Any person who in the opinion of the department, based upon recommendation of such person's personal physician, is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when such person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.
   (2) Any person who shall not have minimum visual acuity with or without glasses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to drive a motor vehicle, provided, however, that the department shall have the authority to license such person upon recommendation of an ophthalmologist or qualified physician. Any person who applies for or receives any type of tax welfare or other benefits or exemptions for the blind shall be conclusively presumed incompetent to drive a motor vehicle.
   (3) Any person, department, or political subdivision of the state of Idaho who receives an application for any type of tax, welfare, aid or other benefits or exemptions for the blind shall immediately forward the name, address, sex, date of birth, and date of application of such applicant to the department;
4. Has permitted an unlawful or fraudulent use of such license;
5. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;
6. Has been convicted of the offense of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug and providing that the driving privilege shall be suspended for a period of ninety (90) days upon conviction and providing that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for six (6) months and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year.
under the provisions of section 49-1102, Idaho Code;
7. Has been convicted of the offense of reckless driving as pro-
vided in section 49-1103, Idaho Code, and providing that the driv-
ing privilege shall be suspended for a period of thirty (30) days
upon conviction and providing further, that if a second conviction
occurs within a two (2) year period of time from the time of the
first conviction, the suspension shall be for ninety (90) days,
and if a third conviction shall occur within a three (3) year
period of time from the time of the first conviction, the period
of suspension shall be for one (1) year;
8. Has a driving record which shows a violation point count of
twelve (12) or more points in any consecutive twelve (12) month
period; or
9. Is an habitual violator of the traffic laws of the state of
Idaho.
(b) The term "violation" as herein used shall mean conviction of
a misdemeanor charge involving a moving traffic violation; or an
admission or judicial determination of commission of an infrac-
tion involving a moving traffic infraction, except bicycle infractions.
The term "conviction" as herein used shall mean a final convic-
tion.
The term "habitual violator" as herein used shall mean any person
who has a driving record which shows a violation point count of
eighteen (18) or more points in any consecutive twenty-four (24) month
period; or twenty-four (24) or more points in any consecutive thirty-
six (36) month period.
In determining the "violation point count" as herein used, convic-
tion of any charge, or proof of any infraction, involving a moving
traffic violation shall be given a value of one (1) point for less
serious violations to four (4) points for more serious violations;
provided, that conviction or proof of infraction for only one (1)
violation arising from one (1) occasion of arrest or citation shall be
counted in determining the violation point count for the purposes of
this section.
(c) The department is hereby authorized and directed to establish
a violation point count system for various moving traffic violations
and infractions occurring either within or without the state of Idaho,
affecting all holders of operators' or chauffeurs' driving licenses
issued by the department.
(d) Upon suspending the license of any person as hereinbefore in
this section authorized the department shall immediately notify the
licensee in writing and upon his request shall afford him an oppor-
tunity for a hearing before the director as early as practical within
not to exceed twenty (20) days after receipt of such request in the
county wherein the licensee resides unless the department and the
licensee agree that such hearing may be held in some other county.
Provided that said notice and hearing shall not be required if the
licensee has duly executed and filed with the department a waiver of
hearing for any mandatory suspension as provided in subsection (a)6 or
(a)7 of this section or-under-section-49-337;idaho-Code, and surren-
dered to the court all operator's and chauffeur's licenses then held
by said licensee; provided further, however, that notice and hearing
as provided herein shall be required prior to the imposition of addi-
tional suspension periods beyond the periods as set forth in this section. Upon such hearing the director or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

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

SECTION 5. That Section 49-334, Idaho Code, be, and the same is hereby amended to read as follows:

49-334. RIGHT OF APPEAL TO COURT. Any person denied a license or whose license has been canceled, suspended, or revoked by the department, except where such cancelation, suspension, or revocation is mandatory under the provisions of this act, court ordered, shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty (30) days' written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancelation, or revocation of license under the provisions of this act title.

SECTION 6. That Section 49-337, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 3, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-337, Idaho Code, and to read as follows:

49-337. DRIVING WITHOUT PRIVILEGES. (1) Any person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge that his license or permit to drive has been seized by a police officer as provided by section 49-352, Idaho Code, or that his driving privilege has been canceled, revoked or suspended in this state or any other jurisdiction is guilty of a misdemeanor.

(2) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for the first time:
   (a) Shall be sentenced to jail for a mandatory minimum period of not less than two (2) days, and may be sentenced to not more than six (6) months; and
   (b) May be fined an amount not to exceed five hundred dollars ($500); and
   (c) Shall have his driving privileges suspended or denied by the
court for an additional six (6) months following the end of any period of suspension or revocation existing at the time of the violation.

(3) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for a second time within five (5) years, irrespective of the form of the judgment(s) or withheld judgment(s):
(a) Shall be sentenced to jail for a mandatory minimum period of not less than twenty (20) days, and may be sentenced to not more than one (1) year; and
(b) May be fined an amount not to exceed one thousand dollars ($1,000); and
(c) Shall have his driving privileges suspended or denied by the court for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the second violation.

(4) Any person who has pled guilty to or been found guilty of more than two (2) violations of the provisions of subsection (1) of this section within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), or who has pled guilty to or been found guilty of more than two (2) violations of any provision of law that makes it a crime to drive or be in actual physical control of a motor vehicle with knowledge that he has no driving privileges in this state within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a felony; and
(a) Shall be sentenced to the custody of the state board of correction for not to exceed three (3) years; and
(b) May be fined an amount not to exceed three thousand dollars ($3,000); and
(c) Shall have his driving privileges revoked or denied by the court for an additional three (3) years following the end of any period of suspension or revocation existing at the time of the violation.

(5) A minor may be prosecuted for a violation of subsection (1) of this section under title 16, Idaho Code.

(6) If a person is convicted for a violation of section 49-1102 or 49-1102B, Idaho Code, and at the time of arrest had no driving privileges, the penalties imposed by this section shall be in addition to any penalties imposed under the provisions of section 49-1102A or 49-1102B, Idaho Code, and not in lieu thereof.

SECTION 8. That Section 49-352, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 3, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-352, Idaho Code, and to read as follows:

49-352. TEST OF DRIVER FOR BLOOD ALCOHOL. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to an evidentiary test for alcohol concentration as defined in section 49-1102, Idaho Code, provided that such test is administered at the request of a police
officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle while under the influence of alcohol, drugs or of any other intoxicating substances, and in accordance with the rules and regulations established by the Idaho department of law enforcement.

(2) At the time an evidentiary test for alcohol concentration is requested, the person shall be informed that:

(a) If the test is refused, his license or permit will be seized by the police officer and forwarded to the court; and

(b) Upon receipt of a sworn statement by the police officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred twenty (120) days; and

(c) That he has the right to request a hearing before the court to show cause why he did not take or successfully complete the evidentiary test for alcohol concentration; if requested, the hearing must be scheduled within thirty (30) days of the request; that the hearing shall be limited to the question of why the defendant did not take the test, and that the burden of proof shall be upon the defendant; and

(d) He does not have the right to consult with an attorney before submitting to an evidentiary test for alcohol concentration; and

(e) After submitting to the test at the request of the police officer, he may, when practicable, have additional tests made by a person of his own choosing, and at no expense to the state, county or city. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of an evidentiary test for alcohol concentration taken at the direction of the police officer unless the additional test was denied by the police officer.

(3) Suspension of driving privileges under this section shall be separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes, and may be appealed to the district court.

(4) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho shall be held liable in damages in any civil proceeding for a cause of action based upon assault, battery or false imprisonment, or be subject to prosecution under chapter 9 or 29, title 18, Idaho Code, for any act arising out of administering an evidentiary test for alcohol concentration at the request of a police officer in the manner described by this section.

(5) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

SECTION 10. That Section 49-354, Idaho Code, be, and the same is hereby amended to read as follows:

49-354. PERSONS AUTHORIZED TO MAKE-TEST WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING CONTENT OF ALCOHOL OR OTHER INTOXICATING SUBSTANCES. (1) Only a licensed physician, qualified medical technologist, or registered nurse, phlebotomist trained in a licensed Idaho hospital or educational institution or other medical personnel trained to withdraw blood can, acting at the request of a police offi-
cer, can withdraw blood for the purpose of determining the alcoholic content of alcohol, drugs or other intoxicating substances therein. This limitation shall not apply to the taking of a urine, saliva or breath specimen. For purposes of this section: (a) the term "qualified medical technologist" shall be deemed to mean a person who meets the standards of a "clinical laboratory technologist" as set forth by the then current rules and regulations of the social security administration of the United States department of Health, Education, and Welfare, and human services pursuant to subpart M of part 405, chapter III, title 20, of the code of federal regulations; and (b) the terms "phlebotomist" and "other medical personnel trained to withdraw blood" shall be deemed to mean a person who meets the standards for the withdrawing of blood as designated and qualified by that person's employing medical facility or other employing entity.

(2) The person tested may, at his own expense, have a person of his own choosing, who is authorized to make a test, administer an evidentiary test for alcohol concentration in addition to the one administered at the request of a police officer.

SECTION 1. That Section 49-355, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 49-1102, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 11, 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 49-1102, Idaho Code, and to read as follows:

49-1102. PERSONS UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) It is unlawful for any person who is under the influence of alcohol, drugs or any other intoxicating substances, or who has 0.10 percent or more, by weight, of alcohol in his blood, urine or breath, as shown by chemical analysis of his blood, urine, breath, or other bodily substance, to drive or be in actual physical control of a motor vehicle within this state, whether upon a highway, street or bridge, or upon public or private property open to the public.

(2) Any person having less than 0.10 percent, by weight, of alcohol in his blood, urine or breath, as shown by chemical analysis of his blood, urine, breath, or other bodily substance by a test requested by a police officer shall not be prosecuted for driving under the influence of alcohol, except as provided in subsection (3).

Any person who does not take a test to determine alcohol concentration may be prosecuted for driving or being in actual physical control of a motor vehicle while under the influence of alcohol, drugs, or any other intoxicating substances, on other competent evidence.

(3) If the results of the test requested by a police officer show less than 0.10 percent, by weight, of alcohol in the person's blood, such fact may be considered with other competent evidence of drug use other than alcohol in determining the guilt or innocence of the defendant.
(4) For purposes of title 49, Idaho Code, an evidentiary test for alcohol concentration is a determination of the percent by weight of alcohol in blood and shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath or sixty-seven (67) milliliters of urine. Chemical analysis of blood, urine or breath for the purpose of determining the blood alcohol concentration 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, or by any other method approved by the Idaho department of health and welfare.

(5) It is unlawful for any person who is an 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 alcohol and any drug to a degree which renders him incapable of safely driving a motor vehicle, to drive or be in actual physical control of 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 subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of a violation of this subsection.

(6) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(7) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 14. That Chapter 11, 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 49-1102A, Idaho Code, and to read as follows:

49-1102A. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of section 49-1102, Idaho Code, for the first time is guilty of a misdemeanor; and
(a) May be sentenced to jail for not to exceed six (6) months; and
(b) May be fined an amount not to exceed one thousand dollars ($1,000); and
(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for second or subsequent violations of section 49-1102, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall have his driving privileges suspended by the court for not to exceed one hundred eighty (180) days; the defendant may request restricted driving privileges during the period of the suspension, which the court may allow, if the defendant shows by a
preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(2) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, for the second time within five (5) years, irrespective of when the previous violation occurred with respect to the effective date of this act and notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, and may be sentenced to not more than one (1) year; and
(b) May be fined an amount not to exceed two thousand dollars ($2,000); and
(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of section 49-1102, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
(d) Shall surrender his license or permit to the court; and
(e) Shall have his driving privileges suspended or denied by the court for an additional mandatory minimum period of six (6) months after release from confinement, and may have his driving privileges suspended or denied by the court for an additional period of up to one (1) year after release from confinement; after thirty (30) days have passed following release from confinement, during which thirty (30) day period absolutely no driving privileges of any kind may be granted, the defendant may request restricted driving privileges during the balance of the suspension period, which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(3) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, for a third time within five (5) years, irrespective of when the previous violations occurred with respect to the effective date of this act, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and

(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; and
(b) May be fined an amount not to exceed five thousand dollars ($5,000); and
(c) Shall surrender his license or permit to the court; and
(d) Shall have his driving privileges suspended, revoked, or denied by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended, revoked or denied by the court for not to exceed five (5) years after release from imprisonment.

(4) Any person who pleads guilty to or is found guilty of a violation of section 49-1102 or 49-1102B, Idaho Code, shall undergo, at his own expense and prior to the sentencing date, an alcohol evaluation by a licensed physician or alcohol evaluation facility approved by the Idaho department of health and welfare. Said person shall request that a copy of the completed evaluation be forwarded to the
court. The court shall take the evaluation into consideration in determining an appropriate sentence, except that if a copy of the completed evaluation has not been provided to the court, then the court may proceed to sentence the defendant, and if the defendant has not made a good faith effort to provide the completed copy of the evaluation report to the court, then the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment.

(5) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs; and
(b) A computer or teletype or other acceptable copy of the person's driving record; and
(c) Information as to whether the defendant has pled guilty to or been found guilty of violating section 49-1102 or 49-1102B, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s).
(d) The alcohol evaluation required by subsection (4) of this section, if any.

(6) A minor may be prosecuted for a violation of section 49-1102, Idaho Code, under title 16, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of section 49-1102, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches age eighteen (18), whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

SECTION 15. That Chapter 11, 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 49-1102B, Idaho Code, and to read as follows:

49-1102B. AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) Any person causing great bodily harm, permanent disability or permanent disfigurement to any person other than himself in committing a violation of section 49-1102, Idaho Code, is guilty of a felony, and upon conviction:
(a) Shall be sentenced to the custody of the state board of correction for not to exceed five (5) years; and
(b) May be fined an amount not to exceed five thousand dollars ($5,000); and
(c) Shall surrender his license or permit to the court; and
(d) Shall have his driving privileges suspended, revoked, or denied by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended, revoked or denied by the court for not to exceed five (5) years after release from imprisonment; and
(e) Shall, when appropriate, be ordered by the court to pay
restitution.
(2) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 16. That Chapter 11, 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 49-1121, Idaho Code, and to read as follows:

49-1121. CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND FOR TRAFFIC OFFENSES. (1) Whenever a person has received a written uniform misdemeanor traffic citation, summons or complaint containing a notice to appear before a magistrate, and if the attorney prosecuting the case and the defendant concur that it is in the best interest of justice that the defendant may post and forfeit an amount of the bond agreed upon by the parties, the court shall dismiss the charge. When bond is forfeited under the provisions of this subsection, no violation points, as prescribed in section 49-330, Idaho Code, shall accrue. A forfeiture of bond under the provisions of this subsection shall not be recorded as a conviction.
(2) The provisions of subsection (1) of this section shall not be available when citations, summons or complaints are written for a violation of sections 49-337, 49-1102, 49-1102B or 49-1103, Idaho Code.

SECTION 17. That Section 18-4006, Idaho Code, be, and the same is hereby amended to read as follows:

18-4006. MANSLAUGHTER DEFINED. Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds:
1. Voluntary—upon a sudden quarrel or heat of passion.
2. Involuntary—in the perpetration of or attempt to perpetrate any unlawful act, other than arson, rape, robbery, kidnapping, burglary, or mayhem; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; or in the operation of any firearm or deadly weapon in a reckless, careless or negligent manner which produces death; or—
3. Vehicular—in the operation of a motor vehicle:
   (a) In the commission of an unlawful act, not amounting to a felony, with gross negligence; or;
   (b) In the commission of a lawful act which might produce death; in—an—unlawful—manner;—and—with—gross—negligence violation of section 49-1102 or 49-1102B, Idaho Code; or;
   (c) In the commission of an unlawful act, not amounting to a felony, without gross negligence; or;
   (d) In—the—commission—of—a—lawful—act—which—might—produce—death; in—an—unlawful—manner;—but—without—gross—negligence;
Provided;—this—provision—relating—to—operation—of—a—motor—vehicle
Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

SECTION 18. That Section 18-4007, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Chapter 40, 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 18-4007, Idaho Code, and to read as follows:

18-4007. PUNISHMENT FOR MANSLAUGHTER. Manslaughter is punishable as follows:
1. Voluntary--by a fine of not more than fifteen thousand dollars ($15,000), or by a sentence to the custody of the state board of correction not exceeding fifteen (15) years, or by both such fine and imprisonment.
2. Involuntary--by a fine of not more than ten thousand dollars ($10,000), or by a sentence to the custody of the state board of correction not exceeding ten (10) years, or by both such fine and imprisonment.
3. Vehicular--in the operation of a motor vehicle:
   (a) For a violation of section 18-4006 3. (a) or (b), Idaho Code, by a fine of not more than seven thousand dollars ($7,000), or by a sentence to the custody of the state board of correction not exceeding seven (7) years, or by both such fine and imprisonment.
   (b) For a violation of section 18-4006 3. (c), Idaho Code, by a fine of not more than two thousand dollars ($2,000), or by a jail sentence not exceeding one (1) year, or by both such fine and jail sentence.

SECTION 20. It is legislative intent that any moneys that come to the state of Idaho as a result of the passage of this act, with its emphasis on the increased penalties for conviction of driving while under the influence, pursuant to the provisions of P.L. 97-364, shall be transferred, and distributed as follows, and any such amounts are hereby appropriated:
(1) One-third (1/3) of all such moneys shall be utilized by the department of law enforcement for traffic safety programs;
(2) One-third (1/3) of all such moneys shall be paid to the various counties, in the same manner as moneys are distributed to counties under the provisions of section 40-405(b)3., Idaho Code, for traffic safety programs; and
(3) One-third (1/3) of all such moneys shall be paid to the vari-
ous cities which maintain a city police force, in the same manner as monies are distributed to cities under the provisions of section 40-405(a), Idaho Code, for traffic safety programs.

SECTION 21. That Chapter 145, Laws of 1983, be, and the same is hereby repealed.

SECTION 22. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 1983.

Approved May 19, 1983.

CHAPTER 4
(H.B. No. 3)

AN ACT
RELATING TO THE PROCEDURE FOR THE ADOPTION OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5203, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF EMERGENCY ADMINISTRATIVE RULES TO COMPLY WITH CHANGES IN LAW; 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 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 the substance of the intended action and the principal issues involved, or a concise summary of any statement of economic impact required pursuant to subsection (e) of this section, 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 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 within the comment period provided for in subsection (a) (1) of this section and as specified in the legal notice 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. (4) compliance with the hearing requirements of section 67-5203(a)(3), Idaho Code, is not required when an agency has no discretion as to the substantive requirements of a proposed amendment to its rules which is designed solely to comply with a controlling judicial decision or court order, or with the provisions of a statute or federal regulation which has been amended since the adoption of the agency rule.

(b) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer days' notice than required by subsection (a) of this section, and states in writing its reasons for that finding, or if a change in law requires a rule to be in place at the same time as the law goes into effect, 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 unless during that time the agency provides for regular promulgation, notice, and hearings as required by subsections (a) and (c) of this section. 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
(b) The material under consideration shall include any changes to rules 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, or a concise summary of any statement of economic impact required pursuant to subsection (e) of this section, 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) An agency or the state board of education or board of regents of the university of Idaho shall prepare a statement of economic impact with respect to a proposed rule if, within fifteen (15) days of receipt of the proposed rule, the joint germane subcommittee files a written request with the agency for such a statement. The agency shall transmit the statement of economic impact to the director of the legislative council and shall publish a concise summary of the statement of economic impact in the manner provided for notice under subsections (a), (c), or (d) of this section, extending the deadline for
the public to comment upon the proposed rule and offering an additional twenty (20) days during which the public is offered an opportunity to examine the full text of the statement of economic impact and to request oral hearing.

(f) 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.

(g) 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.

The adequacy of the contents of the statement of economic impact required by subsection (e) of this section is not subject to judicial review.

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

Approved May 19, 1983.

CHAPTER 5
(H.B. No. 5)

AN ACT
RELATING TO APPROPRIATIONS FOR PUBLIC SCHOOL SUPPORT, VOCATIONAL EDUCATION, COLLEGES AND UNIVERSITIES, AND THE AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 1984; EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS 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; PROVIDING CONDITIONS BEFORE A DEFICIENCY RESULTING FROM A FAILURE TO TRANSFER GENERAL ACCOUNT MONEYS CAN BE CERTIFIED; PROVIDING FOR PERFORMANCE AUDITS OF SELECTED SCHOOL DISTRICTS; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION FOR FISCAL YEAR 1984; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 1984; MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1984 ONLY; REAPPROPRIATING CERTAIN MONEYS TO THE STATE BOARD OF EDUCATION; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE AGRICULTURAL
RESEARCH/COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 1984; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION SERVICE PROGRAM; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 public schools for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$215,000,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>16,500,000</td>
</tr>
<tr>
<td>Endowment Income</td>
<td>20,300,000</td>
</tr>
<tr>
<td>Mineral Royalties, Car Company Tax and Miscellaneous Receipts</td>
<td>4,465,900</td>
</tr>
<tr>
<td>Liquor Funds</td>
<td>1,200,000</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$257,465,900</strong></td>
</tr>
<tr>
<td>Vocational Education</td>
<td>1,411,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$258,876,900</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated out of the account enumerated the following moneys, to be deposited in the Public School Income Fund for the designated program for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public School Support</td>
<td>$215,000,000</td>
</tr>
<tr>
<td>General Account</td>
<td>$215,000,000</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 and the provisions of this section, not to exceed $257,465,900 of the moneys which may accrue to such fund for the period July 1, 1983, through June 30, 1984.

SECTION 4. If the full amount of the General Account appropriation made by Section 2 of this act is not transferred to the Public School Income Fund by June 30, 1984, before the deficiency resulting therefrom can be certified by the State Board of Education for the purpose of computing school district levies for tax year 1984, whether or not such deficiency is actually certified to the several boards of county commissioners, the State Board must utilize all balances in the Public School Income Fund from sources other than the General Account.

*SECTION 5—Notwithstanding any other provision of law, $100,000 of the General Account appropriation provided by this act shall be reserved by the State Board of Education and paid to the Legislative Auditor as billed for legislative audit procedures of selected school districts of the State. School districts to be audited shall be selected by:

An ad hoc committee consisting of the Chairman, Senate Finance Committee; Chairman, House Appropriations Committee; Chairman, Senate
Health, Education and Welfare Committee; Chairman, House Education Committee; the ranking minority member of the Senate Finance Committee and of the House Appropriations Committee; and the State Superintendent of Public Instruction or his designee.

The legislative audit procedures will be applied to review, evaluate and report on the various aspects of school district operations and may include analysis of financial activity but shall not develop or provide a financial audit of the selected school districts. Subjects covered by legislative audit procedures may include, but not be limited to, staffing and utilization; facilities utilization; transportation collection and reporting of average daily attendance; comparison of course offerings and utilization; compliance with state and local laws and regulations for operation of a school district; and cash management and carryover balances.

The selection of schools shall be done by random selection and in three categories - small, medium and large school districts.

The voluntary assistance of the Idaho society of certified public accountants will be sought in this project.

SECTION 6. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1983, through June 30, 1984:

FOR MAJOR PROGRAMS:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational Education Programs</td>
<td>$16,644,600</td>
</tr>
<tr>
<td>Advisory Council</td>
<td>105,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,750,500</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Vocational Education Act of 1963 Account</td>
<td>3,003,600</td>
</tr>
<tr>
<td>Local Receipts</td>
<td>101,000</td>
</tr>
<tr>
<td>Displaced Homemaker Account</td>
<td>140,000</td>
</tr>
<tr>
<td>Vocational Education Advisory Council Account</td>
<td>105,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,750,500</td>
</tr>
</tbody>
</table>

SECTION 7. There is hereby reappropriated to the State Board of Education for Vocational Education, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 343, and Section 2, Chapter 74, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 8. There is hereby appropriated from the accounts enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for General Education Programs for the period July 1, 1983, through June 30, 1984:

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>State Endowment Funds</td>
<td>5,769,400</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>13,100,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$88,869,400</td>
</tr>
</tbody>
</table>
SECTION 9. 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 1984 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 10. Any General Account unexpended and unencumbered balances from the appropriation made by Section 3, Chapter 161, Laws of 1982, to the State Board of Education and the Board of Regents of the University of Idaho, are hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho for fiscal year 1984.

SECTION 11. There is hereby appropriated to the State Board of Education for the Agricultural Research/Cooperative Extension Service Program the following amount, to be expended from the listed accounts for the period July 1, 1983, through June 30, 1984:

<table>
<thead>
<tr>
<th>FROM</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 8,575,000</td>
</tr>
<tr>
<td>Federal Accounts</td>
<td>3,878,600</td>
</tr>
<tr>
<td>Interagency Billing and Receipts Account</td>
<td>179,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$12,633,000</td>
</tr>
</tbody>
</table>

SECTION 12. There is hereby reappropriated to the State Board of Education for the Agricultural Research/Cooperative Extension Service Program any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 291, Laws of 1982, for the period July 1, 1983, through June 30, 1984, to be used for nonrecurring expenditures only.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 1983.

* Line item veto

Approved May 20, 1983.
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 passed by the Forty-seventh Legislature of the State of Idaho, First Extraordinary Session thereof, which convened May 9, 1983, and adjourned May 9, 1983, by the House of Representatives, and May 11, 1983, by the Senate, as they appear in the enrolled acts 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 23rd day of May, 1983.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
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**Public Laws**

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**NUMERICAL LIST OF HOUSE BILLS**

That passed the Senate and House, became Law and the Chapter Number of such Bill appearing in the 1983 Session Laws, First Extraordinary Session.

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IDAHO SESSION LAWS

IDAHO STATE
OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS
Senator James A. McClure (R)
Senator Steven D. Symms (R)

REPRESENTATIVES IN CONGRESS
Larry E. Craig (R), First District
George Hansen (R), Second District

Mailing Address: 304 N. 8th
Boise, ID 83702

STATE

GOVERNOR John V. Evans (D)

LT. GOVERNOR David H. Leroy (R)

SECRETARY OF STATE Pete T. Cenarrusa (R)

STATE AUDITOR Joe R. Williams (D)

STATE TREASURER Marjorie Ruth Moon (D)

ATTORNEY GENERAL Jim Jones (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Jerry L. Evans (R)

Mailing Address: State Capitol Mall
Boise, ID 83720
LEGISLATORS BY DISTRICT

1 - BOUNDARY & BONNER COUNTIES
Kermit V. Kiebert, Senate (D)  
Box 187, Hope 83836 264-5430  
Contractor Wife-Diane  
MINORITY LEADER Resources/Environment, State Affairs
Tim Tucker, House (D)  
K.V. Ranch, Porthill 83855  
Home 267-2977 Bus. 267-5198  
Agricultural Consultant Wife-Ellen  
MINORITY LEADER Resources/Environment, State Affairs
James F. Stoicheff, House (D)  
615 Lakeview, Sandpoint 83864  
Home 263-2375 Bus. 263-3020  
Teacher Wife-Jerry  
Local Government, Printing/Legislative Expense, Resources/Conservation, State Affairs

2 - BONNER & KOTENAI COUNTIES
William E. (Bill) Moore, Senate (R)  
217 Higgen Ave., Hayden Lake 83835 772-4532  
Insurance General Agent Wife-Marilyn  
ASSISTANT MAJORITY LEADER Commerce/Labor, Finance (JFAC), Local Government/Taxation
Hilde Kellogg, House (D)  
P.O. Box 1479, Post Falls 83854 773-5412  
Merchant - Realtor  
Local Government, Printing/Legislative Expense, Resources/Conservation, State Affairs
Frank Findlay, House (R)  
HCR-68, Box 151, Cocolalla 83813 263-3669  
Forest Industries Wife-Ellen  
Local Government, Printing/Legislative Expense, Resources/Conservation, State Affairs

3 - KOTENAI COUNTY
Terry Sverdsten, Senate (R)  
Route 1, Box 154, Cataldo 83810  
Logging Contractor Wife-Cathrine  
ASSISTANT MAJORITY LEADER Health, Education/Welfare, Resources/Environment, State Affairs
Robert M. (Bob) Scates, House (R)  
E. 2830 Marine Dr., Post Falls 83854 773-4132  
Retired Dentist/Tree Farmer Wife-Catherine (Kit)  
Vice Chairman-Health/Welfare, Vice Chairman-Printing/Legislative Expense, Education
D. Dean Haagenson, House (R)  
P.O. Box 340, Coeur d'Alene 83814  
General Contractor Resources/Conservation, State Affairs, Transportation/Defense

4 - KOTENAI & SHOSHONE COUNTIES
Vernon T. Lannen, Senate (D)  
Box 1052, Pinehurst 83850  
Home 682-6911 Bus. 784-4708  
Logger Wife-Gloria  
ASSISTANT MINORITY LEADER Resources/Conservation, State Affairs, Transportation/Defense
Louis J. Horvath, Jr., House (D)  
Box 888, Pinehurst 83850  
Home 682-2587 Bus. 784-1371  
Guidance Counselor, Kellogg HS Wife-Dee  
ASSISTANT MINORITY LEADER Health/Welfare, Ways/Means, Revenue/Taxation
Dorothy McCann, House (D)  
Murray Star Route, Wallace 83873  
Retired  
Judiciary, Rules/Administration, State Affairs, Transportation/Defense

5 - BENENAH, KOTENAI, LATAH & NEZ PERCE COUNTIES
Norma Dobler, Senate (D)  
1401 Alpowa St., Moscow 83843 882-3318  
Homemaker Husband-Clifford  
Finance (JFAC), State Affairs
Tom Boyd, House (R)  
Route 1, Box 69, Genesee 83832 285-1578  
Farmer Wife-Beverly  
Agricultural Affairs, Appropriations (JFAC)
James R. "Doc" Lucas DVM, House (R)  
4208 Clyde Road, Moscow 83843 882-7374  
Veterinarian Wife-Vi  
Local Government, Revenue/Taxation

6 - NEZ PERCE COUNTY
Bruce L. Spoonley, Senate (D)  
1021 7th Ave., Box 604, Lewiston 83501  
Home 743-9148 Bus. 746-0551  
Land Development/Construction Wife-Marilyn  
Local Government, Printing/Legislative Expense, Resources/Conservation
George F. Johnson, House (D)  
3419 6th St., Lewiston 83501 743-6636  
Government Retired Wife-Leona  
Local Government, Printing/Legislative Expense, Resources/Conservation
Paul C. Keeton, House (R)  
902 Cedar, Lewiston 83501  
Home 743-7120 Bus. 743-2569  
Local Government, Printing/Legislative Expense, Resources/Conservation

7 - BENENAH, CLEARWATER, LATAH & NEZ PERCE COUNTIES
Marguerite Mclaughlin, Senate (D)  
Route 3, Box 83, Orofino 83544 476-4135  
Husband-G. Bruce  
Health, Education/Welfare, Transportation
Carl P. Braun, House (D)  
Route 2, Box 54, Orofino 83544 476-5655  
Rural Carrier (Retired), Farmer Wife-Blondys  
Agricultural Affairs, State Affairs
Claud Judd, House (D)  
Route 3, Orofino 83544 435-4380  
Retired Wife-Elvita  
Local Government, Printing/Legislative Expense, Resources/Conservation, Revenue/Taxation

8 - ADAMS, IDAHO, LEWIS, NEZ PERCE & WALLEY COUNTIES
Ronald J. Beitelspacher, Senate (D)  
Box 405, Grangeville 83530 983-2535  
Lineman/Outfitter  
ASSISTANT MINORITY LEADER Resources/Environment, State Affairs, Transportation
Richard L. Adams, House (D)  
Star Route, Box 28, Grangeville 83530  
Home 983-0165 Bus. 926-4511  
Teacher Wife-Karen  
Local Government, Printing/Legislative Expense, Transportation/Defense
Harold W. Reid, House (D)  
Route 2, Box 34, Craigmont 83523 937-2514  
Agricultural Affairs, Revenue/Taxation
LEGISLATORS BY DISTRICT (continued)

9 - ADA, BOISE, GEM, & VALLEY COUNTIES

David Little, Senate (R)  
P. O. Box 68, Emmett 83617 365-4821  
Rancher  Wife-Geraldine  
Chairman-Finance, (Co-chairman, JFAC), Resources/Environment

Lydia Justice Edwards, House (R)  
P. O. Box 35, Donnelly 83615 325-8757  
Printing/Legislative Expense, Resources/Conservation, Transportation/Defense

Thomas R. (Tom) Cushman, House (R)  
P. O. Box 400, Horseshoe Bend 83629  
Attorney  Wife-Gail  
Agricultural Affairs, Judiciary, Rules/Administration, State Affairs

10 - CANYON, PAYETTE & JUDSONIA COUNTIES

Roger Fairchild, Senate (R)  
Route 1, Box 528, Fruitland 83619  
President, Golden Valley Foods, Inc.  Wife-Marlyss  
Chairman-Judiciary, Rules/Administration

Wayne Sutton, House (R)  
Route 1, Box 42, Midvale 83629  
Rancher  Wife-Gertrude  
Agricultural Affairs, Printing/Legislative Expense, Resources/Conservation

Walter E. Little, House (R)  
Route 1, New Plymouth 83655 278-5504  
Rancher  Wife-Evelyn  
Chairman-State Affairs, Resources/Conservation

11 - CANYON COUNTY

C. A. "Skip" Smyser, Senate (R)  
Route 1, Parma 83660  
Agricultural Affairs, Judiciary/Rules, Transportation

Carroll W. Dean, House (R)  
Box 145, Notus 83656 459-9161  
Retired  Wife-Melinda  
Education, Health/Welfare

Dorothy Reynolds, House (R)  
1920 Howard, Caldwell 83605 459-2553  
Manager - Family Trust  
Education, Health/Welfare

12 - CANYON COUNTY

Terry Reilly, Senate (D)  
Route 2, Box 2171B, Nampa 83686 365-5947  
Admin, Community Health Clinics, Inc.  Wife-Rosie  
Health, Education/Welfare, Local Government/Revenue/Taxation

Robert M. Forrey, House (R)  
802 Astor Ave., Nampa 83651 466-5500  
Retired (Idaho Power Co.)  Wife-Barbara  
Education, Judiciary/Rules/Administration, Transportation/Defense

Mike Strauss, House (R)  
6727 Hemlock, Nampa 83651 467-9475  
Self-employed  Wife-Charlene  
Business, Local Government, State Affairs

13 - ADA, CANYON & Owyhee COUNTIES

Atwell J. Parry, Senate (R)  
Route 1, Box 3, Melba 83641 495-2226  
Grocer/Meat Cutter - Self-employed  Wife-Elsine  
Finance (JFAC), Local Government/Taxation

Michael T. Sharp, House (R)  
3424 Vista Dr., Nampa 83651  
Home 466-6921 Bus. 466-8419  
Real Estate Broker/Rancher  Wife-Nina  
Business, Local Government, Revenue/Taxation

Virginia D. Smith, House (R)  
Route 10, Box 353, Caldwell 83605 459-7192  
Fruit Farmer  Husband-Willard L.  
Agricultural Affairs, Printing/Legislative Expense

* - Representative Virginia Smith resigned and was replaced by Representative Ronald Crane, Nampa.

14 - ADA COUNTY

Herb Carlson, Senate (R)  
1812 Hill Road, Eagle 83616 939-6979  
Retired (PR Mgr., Mountain Bell)  Wife-Lorrain  
Agricultural Affairs, Commerce/Labor, Health, Education/Welfare

Don C. Loveland, House (R)  
4624 BerksDrive, Boise 83704 375-8893  
Retired  Wife-Dorothy  
Judiciary, Rules/Administration, Local Government, Revenue/Taxation

Jerry Deckard, House (R)  
P. O. Box 441, Eagle 83616 939-0708  
Cable Television  Wife-Carol  
Judiciary, Rules/Administration, Local Government, State Affairs

15 - ADA COUNTY

Gary Chapman, Senate (R)  
3256 Catalina Lane, Boise 83705  
Home 344-9598 Bus. 375-5171  
Businessman  Wife-Robette  
Commerce/Labor, Health, Education/Welfare, Resources/Environment

Peggy Bunting, House (R)  
944 Lewis, Boise 83702  
Home 342-3547 Bus. 343-6471  
President, Bunting Building Corp.  
Chairman-Local Government, State Affairs

Rachel S. Gilbert, House (R)  
1111 Marshall, Boise 83706  
Home 363-3213 Bus. 376-6441  
Real Estate Broker  Business, Revenue/Taxation

16 - ADA COUNTY

William (Bill) Ringert, Senate (R)  
4170 Lenora Drive, Boise 83704  
Home 375-6009 Bus. 342-4591  
Lawyer  Wife-Sallie  
Commerce/Labor, Local Government/Taxation, Resources/Environment

James D. Golder, House (R)  
Box 1859, Boise 83701  
Home 375-8396 Bus. 345-8770  
Stock Broker - B. H. Wilson & Co.  
Chairman-Business, Health/Welfare

Christopher R. Hooper, House (R)  
3616 Cabarton Lane, Boise 83704  
Home 375-6693 Bus. 345-3600  
Branch Mgr. - North Pacific Insurance Co.  
Chairman-Health/Welfare, Business, Revenue/Taxation
17 - ADA COUNTY

Gail Bray, Senate (D)
P.O. Box 1825, Boise 83701
Home 344-1390 Bus. 343-0273
Chairman-Appropriations (Co-chairman JFAC)

Kathleen (Kitty) Gurnsey, House (R)
1111 W. Highland View Dr., Boise 83702 343-1780
Chairman-Appropriations (Co-chairman JFAC)

Larry W. Harris, House (R)
1925 Montclair Drive, Boise 83702 344-6242

James E. Risch, Senate (R)
5400 S. Cole Road, Boise 83709
Home 362-2626 Bus. 345-9974

Pamela I. Bengson, House (R)
2704 Raindrop Drive, Boise 83706
Home 345-6168 Bus. 344-6581

Jack C. Kennevick, House (R)
1 Mesa Drive, Boise 83705 343-2136

Walter H. Yarbrough, Senate (R)
Box 216, Route 8, Grand View 83624 834-2727

Ray E. Infanger, House (R)
Route 1, Box 174, Salmon 83467 750-3649

Lyman G. Winchester, House (R)
Route 1, Kuna 83347 532-4175 Bus. 532-4240

20 - CLARK, CUSTER, JEFFERSON & Lemhi COUNTIES

Vearl C. Crystal, Senate (R)
Route 6, Box 232, Idaho Falls 83401 784-4705 (Rigby)
Chairman-Agricultural Affairs, Finance (JFAC), Local Government/Taxation

Ray E. Infanger, House (R)
Route 1, Box 174, Salmon 83467 750-3649
Heating/Sheet Metal Shop Wife-Verena
Agricultural Affairs, Appropriations (JFAC)

Joan E. Wood, House (R)
Route 1, Box 21, Rigby 83442 745-7846
Partner-Ranch/Farm Incorporation Husband-Thomas D.
Education, Health/Welfare, Resources/Conservation

21 - BLAINE, LINCOLN & MINIDOKA COUNTIES

John T. Peavey, Senate (D)
P.O. Box 108, Carey 83320
Home 788-2850 Bus. 788-3142, Unit 7447

Steve Antone, House (R)
1141 Link St., Rupert 83350 436-3927
Vice Chairman-Appropriations (JFAC), Transportation/Defense

22 - ADE & Elmore COUNTIES

Claire Wetherell, Senate (D)
Route 2, Box 108, Wendell 83355 536-2043
Retired Wife-Lucille

Mark Larson, House (D)
525 Saphora Drive, Mountain Home 83647

John M. Barker, Senate (R)
Route 4, Box 422, Buhl 83316
Home 543-5517 Bus. 543-6972

Lawrence Knigge, House (R)
Route 1, Filer 83346 326-4252

23 - Camas, Gooding, Jerome & lincoln COUNTIES

Wes Trounson, Senate (R)
Route 2, Box 108, Wendell 83355 536-2043

Noy E. Brackett, House (R)
Box 403, Twin Falls 83301 733-4823

Lawrence Knigge, House (R)
Route 1, Filer 83346 326-4252

24 - Twin Falls County

John M. Barker, Senate (R)
Route 4, Box 422, Buhl 83316
Home 543-5517 Bus. 543-4572

Noy E. Brackett, House (R)
Box 403, Twin Falls 83301 733-4823

Wayne S. Clevenger, House (R)
Route 1, Filer 83346 326-4252

Minority Caucus Chairman
Agricultural Affairs, Resources/Environment, State Affairs
25 - TWIN FALLS COUNTY

Laird Noh, Senate (R)
Route 1, Box 65, Kimberly 83341 733-3617
Sheep Producer Wife-Kathleen
Chairman-Resources/Environment, Health, Education/Welfare, Transportation

Donna Scott, House (R)
486 Madrona St., Twin Falls 83301 733-2535
Housewife Husband-Jack
Business, Education, Health/Welfare

T. W. Stivers, House (R)
144 N. Juniper, Twin Falls 83301 733-7127 Bus. 733-3821
Title Insurance Wife-Winifred

26 - CASSIA, JEROME & MINIDOKA COUNTIES

Denton Darrington, Senate (R)
Route 1, Declo 83323 Home 654-7421 Bus. 678-9408
Farmer - Teacher Wife-Virgene
Health, Education/Welfare, Judiciary/Rules Transportation

J. Yard Chatburn, House (R)
Box 97, Albion 83311 673-6661
Rancher Wife-Eva
Chairman-Resources/Conservation, Vice Chairman-State Affairs

Ernest A. Hale, House (R)
725 E. 16th Burley 83318 678-7394
Quarry Operator Wife-Elizabeth
Chairman-Printing/Legislative Expense, Education, Vice Chairman-Transportation/Defense

27 - BINGHAM COUNTY

Israel (Is) Merrill, Senate (D)
581 N. Stout St., Blackfoot 83221 Home 785-3375 Bus. 237-8100
Merchant Wife-Lois
Agricultural Affairs, Commerce/Labor, Finance (JFAC)

Raymond G. Parks, House (R)
Route 4, Box 238, Blackfoot 83221 684-4816
Farmer Wife-Paula
Appropriations (JFAC), Transportation/Defense

D. Cornell Thomas, House (R)
Route 1, Box 133, Ponderay 83262 684-4269
Businessman Wife-Beverly
Health/Welfare, Judiciary, Rules/Administration, State Affairs

28 - FREMONT & MADISON COUNTIES

Mark G. Ricks, Senate (R)
Route 1, Box 173, Rexburg 83440 356-6676
Farmer Wife-Evelyn
MAJORITY LEADER
Finance, State Affairs

F. Melvin Hammond, House (D)
149 Elm Ave., Rexburg 83440 356-3725
College Professor Wife-Bonnie
MINORITY LEADER
Business, State Affairs, Ways/Means

Rich E. Orme, House (R)
Box 26, St. Anthony 83445 624-7650
Cattle Rancher
Resources/Conservation, Revenue/Taxation

29 - BINGHAM, BONNEVILLE & BUTTE COUNTIES

J. Mardson Williams, Senate (R)
1950 Carmel Dr., Idaho Falls 83401 524-1922
Farmer - Realtor Wife-Phyllis
MAJORITY CAUCUS CHAIRMAN
Resources/Environment, State Affairs

Kurt L. Johnson, House (R)
Route 6, Box 407, Idaho Falls 83401 522-7959
Farmer & Wife-Lucille
Chairman-Education, Resources/Conservation

Martin B. Trillhaase, House (R)
Route 4, Box 226, Idaho Falls 83402 Home 523-7281 Bus. 522-0754
Mechanical Engineer Wife-Eleanor Resources/Conservation, Revenue/Taxation, Transportation/Defense

30 - BINGHAM & BONNEVILLE COUNTIES

Dane Watkins, Senate (R)
2242 So. Boulevard, Idaho Falls 83401 Home 522-4855 Bus. 523-0800
Farming & Investments Wife-Sherry
Chairman-Local Government/Taxation, Finance (JFAC)

J. F. "Chad" Chadband, House (R)
460 E. Anderson, Idaho Falls 83401 Home 523-9342 Bus. 524-0550
Home Furnishings - Rental Wife-Karen Business, Printing/Legislative Expense, Revenue/Taxation

Gary L. Paxman, House (R)
719 E. 16th, Idaho Falls 83401 Home 523-2913 Bus. 524-4880
Savings & Loan Executive Wife-Remi Vice Chairman-Judiciary, Rules/Administration, Vice Chairman-Local Government, State Affairs

31 - BONNEVILLE, JEFFERSON, MADISON & TETON COUNTIES

William L. Floyd, Senate (R)
5605 Rimrock Dr., Idaho Falls 83401 Home 529-9502 Bus. 523-4757
Potato Shipper Wife-Shirley
Chairman-Commerce/Labor, Agricultural Affairs, Judiciary/Rules

Lincoln B. Bateman, House (R)
Route 1, Box 442, Idaho Falls 83401 Home 526-0927 Bus. 523-1823
High School Teacher Wife-Deann Local Government, Resources/Conservation, State Affairs, Ways/Means

John G. Sessions, House (R)
Box 10, 414 N. Main, Driggs 83422 Home 354-2508 Bus. 354-2373 Retailer Wife-Alice
Chairman, Transportation/Defense, Vice Chairman-Education
32 - BANNOCK, BEAR LAKE, CARIBOU & FRANKLIN COUNTIES

Reed W. Budge, Senate (R)
231 S. 1st E., Soda Springs 83276  547-3096
Rancher - Wife-Gwen
Chairman-Transportation, State Affairs

Robert C. Geddes, House (R)
Route 3, Box 107, Preston 83263  852-1376
Farmer - Wife-Carma
ASSISTANT MAJORITY LEADER
Appropriations (JFAC), Ways/Means

Eugene B. Stockl, House (R)
31 West 2nd South, Paris  83261  945-2245
Dairy Farmer - Wife-Leonora
Agricultural Affairs, Resources/Conservation,
Revenue/Taxation

33 - BANNOCK & ONEIDA COUNTIES

Bert W. Marley, Senate (D)
Box 32, McCammon 83250
Home 254-3291 Bus. 236-2575
Teacher/Farmer - Wife-Betty Jane
Agricultural Affairs, Finance (JFAC),
Judiciary/Rules

Larry EchoHawk, House (D)
1777 Lancaster, Pocatello 83201
Home 237-4887 Bus. 238-3818
Attorney - Wife-Terry
Appropriations (JFAC),
Judiciary, Rules/Administration

Pete Black, House (D)
530 Cochise, Pocatello 83204
Home 232-5553 Bus. 232-2976
Educator - Wife-Ronda
Business, Education, Printing/Legislative Expense

34 - BANNOCK COUNTY

Gary H. Gould, Senate (D)
541 S. 7th, Pocatello 83201  232-6609
Trade Union Consultant - Wife-Marcy
Commerce/Labor, Local Government/Taxation,

Ralph E. Lacy, House (D)
126 S. 15th, Pocatello 83201  232-4951
Retired - Wife-Mary
Local Government, Revenue/Taxation

Patricia L. McDermott, House (D)
P.O. Box 3, Pocatello 83204
Home 232-6978 Bus. 232-3162
Attorney
Judiciary, Rules/Administration, State Affairs

35 - BANNOCK, BINGHAM & POWER COUNTIES

C. E. "Chick" Blye, Senate (D)
Route 1 N., Box 48, Pocatello 83202  237-3158
Educator - Retired - Wife-Diane
Finance (JFAC), Transportation

Albert M. Johnson, House (D)
RFD 4, Box 232, Pocatello 83202  237-2826
Farmer - Rancher - Wife-Betty
Agricultural Affairs, Education,
Resources/Conservation

Dwight W. Horsch, House (D)
Route 1, Aberdeen 83210
Home 397-4925 Bus. 397-4913
Farmer - Wife-Kathy M.
Agricultural Affairs, Revenue/Taxation, Ways/Means